

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33

Date: (Filing No. H-)

Reproduced and distributed under the direction of the Clerk of the House.

**STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
SECOND REGULAR SESSION**

HOUSE AMENDMENT “ ” to H.P. 1480, L.D. 2291, “Resolve, Approving the 2024 Draft and Arrangement of the Constitution of Maine Incorporating Amendments Approved at Referendum in 2023 and Providing for Its Publication and Distribution”

Amend the resolve by striking out all of Appendix A and inserting the following:

'APPENDIX A

**CONSTITUTION OF THE STATE OF MAINE
(Arranged by the Chief Justice of the Maine Supreme Judicial Court pursuant to the Constitution of Maine, Article X, Section 6 and Resolves 2023, c. 127, with 2024 Rearrangement Notes)
(Includes CR 2023, c. 1 and CR. 2023, c. 2)**

PREAMBLE.

Objects of government. We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring God's aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

Article I.

Declaration of Rights.

Section 1. Natural rights. All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of

HOUSE AMENDMENT

1 enjoying and defending life and liberty, acquiring, possessing and protecting property,
2 and of pursuing and obtaining safety and happiness.

3

4 **Section 2. Power inherent in people.** All power is inherent in the people; all
5 free governments are founded in their authority and instituted for their benefit; they
6 have therefore an unalienable and indefeasible right to institute government, and to
7 alter, reform, or totally change the same, when their safety and happiness require it.

8

9 **Section 3. Religious freedom; sects equal; religious tests prohibited;**
10 **religious teachers.** All individuals have a natural and unalienable right to worship
11 Almighty God according to the dictates of their own consciences, and no person shall
12 be hurt, molested or restrained in that person's liberty or estate for worshipping God in
13 the manner and season most agreeable to the dictates of that person's own conscience,
14 nor for that person's religious professions or sentiments, provided that that person does
15 not disturb the public peace, nor obstruct others in their religious worship; -- and all
16 persons demeaning themselves peaceably, as good members of the State, shall be
17 equally under the protection of the laws, and no subordination nor preference of any
18 one sect or denomination to another shall ever be established by law, nor shall any
19 religious test be required as a qualification for any office or trust, under this State; and
20 all religious societies in this State, whether incorporate or unincorporate, shall at all
21 times have the exclusive right of electing their public teachers, and contracting with
22 them for their support and maintenance.

23 **Section 4. Freedom of speech and publication; libel; truth given in**
24 **evidence; jury determines law and fact.** Every citizen may freely speak, write and
25 publish sentiments on any subject, being responsible for the abuse of this liberty; no
26 laws shall be passed regulating or restraining the freedom of the press; and in
27 prosecutions for any publication respecting the official conduct of people in public
28 capacity, or the qualifications of those who are candidates for the suffrages of the
29 people, or where the matter published is proper for public information, the truth thereof
30 may be given in evidence, and in all indictments for libels, the jury, after having
31 received the direction of the court, shall have a right to determine, at their discretion,
32 the law and the fact.

33

34 **Section 5. Unreasonable searches prohibited.** The people shall be secure in
35 their persons, houses, papers and possessions from all unreasonable searches and
36 seizures; and no warrant to search any place, or seize any person or thing, shall issue
37 without a special designation of the place to be searched, and the person or thing to be
38 seized, nor without probable cause -- supported by oath or affirmation.

39

1 **Section 6. Rights of persons accused.** In all criminal prosecutions, the
2 accused shall have a right to be heard by the accused and counsel to the accused, or
3 either, at the election of the accused;

4
5 To demand the nature and cause of the accusation, and have a copy thereof;

6
7 To be confronted by the witnesses against the accused;

8
9 To have compulsory process for obtaining witnesses in favor of the accused;

10
11 To have a speedy, public and impartial trial, and, except in trials by martial law
12 or impeachment, by a jury of the vicinity. The accused shall not be compelled to furnish
13 or give evidence against himself or herself, nor be deprived of life, liberty, property or
14 privileges, but by judgment of that person's peers or the law of the land.

15
16 **Section 6-A. Discrimination against persons prohibited.** No person shall be
17 deprived of life, liberty or property without due process of law, nor be denied the equal
18 protection of the laws, nor be denied the enjoyment of that person's civil rights or be
19 discriminated against in the exercise thereof.

20
21 **Section 7. No person to answer to certain crimes but on indictment;**
22 **exceptions; juries.** No person shall be held to answer for a capital or infamous crime,
23 unless on a presentment or indictment of a grand jury, except in cases of impeachment,
24 or in such cases of offenses, as are usually cognizable by a justice of the peace, or in
25 cases arising in the army or navy, or in the militia when in actual service in time of war
26 or public danger. The Legislature shall provide by law a suitable and impartial mode
27 of selecting juries, and their usual number and unanimity, in indictments and
28 convictions, shall be held indispensable.

29
30 **Section 8. No double jeopardy.** No person, for the same offense, shall be
31 twice put in jeopardy of life or limb.

32
33 **Section 9. Sanguinary laws, excessive bail, cruel or unusual punishments**
34 **prohibited.** Sanguinary laws shall not be passed; all penalties and punishments shall
35 be proportioned to the offense; excessive bail shall not be required, nor excessive fines
36 imposed, nor cruel nor unusual punishments inflicted.

1 **Section 10. Bailable offenses; habeas corpus.** No person before conviction
2 shall be bailable for any of the crimes which now are, or have been denominated capital
3 offenses since the adoption of the Constitution, when the proof is evident or the
4 presumption great, whatever the punishment of the crimes may be. And the privilege
5 of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion
6 or invasion the public safety may require it.

7
8 **Section 11. Attainder, ex post facto and contract-impairment laws**
9 **prohibited.** The Legislature shall pass no bill of attainder, ex post facto law, nor law
10 impairing the obligation of contracts, and no attainder shall work corruption of blood
11 nor forfeiture of estate.

12
13 **Section 12. Treason; testimony of 2 witnesses.** Treason against this State
14 shall consist only in levying war against it, adhering to its enemies, giving them aid and
15 comfort. No person shall be convicted of treason unless on the testimony of 2 witnesses
16 to the same overt act, or confession in open court.

17
18 **Section 13. Suspension of laws.** The laws shall not be suspended but by the
19 Legislature or its authority.

20
21 **Section 14. Corporal punishment under military law.** No person shall be
22 subject to corporal punishment under military law, except such as are employed in the
23 army or navy, or in the militia when in actual service in time of war or public danger.

24
25 **Section 15. Right of petition.** The people have a right at all times in an orderly
26 and peaceable manner to assemble to consult upon the common good, to give
27 instructions to their representatives, and to request, of either department of the
28 government by petition or remonstrance, redress of their wrongs and grievances.

29 **Section 16. To keep and bear arms.** Every citizen has a right to keep and
30 bear arms and this right shall never be questioned.

31
32 **Section 17. Standing armies.** No standing army shall be kept up in time of
33 peace without the consent of the Legislature, and the military shall, in all cases, and at
34 all times, be in strict subordination to the civil power.

35
36 **Section 18. Quartering of soldiers on citizens.** No soldier shall in time of
37 peace be quartered in any house without the consent of the owner or occupant, nor in
38 time of war, but in a manner to be prescribed by law.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

Section 19. Right of redress for injuries. Every person, for an injury inflicted on the person or the person's reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

Section 20. Trial by jury. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself or herself and with counsel, or either, at the election of the party.

Section 21. Private property, when to be taken. Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it.

Section 22. Taxes. No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature.

Section 23. Title of nobility prohibited; tenure of offices. No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behavior.

Section 24. Other rights not impaired. The enumeration of certain rights shall not impair nor deny others retained by the people.

Section 25. Right to food. All individuals have a natural, inherent and unalienable right to food, including the right to save and exchange seeds and the right to grow, raise, harvest, produce and consume the food of their own choosing for their own nourishment, sustenance, bodily health and well-being, as long as an individual does not commit trespassing, theft, poaching or other abuses of private property rights, public lands or natural resources in the harvesting, production or acquisition of food.

**Article II.
Electors.**

Section 1. Qualifications of electors; written ballot; military servicemen; students. Every citizen of the United States of the age of 18 years and upwards,

1 excepting persons under guardianship for reasons of mental illness, having his or her
2 residence established in this State, shall be an elector for Governor, Senators and
3 Representatives, in the city, town or plantation where his or her residence has been
4 established, if he or she continues to reside in this State; and the elections shall be by
5 written ballot. But persons in the military, naval or marine service of the United States,
6 or this State, shall not be considered as having obtained such established residence by
7 being stationed in any garrison, barrack or military place, in any city, town or
8 plantation; nor shall the residence of a student at any seminary of learning entitle the
9 student to the right of suffrage in the city, town or plantation where such seminary is
10 established. No person, however, shall be deemed to have lost residence by reason of
11 the person's absence from the state in the military service of the United States, or of this
12 State.
13

14 **Indians.** Every Indian, residing on tribal reservations and otherwise qualified,
15 shall be an elector in all county, state and national elections.
16

17 **Section 2. Electors exempt from arrests on election days.** Electors shall, in
18 all cases, except treason, felony or breach of the peace, be privileged from arrest on the
19 days of election, during their attendance at, going to, and returning therefrom.
20

21 **Section 3. Exemption from military duty.** No elector shall be obliged to do
22 duty in the militia on any day of election, except in time of war or public danger.
23

24 **Section 4. Time of state election; absentee voting.** The election of Senators
25 and Representatives shall be on the Tuesday following the first Monday of November
26 biennially forever and the election of Governor shall be on the Tuesday following the
27 first Monday of November every 4 years. The Legislature under proper enactment shall
28 authorize and provide for voting by citizens of the State absent therefrom in the Armed
29 Forces of the United States or of this State and for voting by other citizens absent or
30 physically incapacitated for reasons deemed sufficient.
31

32 **Section 5. Voting machines.** Voting machines, or other mechanical devices
33 for voting, may be used at all elections under such regulations as may be prescribed by
34 law, provided, however, the right of secret voting shall be preserved.
35

36 **Article III.**
37 **Distribution of Powers.**

1 the Clerk of the House no later than June 1st of the year in which apportionment is
2 required. In the preparation of legislation implementing the plan, the commission,
3 following a unanimous decision by commission members, may adjust errors and
4 inconsistencies in accordance with the standards set forth in this Constitution, so long
5 as substantive changes are not made. The Legislature shall enact the submitted plan of
6 the commission or a plan of its own by a vote of 2/3 of the Members of each House by
7 June 11th of the year in which apportionment is required. Such action shall be subject
8 to the Governor's approval as provided in Article IV, Part Third, Section 2.

9
10 In the event that the Legislature shall fail to make an apportionment by June
11 11th, the Supreme Judicial Court shall, within 60 days following the period in which
12 the Legislature is required to act, but fails to do so, make the apportionment. In making
13 such apportionment, the Supreme Judicial Court shall take into consideration plans and
14 briefs filed by the public with the court during the first 30 days of the period in which
15 the court is required to apportion.

16
17 The Supreme Judicial Court shall have original jurisdiction to hear any
18 challenge to an apportionment law enacted by the Legislature, as registered by any
19 citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall
20 make the apportionment.

21
22 **Section 4. Qualifications; residency requirement.** No person shall be a
23 member of the House of Representatives, unless the person shall, at the commencement
24 of the period for which the person is elected, have been 5 years a citizen of the United
25 States, have arrived at the age of 21 years, have been a resident in this State one year;
26 and for the 3 months next preceding the time of this person's election shall have been,
27 and, during the period for which elected, shall continue to be a resident in the district
28 which that person represents.

29
30 No person may be a candidate for election as a member of the House of
31 Representatives unless, at the time of the nomination for placement on a primary,
32 general or special election ballot, that person is a resident in the district which the
33 candidate seeks to represent.

34
35 **Section 5. Election of Representatives; lists of votes delivered forthwith;**
36 **lists of votes examined by Governor; summons of persons who appear to be**
37 **elected; lists shall be laid before the House.** The meetings within this State for the
38 choice of Representatives shall be warned in due course of law by qualified officials of
39 the several towns and cities 7 days at least before the election, and the election officials
40 of the various towns and cities shall preside impartially at such meetings, receive the

1 votes of all the qualified electors, sort, count and declare them in open meeting; and a
2 list of the persons voted for shall be formed, with the number of votes for each person
3 against that person's name. Cities and towns belonging to any Representative District
4 shall hold their meetings at the same time in the respective cities and towns; and such
5 meetings shall be notified, held and regulated, the votes received, sorted, counted and
6 declared in the same manner. Fair copies of the lists of votes shall be attested by the
7 municipal officers and the clerks of the cities and towns and the city and town clerks
8 respectively shall cause the same to be delivered into the office of the Secretary of State
9 forthwith. The Governor shall examine the returned copies of such lists and 7 days
10 before the first Wednesday of December biennially, shall issue a summons to such
11 persons as shall appear to have been elected by a plurality of all votes returned, to attend
12 and take their seats. All such lists shall be laid before the House of Representatives on
13 the first Wednesday of December biennially, and they shall finally determine who are
14 elected.
54

15 **Section 6. Vacancies.** Whenever the seat of a member shall be vacated by
16 death, resignation, or otherwise the vacancy may be filled by a new election.

17

18 **Section 7. To choose own officers.** The House of Representatives shall choose
19 their speaker, clerk and other officers.

20

21 **Section 8. Power of impeachment.** The House of Representatives shall have
22 the sole power of impeachment.

23

24

Article IV.

25

Part Second.

26

Senate.

27

28 **Section 1. Number of Senators.** The Senate shall consist of an odd number
29 of Senators, not less than 31 nor more than 35, elected at the same time and for the
30 same term as Representatives by the qualified electors of the districts into which the
State shall be from time to time divided.

31

32 **Section 2. Submission of reapportionment plan to Secretary of Senate;**
33 **Legislature's action on commission's plan; division of State into Senatorial**
34 **Districts; division by Supreme Judicial Court.** The Legislature which shall convene
35 in the year 2013, and also the Legislature which shall convene in the year 2021 and
36 every tenth year thereafter, shall cause the State to be divided into districts for the
37 choice of a Senator from each district, using the same method as provided in Article
38 IV, Part First, Section 2 for apportionment of Representative Districts.

39

1 The apportionment plan of the commission established under Article IV, Part
2 Third, Section 1-A shall be submitted to the Secretary of the Senate no later than June
3 1st of the year in which apportionment is required. In the preparation of legislation
4 implementing the plan, the commission, following a unanimous decision by
5 commission members, may adjust errors and inconsistencies in accordance with the
6 standards set forth in this Constitution, so long as substantive changes are not
7 made. The Legislature shall enact the submitted plan of the commission or a plan of
8 its own by a vote of 2/3 of the Members of each House by June 11th of the year in
9 which apportionment is required. Such action shall be subject to the Governor's
10 approval as provided in Article IV, Part Third, Section 2.

11
12 In the event that the Legislature shall fail to make an apportionment by June
13 11th, the Supreme Judicial Court shall, within 60 days following the period in which
14 the Legislature is required to act but fails to do so, make the apportionment. In making
15 such apportionment, the Supreme Judicial Court shall take into consideration plans and
16 briefs filed by the public with the court during the first 30 days of the period in which
17 the court is required to apportion.

18
19 The Supreme Judicial Court shall have original jurisdiction to hear any
20 challenge to an apportionment law enacted by the Legislature, as registered by any
21 citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall
22 make the apportionment.

23
24 **Section 3. Election of Senators; lists of votes delivered forthwith.** The
25 meetings within this State for the election of Senators shall be notified, held and
26 regulated and the votes received, sorted, counted, declared and recorded, in the same
27 manner as those for Representatives. Fair copies of the lists of votes shall be attested
28 by the clerks of the cities and towns or other duly authorized officials and sealed up in
29 open meetings and such officials shall cause said lists to be delivered into the office of
30 the Secretary of State forthwith.

31
32 **Section 4. Lists of votes examined by Governor; summons to persons who**
33 **appear to be elected.** The Governor shall, as soon as may be, examine the copies of
34 such lists, and at least 7 days before the said first Wednesday of December, issue a
35 summons to such persons, as shall appear to be elected by a plurality of the votes in
36 each senatorial district, to attend that day and take their seats.

37
38 **Section 5. Determination of Senators elected; procedure for filling**
39 **vacancies.** The Senate shall, on said first Wednesday of December, biennially
40 determine who is elected by a plurality of votes to be Senator in each district. All

1 vacancies in the Senate arising from death, resignation, removal from the State or like
2 causes, and also vacancies, if any, which may occur because of the failure of any district
3 to elect by a plurality of votes the Senator to which said district shall be entitled shall
4 be filled by an immediate election in the unrepresented district. The Governor shall
5 issue a proclamation therefor and therein fix the time of such election.

6
7 **Section 6. Qualifications.** The Senators shall be 25 years of age at the
8 commencement of the term, for which they are elected, and in all other respects their
9 qualifications shall be the same as those of the Representatives.

10
11 **Section 7. To try impeachments; limitation of judgment of impeachment;**
12 **party liable to be tried and punished in court.** The Senate shall have the sole power
13 to try all impeachments, and when sitting for that purpose shall be on oath or
14 affirmation, and no person shall be convicted without the concurrence of 2/3 of the
15 members present. Their judgment, however, shall not extend farther than to removal
16 from office, and disqualification to hold or enjoy any office of honor, trust or profit
17 under this State. But the party, whether convicted or acquitted, shall nevertheless be
18 liable to indictment, trial, judgment and punishment according to law.

19
20 **Section 8. To choose own officers.** The Senate shall choose their President,
21 Secretary and other officers.

22
23 **Article IV.**

24 **Part Third.**

25 **Legislative Power.**

26 **Section 1. To meet annually; power of Legislature to convene itself at other**
27 **times; extent of legislative power.** The Legislature shall convene on the first
28 Wednesday of December following the general election in what shall be designated the
29 first regular session of the Legislature; and shall further convene on the first Wednesday
30 after the first Tuesday of January in the subsequent even-numbered year in what shall
31 be designated the second regular session of the Legislature; provided, however, that the
32 business of the second regular session of the Legislature shall be limited to budgetary
33 matters; legislation in the Governor's call; legislation of an emergency nature admitted
34 by the Legislature; legislation referred to committees for study and report by the
35 Legislature in the first regular session; and legislation presented to the Legislature by
36 written petition of the electors under the provisions of Article IV, Part Third, Section
37 18. The Legislature shall enact appropriate statutory limits on the length of the first
38 regular session and of the second regular session. The Legislature may convene at such
39 other times on the call of the President of the Senate and Speaker of the House, with
40 the consent of a majority of the Members of the Legislature of each political party, all

1 Members of the Legislature having been first polled. The Legislature, with the
2 exceptions hereinafter stated, shall have full power to make and establish all reasonable
3 laws and regulations for the defense and benefit of the people of this State, not
4 repugnant to this Constitution, nor to that of the United States.

5
6 **Section 1-A. Legislature to establish Apportionment Commission; number**
7 **of quorum; compensation of commission members; commission's budget; division**
8 **among political parties.** A Legislature which is required to apportion the districts of
9 the House of Representatives or the Senate, or both, under Article IV, Part First, Section
10 2, or Article IV, Part Second, Section 2, shall establish, within the first 3 calendar days
11 after the convening of that Legislature, a commission to develop in accordance with the
12 requirements of this Constitution, a plan for apportioning the House of Representatives,
13 the Senate, or both.

14
15 The commission shall be composed of 3 members from the political party
16 holding the largest number of seats in the House of Representatives, who shall be
17 appointed by the Speaker; 3 members from the political party holding the majority of
18 the remainder of the seats in the House of Representatives, who shall be appointed by
19 the floor leader of that party in the House; 2 members of the party holding the largest
20 number of seats in the Senate, who shall be appointed by the President of the Senate; 2
21 members of the political party holding the majority of the remainder of the seats in the
22 Senate, to be appointed by the floor leader of that party in the Senate; the chairperson
23 of each of the 2 major political parties in the State or their designated representatives;
24 and 3 members from the public generally, one to be selected by each group of members
25 of the commission representing the same political party, and the third to be selected by
26 the other 2 public members. The Speaker of the House shall be responsible for
27 organizing the commission and shall be chairperson pro tempore thereof until a
28 permanent chairperson is selected by the commission members from among their own
29 number. No action may be taken without a quorum of 8 being present. The
30 commission shall hold public hearings on any plan for apportionment prior to
31 submitting such plan to the Legislature.

32
33 Public members of the commission shall receive the same rate of per diem that
34 is paid to Legislators for every day's attendance at special sessions of the Legislature
35 as defined by law. All members of the commission shall be reimbursed for actual travel
36 expenses incurred in carrying out the business of the commission. The Legislature
37 which is required to apportion shall establish a budget for the apportioning commission
38 within the state budget document in the fiscal year previous to the fiscal year during
39 which the apportioning commission is required to convene and shall appropriate
40 sufficient funds for the commission to satisfactorily perform its duties and
41 responsibilities. The budget shall include sufficient funds to compensate the

1 chairperson of the commission and the chairperson's staff. The remainder of the
2 appropriation shall be made available equally among the political parties represented
3 on the commission to provide travel expenses, incidental expenses and compensation
4 for commission members and for partisan staff and operations.

5
6 **Section 2. Bills to be signed by the Governor; proceedings, in case the**
7 **Governor disapproves; allowing the Governor 10 days to act on legislation.** Every
8 bill or resolution, having the force of law, to which the concurrence of both Houses
9 may be necessary, except on a question of adjournment, which shall have passed both
10 Houses, shall be presented to the Governor, and if the Governor approves, the Governor
11 shall sign it; if not, the Governor shall return it with objections to the House in which
12 it shall have originated, which shall enter the objections at large on its journals, and
13 proceed to reconsider it. If after such reconsideration, 2/3 of that House shall agree to
14 pass it, it shall be sent together with the objections, to the other House, by which it shall
15 be reconsidered, and, if approved by 2/3 of that House, it shall have the same effect as
16 if it had been signed by the Governor; but in all such cases, the votes of both Houses
17 shall be taken by yeas and nays, and the names of the persons, voting for and against
18 the bill or resolution, shall be entered on the journals of both Houses respectively. If
19 the bill or resolution shall not be returned by the Governor within 10 days (Sundays
20 excepted) after it shall have been presented to the Governor, it shall have the same force
21 and effect as if the Governor had signed it unless the Legislature by their adjournment
22 prevent its return, in which case it shall have such force and effect, unless returned
23 within 3 days after the next meeting of the same Legislature which enacted the bill or
24 resolution; if there is no such next meeting of the Legislature which enacted the bill or
25 resolution, the bill or resolution shall not be a law.

26
27 **Section 2-A. Line-item veto of dollar amounts appearing in appropriation**
28 **or allocation sections of legislative documents.** The Governor has power to
29 disapprove any dollar amount appearing in an appropriation section or allocation
30 section, or both, of an enacted legislative document. Unless the Governor exercises the
31 line-item veto power authorized in this section no later than one day after receiving for
32 signature the enacted legislation, the powers of the Governor as set out in section 2
33 apply to the entire enacted legislation. For any disapproved dollar amount, the
34 Governor shall replace the dollar amount with one that does not result in an increase in
35 an appropriation or allocation or a decrease in a deappropriation or deallocation. When
36 disapproving a dollar amount pursuant to this section, the Governor may not propose
37 an increase in an appropriation or allocation elsewhere in the legislative document. The
38 Governor shall specify the distinct dollar amounts that are revised, and the part or parts
39 of the legislative document not specifically revised become law. The dollar amounts
40 in an appropriation or allocation that have been disapproved become law as revised by
41 the Governor, unless passed over the Governor's veto by the Legislature as the dollar
42 amounts originally appeared in the enacted bill as presented to the Governor; except

1 that, notwithstanding any other provision of this Constitution for dollar amounts vetoed
2 pursuant to this section, a majority of all the elected members in each House is sufficient
3 to override the veto, and each dollar amount vetoed must be voted on separately to
4 override the veto. Except as provided in this section, the Governor may not disapprove,
5 omit or modify any language allocated to the statutes or appearing in an unallocated
6 section of law.

7
8 **Section 3. Each House the judge of its elections; majority, a quorum.** Each
9 House shall be the judge of the elections and qualifications of its own members, and a
10 majority shall constitute a quorum to do business; but a smaller number may adjourn
11 from day to day, and may compel the attendance of absent members, in such manner
12 and under such penalties as each House shall provide.

13
14 **Section 4. May punish and expel members.** Each House may determine the
15 rules of its proceedings, punish its members for disorderly behavior, and, with the
16 concurrence of 2/3, expel a member, but not a 2nd time for the same cause.

17
18 **Section 5. Shall keep a journal; yeas and nays.** Each House shall keep a
19 journal, and from time to time publish its proceedings, except such parts as in their
20 judgment may require secrecy; and the yeas and nays of the members of either House
21 on any question, shall, at the desire of 1/5 of those present, be entered on the journals.

22
23 **Section 6. May punish for contempt.** Each House, during its session, may
24 punish by imprisonment any person, not a member, for disrespectful or disorderly
25 behavior in its presence, for obstructing any of its proceedings, threatening, assaulting
26 or abusing any of its members for anything said, done, or doing in either House;
27 provided, that no imprisonment shall extend beyond the period of the same session.

28
29 **Section 7. Compensation; traveling expenses.** The Senators and
30 Representatives shall receive such compensation, as shall be established by law; but no
31 law increasing their compensation shall take effect during the existence of the
32 Legislature, which enacted it. The expenses of the members of the House of
33 Representatives in traveling to the Legislature, and returning therefrom, once in each
34 week of each session and no more, shall be paid by the State out of the public treasury
35 to every member, who shall seasonably attend, in the judgment of the House, and does
36 not depart therefrom without leave.

37
38 **Section 8. Members exempt from arrest; freedom of debate.** The Senators
39 and Representatives shall, in all cases except treason, felony or breach of the peace, be

1 privileged from arrest during their attendance at, going to, and returning from each
2 session of the Legislature, and no member shall be liable to answer for anything spoken
3 in debate in either House, in any court or place elsewhere.

4
5 **Section 9. Either House may originate bills; revenue bills.** Bills, orders or
6 resolutions, may originate in either House, and may be altered, amended or rejected in
7 the other; but all bills for raising a revenue shall originate in the House of
8 Representatives, but the Senate may propose amendments as in other cases; provided,
9 that they shall not, under color of amendment, introduce any new matter, which does
10 not relate to raising a revenue.

11
12 **Section 10. Members not to be appointed to certain offices.** No Senator or
13 Representative shall, during the term for which the Senator or Representative shall have
14 been elected, be appointed to any civil office of profit under this State, which requires
15 the approval of the Legislature for appointment or which shall have been created, or the
16 emoluments of which increased during such term, except such offices as may be filled
17 by elections by the people.

18
19 **Section 11. Persons disqualified to be members.** No member of Congress,
20 nor person holding any office under the United States (post officers excepted) nor office
21 of profit under this State, justices of the peace, notaries public, coroners and officers of
22 the militia excepted, shall have a seat in either House while a member of Congress, or
23 continuing in such office.

24
25 **Section 12. Adjournments.** Neither House shall during the session, without
26 the consent of the other, adjourn for more than 2 days, nor to any other place than that
27 in which the Houses shall be sitting.

28
29 **Section 13. Special legislation.** The Legislature shall, from time to time,
30 provide, as far as practicable, by general laws, for all matters usually appertaining to
31 special or private legislation.

32
33 **Section 14. Corporations, formed under general laws.** Corporations shall
34 be formed under general laws, and shall not be created by special Acts of the
35 Legislature, except for municipal purposes, and in cases where the objects of the
36 corporation cannot otherwise be attained; and, however formed, they shall forever be
37 subject to the general laws of the State.

38

1 **Section 15. Constitutional conventions.** The Legislature shall, by a 2/3
2 concurrent vote of both branches, have the power to call constitutional conventions, for
3 the purpose of amending this Constitution.

4
5 **Section 16. Acts become effective in 90 days after recess; exception;
6 emergency bill defined.** No Act or joint resolution of the Legislature, except such
7 orders or resolutions as pertain solely to facilitating the performance of the business of
8 the Legislature, of either branch, or of any committee or officer thereof, or appropriate
9 money therefor or for the payment of salaries fixed by law, shall take effect until 90
10 days after the recess of the session of the Legislature in which it was passed, unless in
11 case of emergency, which with the facts constituting the emergency shall be expressed
12 in the preamble of the Act, the Legislature shall, by a vote of 2/3 of all the members
13 elected to each House, otherwise direct. An emergency bill shall include only such
14 measures as are immediately necessary for the preservation of the public peace, health
15 or safety; and shall not include (1) an infringement of the right of home rule for
16 municipalities, (2) a franchise or a license to a corporation or an individual to extend
17 longer than one year, or (3) provision for the sale or purchase or renting for more than
18 5 years of real estate.

19
20 **Section 17. Proceedings for people's veto.**

21 **1. Petition procedure; petition for people's veto.** Upon written petition of
22 electors, the number of which shall not be less than 10% of the total vote for Governor
23 cast in the last gubernatorial election preceding the filing of such petition, and
24 addressed to the Governor and filed in the office of the Secretary of State by the hour
25 of 5:00 p.m., on or before the 90th day after the recess of the Legislature, or if such
26 90th day is a Saturday, a Sunday, or a legal holiday, by the hour of 5:00 p.m., on the
27 preceding day which is not a Saturday, a Sunday, or a legal holiday, requesting that one
28 or more Acts, bills, resolves or resolutions, or part or parts thereof, passed by the
29 Legislature but not then in effect by reason of the provisions of the preceding section,
30 be referred to the people, such Acts, bills, resolves, or resolutions or part or parts thereof
31 as are specified in such petition shall not take effect until 30 days after the Governor
32 shall have announced by public proclamation that the same have been ratified by a
33 majority of the electors voting thereon at a statewide or general election.

34
35 **2. Effect of referendum.** The effect of any Act, bill, resolve or resolution or
36 part or parts thereof as are specified in such petition shall be suspended upon the filing
37 of such petition. If it is later finally determined, in accordance with any procedure
38 enacted by the Legislature pursuant to the Constitution, that such petition was invalid,
39 such Act, bill, resolve or resolution or part or parts thereof shall then take effect upon
40 the day following such final determination.

1 **3. Referral to electors; proclamation by Governor.** As soon as it appears
2 that the effect of any Act, bill, resolve, or resolution or part or parts thereof has been
3 suspended by petition in manner aforesaid, the Governor by public proclamation shall
4 give notice thereof and of the time when such measure is to be voted on by the people,
5 which shall be at the next statewide or general election, whichever comes first, not less
6 than 60 days after such proclamation. If the Governor fails to order such measure to be
7 submitted to the people at the next statewide or general election, the Secretary of State
8 shall, by proclamation, order such measure to be submitted to the people at such an
9 election and such order shall be sufficient to enable the people to vote.

10
11 **Section 18. Direct initiative of legislation.**

12 **1. Petition procedure.** The electors may propose to the Legislature for its
13 consideration any bill, resolve or resolution, including bills to amend or repeal
14 emergency legislation but not an amendment of the State Constitution, by written
15 petition addressed to the Legislature or to either branch thereof and filed in the office
16 of the Secretary of State by the hour of 5:00 p.m., on or before the 50th day after the
17 date of convening of the Legislature in first regular session or on or before the 25th day
18 after the date of convening of the Legislature in second regular session, except that the
19 written petition may not be filed in the office of the Secretary of State later than 18
20 months after the date the petition form was furnished or approved by the Secretary of
21 State. If the applicable deadline falls on a Saturday, Sunday, or legal holiday, the period
22 runs until the hour of 5:00 p.m., of the next day which is not a Saturday, Sunday, or
23 legal holiday.

24
25 **2. Referral to electors unless enacted by the Legislature without change;**
26 **number of signatures necessary on direct initiative petitions; dating signatures on**
27 **petitions; competing measures.** For any measure thus proposed by electors, the
28 number of signatures shall not be less than 10% of the total vote for Governor cast in
29 the last gubernatorial election preceding the filing of such petition. The date each
30 signature was made shall be written next to the signature on the petition. A signature
31 is not valid if it is dated more than one year prior to the date that the petition was filed
32 in the office of the Secretary of State. The measure thus proposed, unless enacted
33 without change by the Legislature at the session at which it is presented, shall be
34 submitted to the electors together with any amended form, substitute, or
35 recommendation of the Legislature, and in such manner that the people can choose
36 between the competing measures or reject both. When there are competing bills and
37 neither receives a majority of the votes given for or against both, the one receiving the
38 most votes shall at the next statewide election to be held not less than 60 days after the
39 first vote thereon be submitted by itself if it receives more than 1/3 of the votes given
40 for and against both. If the measure initiated is enacted by the Legislature without
41 change, it shall not go to a referendum vote unless in pursuance of a demand made in

1 accordance with the preceding section. The Legislature may order a special election on
2 any measure that is subject to a vote of the people.

3

4 **3. Timing of elections; proclamation by Governor.** The Governor shall, by
5 proclamation, order any measure proposed to the Legislature as herein provided, and
6 not enacted by the Legislature without change, referred to the people at an election to
7 be held in November of the year in which the petition is filed. If the Governor fails to
8 order a measure proposed to the Legislature and not enacted without change to be
9 submitted to the people at such an election by proclamation within 10 days after the
10 recess of the Legislature to which the measure was proposed, the Secretary of State
11 shall, by proclamation, order such measure to be submitted to the people at an election
12 as requested, and such order shall be sufficient to enable the people to vote.

13

14 **Section 19. Effective date of measures approved by people; veto power**
15 **limited.** Any measure referred to the people and approved by a majority of the votes
16 given thereon shall, unless a later date is specified in said measure, take effect and
17 become a law in 30 days after the Governor has made public proclamation of the result
18 of the vote on said measure, which the Governor shall do within 10 days after the vote
19 thereon has been canvassed and determined; provided, however, that any such measure
20 which entails expenditure in an amount in excess of available and unappropriated state
21 funds shall remain inoperative until 45 days after the next convening of the Legislature
22 in regular session, unless the measure provides for raising new revenues adequate for
23 its operation. The veto power of the Governor shall not extend to any measure
24 approved by vote of the people, and any measure initiated by the people and passed by
25 the Legislature without change, if vetoed by the Governor and if the veto is sustained
26 by the Legislature shall be referred to the people to be voted on at the next general
27 election. The Legislature may enact measures expressly conditioned upon the people's
28 ratification by a referendum vote.

29

30 **Section 20. Meaning of words "electors," "people," "recess of**
31 **Legislature," "statewide election," "measure," "circulator," and "written**
32 **petition"; written petitions for people's veto; written petitions for direct initiative.**
33 As used in any of the 3 preceding sections or in this section the words "electors" and "people"
34 mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means
35 the adjournment without day of a session of the Legislature; "statewide election" means any
36 election held throughout the State on a particular day; "measure" means an Act, bill, resolve or
37 resolution proposed by the people, or 2 or more such, or part or parts of such, as the case may
38 be; "circulator" means a person who solicits signatures for written petitions, and who must be
39 a resident of this State and whose name must appear on the voting list of the city, town or
40 plantation of the circulator's residence as qualified to vote for Governor; "written petition"
41 means one or more petitions written or printed, or partly written and partly printed, with the
42 original signatures of the petitioners, or, as authorized by law, the alternative signatures of

1 persons with physical disabilities that prevent them from signing their own names, attached,
2 verified as to the authenticity of the signatures by the oath of the circulator that all of the
3 signatures to the petition were made in the presence of the circulator and that to the best of the
4 circulator's knowledge and belief each signature is the signature of the person whose name it
5 purports to be, and accompanied by the certificate of the official authorized by law to maintain
6 the voting list or to certify signatures on petitions for voters on the voting list of the city, town
7 or plantation in which the petitioners reside that their names appear on the voting list of the
8 city, town or plantation of the official as qualified to vote for Governor. The oath of the
9 circulator must be sworn to in the presence of a person authorized by law to administer oaths.
10 Written petitions for a people's veto pursuant to Article IV, Part Third, Section 17 must be
11 submitted to the appropriate officials of cities, towns or plantations, or state election officials
12 as authorized by law, for determination of whether the petitioners are qualified voters by the
13 hour of 5:00 p.m., on the 5th day before the petition must be filed in the office of the Secretary
14 of State, or, if such 5th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next
15 day which is not a Saturday, a Sunday or a legal holiday. Written petitions for a direct initiative
16 pursuant to Article IV, Part Third, Section 18 must be submitted to the appropriate officials of
17 cities, towns or plantations, or state election officials as authorized by law, for determination
18 of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 10th day before
19 the petition must be filed in the office of the Secretary of State, or, if such 10th day is a Saturday,
20 a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or
21 a legal holiday. Such officials must complete the certification of only those petitions submitted
22 by these deadlines and must return them to the circulators or their agents within 2 days for a
23 petition for a people's veto and within 5 days for a petition for a direct initiative, Saturdays,
24 Sundays and legal holidays excepted, of the date on which such petitions were submitted to
25 them. Signatures on petitions not submitted to the appropriate local or state officials by these
26 deadlines may not be certified. The petition shall set forth the full text of the measure requested
27 or proposed. Petition forms shall be furnished or approved by the Secretary of State upon
28 written application signed and notarized and submitted to the office of the Secretary of State
29 by a resident of this State whose name must appear on the voting list of the city, town or
30 plantation of that resident as qualified to vote for Governor. The full text of a measure
31 submitted to a vote of the people under the provisions of the Constitution need not be printed
32 on the official ballots, but, until otherwise provided by the Legislature, the Secretary of State
33 shall prepare the ballots in such form as to present the question or questions concisely and
34 intelligibly.

35
36 **Section 21. City council of any city may establish direct initiative and**
37 **people's veto.** The city council of any city may establish the direct initiative and
38 people's veto for the electors of such city in regard to its municipal affairs, provided
39 that the ordinance establishing and providing the method of exercising such direct
40 initiative and people's veto shall not take effect until ratified by vote of a majority of
41 the electors of said city, voting thereon at a municipal election. Provided, however,
42 that the Legislature may at any time provide a uniform method for the exercise of the
43 initiative and referendum in municipal affairs.

1 votes shall be received, sorted, counted and declared and recorded, in the same manner
2 as those for Senators and Representatives. Copies of lists of votes shall be sealed and
3 returned to the secretary's office in the same manner and at the same time as those for
4 Senators. The Secretary of State for the time being shall, on the first Wednesday after
5 the first Tuesday of January then next, lay the lists returned to the secretary's office
6 before the Senate and House of Representatives to be by them examined, together with
7 the ballots cast if they so elect, and they shall determine the number of votes duly cast
8 for the office of Governor, and in case of a choice by plurality of all of the votes returned
9 they shall declare and publish the same. If there shall be a tie between the 2 persons
10 having the largest number of votes for Governor, the House of Representatives and the
11 Senate meeting in joint session, and each member of said bodies having a single vote,
12 shall elect one of said 2 persons having so received an equal number of votes and the
13 person so elected by the Senate and House of Representatives shall be declared the
14 Governor.
15

16 **Section 4. Qualifications.** The Governor shall, at the commencement of the
17 Governor's term, be not less than 30 years of age; a citizen of the United States for at
18 least 15 years, have been 5 years a resident of the State; and at the time of election and
19 during the term for which elected, be a resident of said State.
20

21 **Section 5. Disqualifications.** No person holding any office or place under the
22 United States, this State, or any other power, shall assume the office of Governor, nor
23 shall any such person exercise the office of Governor except as provided by this
24 Constitution.
25

26 **Section 6. Compensation.** The Governor shall, at stated times, receive for
27 services a compensation, which shall not be increased or diminished during the
28 Governor's continuance in office.
29

30 **Section 7. Commander in chief.** The Governor shall be commander in chief
31 of the army and navy of the State, and of the militia, except when the same are called
32 into the actual service of the United States.
33

34 **Section 8. To appoint officers.** The Governor shall nominate, and, subject to
35 confirmation as provided herein, appoint all judicial officers, except judges of probate
36 and justices of the peace if their manner of selection is otherwise provided for by this
37 Constitution or by law, and all other civil and military officers whose appointment is
38 not by this Constitution, or shall not by law be otherwise provided for.
39

1 **Procedure for confirmation.** The procedure for confirmation shall be as
2 follows: an appropriate legislative committee comprised of members of both houses in
3 reasonable proportion to their membership as provided by law shall recommend
4 confirmation or denial by majority vote of committee members present and voting. The
5 committee recommendation shall be reviewed by the Senate and upon review shall
6 become final action of confirmation or denial unless the Senate by vote of 2/3 of those
7 members present and voting overrides the committee recommendation. The Senate
8 vote shall be by the yeas and nays.

9
10 **Affirmative vote of 2/3 of members required.** All statutes enacted to carry
11 out the purposes of the second paragraph of this section shall require the affirmative
12 vote of 2/3 of the members of each House present and voting.

13
14 **Governor or President of Senate may call Senate into session.** Either the
15 Governor or the President of the Senate shall have the power to call the Senate into
16 session for the purpose of voting upon confirmation of appointments.

17
18 **Nomination by Governor made 7 days prior to appointment of nominee.**
19 Every nomination by the Governor shall be made 7 days at least prior to appointment
20 of the nominee.

21
22 **Section 9. To give information and recommend measures.** The Governor
23 shall from time to time give the Legislature information of the condition of the State,
24 and recommend to their consideration such measures, as the Governor may judge
25 expedient.

26
27 **Section 10. May require information of any officer.** The Governor may
28 require information from any military officer, or any officer in the executive
29 department, upon any subject relating to the duties of their respective offices.

30
31 **Section 11. Power to pardon and remit penalties, etc.; conditions.** The
32 Governor shall have power to remit after conviction all forfeitures and penalties, and
33 to grant reprieves, commutations and pardons, except in cases of impeachment, upon
34 such conditions, and with such restrictions and limitations as may be deemed proper,
35 subject to such regulations as may be provided by law, relative to the manner of
36 applying for pardons. Such power to grant reprieves, commutations and pardons shall
37 include offenses of juvenile delinquency.

38

1 **Section 12. Shall enforce the laws.** The Governor shall take care that the laws
2 be faithfully executed.

3
4 **Section 13. Convene the Legislature on extraordinary occasions, and**
5 **adjourn it in case of disagreement; may change the place of meeting.** The Governor
6 may, on extraordinary occasions, convene the Legislature; and in case of disagreement
7 between the 2 Houses with respect to the time of adjournment, adjourn them to such
8 time, as the Governor shall think proper, not beyond the day of the next regular session;
9 and if, since the last adjournment, the place where the Legislature were next to convene
10 shall have become dangerous from an enemy or contagious sickness, may direct the
11 session to be held at some other convenient place within the State.

12
13 **Section 14. Vacancy, how supplied.** Whenever the office of Governor shall
14 become vacant because of the death, resignation or removal of a Governor in office, or
15 any other cause, the President of the Senate shall assume the office of Governor until
16 another Governor shall be duly qualified. When the vacancy occurs more than 90 days
17 preceding the date of the primary election for nominating candidates to be voted for at
18 the biennial election next succeeding, the President of the Senate shall assume the office
19 of Governor until the first Wednesday after the first Tuesday of January following the
20 biennial election. At the biennial election, a Governor shall be elected to fill the
21 unexpired term created by the vacancy. When the vacancy occurs less than 90 days
22 preceding the date of a primary election the President of the Senate shall fill the
23 unexpired term.

24
25 Whenever the offices of Governor, and President of the Senate are vacant at the
26 same time, the Speaker of the House of Representatives shall assume the office of
27 Governor for the same term and under the same conditions as the President of the
28 Senate.

29
30 Whenever the offices of Governor, President of the Senate and Speaker of the
31 House of Representatives are vacant at the same time, the person acting as Secretary of
32 State for the time being shall exercise the office of Governor and shall forthwith by
33 proclamation convene the Senate and the House of Representatives which shall fill
34 respectively the vacancies in the offices of the President of the Senate and the Speaker
35 of the House, and by joint ballot of the Senators and Representatives in convention
36 choose a person who shall assume the office of Governor for the same term and under
37 the same conditions as the President of the Senate.

38
39 **Mental or physical disability of the Governor continuously for more than**
40 **6 months.** Whenever for 6 months a Governor in office shall have been continuously

1 unable to discharge the powers and duties of that office because of mental or physical
2 disability such office shall be deemed vacant. Such vacancy shall be declared by the
3 Supreme Judicial Court upon presentment to it of a joint resolution declaring the ground
4 of the vacancy, adopted by a vote of 2/3 of the Senators and Representatives in
5 convention, and upon notice, hearing before the court and a decision by a majority of
6 the court that ground exists for declaring the office to be vacant.

7
8 **Section 15. Temporary mental or physical disability of**
9 **Governor.** Whenever the Governor is unable to discharge the powers and duties of
10 that office because of mental or physical disability, the President of the Senate, or if
11 that office is vacant, the Speaker of the House of Representatives, shall exercise the
12 powers and duties of the office of Governor until the Governor is again able to
13 discharge the powers and duties of that office, or until the office of Governor is declared
14 to be vacant or until another Governor shall be duly qualified.

15
16 Whenever the Governor is unable to discharge the powers and duties of that
17 office, the Governor may so certify to the Chief Justice of the Supreme Judicial Court,
18 in which case and upon notice from the Chief Justice, the President of the Senate, or if
19 that office is vacant, the Speaker of the House of Representatives, shall exercise the
20 powers and duties of the office of Governor until such time as the Governor shall certify
21 to the Chief Justice that the Governor is able to discharge such powers and duties and
22 the Chief Justice shall so notify the officer who is exercising the powers and duties of
23 the office of Governor.

24
25 When the Secretary of State shall have reason to believe that the Governor is
26 unable to discharge the duties of that office, the Secretary of State may so certify to the
27 Supreme Judicial Court, declaring the reason for such belief. After notice to the
28 Governor, a hearing before the court and a decision by a majority of the court that the
29 Governor is unable to discharge the duties of the office of Governor, the court shall
30 notify the President of the Senate, or if that office is vacant the Speaker of the House
31 of Representatives, of such inability and that officer shall exercise the functions, powers
32 and duties of the office of Governor until such time as the Secretary of State or the
33 Governor shall certify to the court that the Governor is able to discharge the duties of
34 the office of Governor and the court, after notice to the Governor and a hearing before
35 the court, decides that the Governor is able to discharge the duties of that office and so
36 notifies the officer who is exercising the powers and duties of the office of Governor.

37
38 Whenever either the President of the Senate or Speaker of the House of
39 Representatives shall exercise the office of Governor, the officer shall receive only the
40 compensation of Governor, but the officer's duties as President or Speaker shall be

1 suspended; and the Senate or House shall fill the vacancy resulting from such
2 suspension, until the officer shall cease to exercise the office of Governor.

3

4 **Article V.**

5 **Part Second.**

6 **Secretary.**

7 **Section 1. Election.** The Secretary of State shall be chosen biennially at the
8 first session of the Legislature, by joint ballot of the Senators and Representatives in
9 convention.

10

11 **Section 1-A. Succession to the office of Secretary of State.** If a vacancy
12 occurs in the office of the Secretary of State, the first deputy secretary of state shall act
13 as the Secretary of State until a Secretary of State is elected by the Legislature during
14 the current session if in session, or at the next regular or special session.

15

16 **Section 2. Records of State; deputies.** The records of the State shall be kept
17 in the office of the secretary, who may appoint deputies to that office, for whose
18 conduct the secretary shall be accountable.

19

20 **Section 3. Attend the Governor, Senate, and House.** The Secretary of State
21 shall attend the Governor, Senate and House of Representatives, in person or by the
22 deputies of the Secretary of State as they shall respectively require.

23

24 **Section 4. Records of executive and legislative departments.** The Secretary
25 of State shall carefully keep and preserve the records of all the official acts and
26 proceedings of the Governor, Senate and House of Representatives, and, when required,
27 lay the same before either branch of the Legislature, and perform such other duties as
28 are enjoined by this Constitution, or shall be required by law.

29

30 **Article V.**

31 **Part Third.**

32 **Treasurer.**

33 **Section 1. Election.** The Treasurer shall be chosen biennially, at the first
34 session of the Legislature, by joint ballot of the Senators, and Representatives in
35 convention.

36

1 diminished during their continuance in office; but they shall receive no other fee or
2 reward for their services as Justices or Judges.

3

4 **Section 3. To give opinion when required by Governor or either Branch of**
5 **the Legislature.** The Justices of the Supreme Judicial Court shall be obliged to give
6 their opinion upon important questions of law, and upon solemn occasions, when
7 required by the Governor, Senate or House of Representatives.

8

9 **Section 4. Tenure of judicial officers; 6-month holdover period.** All
10 judicial officers appointed by the Governor shall hold their offices for the term of 7
11 years from the time of their respective appointments (unless sooner removed by
12 impeachment or by address of both branches of the Legislature to the executive,
13 provided further that justices of the peace may be removed from office in such manner
14 as the Legislature may provide); provided, however, that a judicial officer whose term
15 of office has expired or who has reached mandatory retirement age, as provided by
16 statute, may continue to hold office until the expiration of an additional period not to
17 exceed 6 months or until the successor to the judicial officer is appointed, whichever
18 occurs first in time.

19

20 **Section 5. Limitation on holding other office.** No Justice of the Supreme
21 Judicial Court or any other court shall hold office under the United States or any other
22 state, nor under this State, except as justice of the peace or as member of the Judicial
23 Council.

24

25 **Section 6. Judges and registers of probate, election and tenure; vacancies.**
26 Judges and registers of probate shall be elected by the people of their respective
27 counties, by a plurality of the votes given in, at the biennial election on the Tuesday
28 following the first Monday of November, and shall hold their offices for 4 years,
29 commencing on the first day of January next after their election. Vacancies occurring
30 in said offices by death, resignation or otherwise, shall be filled by election in manner
31 aforesaid at the November election, next after their occurrence; and in the meantime,
32 the Governor may fill said vacancies by appointment, and the persons so appointed
33 shall hold their offices until the first day of January next after the election aforesaid.

34

35 Note: Section 6 of Article VI has been repealed by Amendment which by virtue of
36 Chapter 77 of the Resolves of the One Hundred and Third Legislature, 1967 "shall
37 become effective at such time as the Legislature by proper enactment shall establish a
38 different Probate Court system with full-time judges."

39

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38

Article VII.

Military.

Section 1. Officers, how appointed. All commissioned officers of the militia shall be appointed and commissioned by the Governor, from such persons as are qualified by law to hold such offices.

Section 2. Qualifications and selection. The Legislature shall, by law, designate the qualifications necessary for holding a commission in the militia and shall prescribe the mode of selection of officers for the several grades.

Section 3. Adjutant General. The Adjutant General shall be appointed by the Governor. But the Adjutant General shall also perform the duties of quartermaster general and paymaster general until otherwise directed by law.

Section 4. Standard of organization, armament and discipline. The organization, armament and discipline of the militia and of the military and naval units thereof shall be the same as that which is now or may hereafter be prescribed by the laws and regulations of the United States; and it shall be the duty of the Governor to issue from time to time such orders and regulations and to adopt such other means of administration, as shall maintain the prescribed standard of organization, armament and discipline; and such orders, regulations and means adopted shall have the full force and effect of the law.

Section 5. Persons exempt from military duty. Persons of the denominations of Quakers and Shakers, Justices of the Supreme Judicial Court, Ministers of the Gospel and persons exempted by the laws of the United States may be exempted from military duty, but no other able-bodied person of the age of 18 and under the age of 45 years, excepting officers of the militia who have been honorably discharged, shall be so exempted.

Article VIII.

Part First.

Education.

Section 1. Legislature shall require towns to support public schools; duty of Legislature. A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance

1 of public schools; and it shall further be their duty to encourage and suitably endow,
2 from time to time, as the circumstances of the people may authorize, all academies,
3 colleges and seminaries of learning within the State; provided, that no donation, grant
4 or endowment shall at any time be made by the Legislature to any literary institution
5 now established, or which may hereafter be established, unless, at the time of making
6 such endowment, the Legislature of the State shall have the right to grant any further
7 powers to alter, limit or restrain any of the powers vested in any such literary institution,
8 as shall be judged necessary to promote the best interests thereof.

9
10 **Section 2. Authority to pledge the credit of the State and to issue bonds for**
11 **loans to Maine students in higher education and their parents.** For the purpose of
12 assisting the youth of Maine to achieve the required levels of learning and to develop
13 their intellectual and mental capacities, the Legislature, by proper enactment, may
14 authorize the credit of the State to be loaned to secure funds for loans to Maine students
15 attending institutions of higher education, wherever situated, and to parents of these
16 students. Funds shall be obtained by the issuance of state bonds, when authorized by
17 the Governor, but the amount of bonds issued and outstanding shall not at one time
18 exceed in the aggregate \$4,000,000. Funds loaned shall be on such terms and
19 conditions as the Legislature shall authorize.

20
21 **Article VIII.**

22 **Part Second.**

23 **Municipal Home Rule.**

24 **Section 1. Power of municipalities to amend their charters.** The inhabitants
25 of any municipality shall have the power to alter and amend their charters on all matters,
26 not prohibited by Constitution or general law, which are local and municipal in
27 character. The Legislature shall prescribe the procedure by which the municipality may
28 so act.

29
30 **Section 2. Construction of buildings for industrial use.** For the purposes of
31 fostering, encouraging and assisting the physical location, settlement and resettlement
32 of industrial and manufacturing enterprises within the physical boundaries of any
33 municipality, the registered voters of that municipality may, by majority vote, authorize
34 the issuance of notes or bonds in the name of the municipality for the purpose of
35 purchasing land and interests therein or constructing buildings for industrial use, to be
36 leased or sold by the municipality to any responsible industrial firm or corporation.

37
38 **Article IX.**

39 **General Provisions.**

1 **Section 1. Oaths and subscriptions.** Every person elected or appointed to
2 either of the places or offices provided in this Constitution, and every person elected,
3 appointed, or commissioned to any judicial, executive, military or other office under
4 this State, shall, before entering on the discharge of the duties of that place or office,
5 take and subscribe the following oath or affirmation: "I, _____ do swear, that I will
6 support the Constitution of the United States and of this State, so long as I shall continue
7 a citizen thereof. So help me God."

8
9 "I _____ do swear, that I will faithfully discharge, to the best of my abilities, the
10 duties incumbent on me as _____ according to the Constitution and laws of the State.
11 So help me God."

12
13 **Alternative affirmation.** Provided, that an affirmation in the above forms may
14 be substituted, when the person shall be conscientiously scrupulous of taking and
15 subscribing an oath.

16
17 **Administration of oaths to Governor, Senators, Representatives, and other**
18 **officers.** The oaths or affirmations shall be taken and subscribed by the Governor
19 before the presiding officer of the Senate, in the presence of both Houses of the
20 Legislature, and by the Senators and Representatives before the Governor, and by the
21 residue of said officers before such persons as shall be prescribed by the Legislature;
22 and whenever the Governor shall not be able to attend during the session of the
23 Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations
24 may be taken and subscribed in the recess of the Legislature before any Justice of the
25 Supreme Judicial Court and provided further that, if the Governor shall be unable to
26 appear and administer the oath to the Senators and Representatives, such oaths shall be
27 administered by the Chief Justice of the Supreme Judicial Court or in the absence of
28 the Chief Justice, by the senior Associate Justice of said Supreme Judicial Court present
29 at the State Capitol on the first day of the term for which said Senators and
30 Representatives shall have been elected.

31
32 **Section 2. Offices incompatible with each other; election to Congress**
33 **disqualifies.** No person holding the office of Justice of the Supreme Judicial Court, or
34 of any inferior court, Attorney General, district attorney, Treasurer of the State,
35 Adjutant General, judge of probate, register of probate, register of deeds, sheriffs or
36 their deputies, clerks of the judicial courts, shall be a member of the Legislature; and
37 any person holding either of the foregoing offices, elected to, and accepting a seat in
38 the Congress of the United States, shall thereby vacate said office; and no person shall
39 be capable of holding or exercising at the same time within this State, more than one of
40 the offices before mentioned.

1 **Section 3. Commissions.** All commissions shall be in the name of the State,
2 signed by the Governor, attested by the Secretary or a deputy of the Secretary and have
3 the seal of the State thereto affixed.

4
5 **Section 4. Elections on the first Wednesday after first Tuesday of January**
6 **may be adjourned from day to day.** In case the elections, required by this
7 Constitution on the first Wednesday after the first Tuesday of January biennially, by
8 the 2 Houses of the Legislature, shall not be completed on that day, the same may be
9 adjourned from day to day, until completed, in the following order: The vacancies in
10 the Senate shall first be filled; and the Governor shall then be elected, if there be no
11 choice by the people.

12
13 **Section 5. Removal by impeachment or address.** Every person holding any
14 civil office under this State, may be removed by impeachment, for misdemeanor in
15 office; and every person holding any office, may be removed by the Governor on the
16 address of both branches of the Legislature. But before such address shall pass either
17 House, the causes of removal shall be stated and entered on the journal of the House in
18 which it originated, and a copy thereof served on the person in office, that the person
19 may be admitted to a hearing in that person's own defense.

20
21 **Section 6. Tenure of office.** The tenure of all offices, which are not or shall
22 not be otherwise provided for, shall be during the pleasure of the Governor.

23
24 **Section 7. Valuation.** While the public expenses shall be assessed on estates,
25 a general valuation shall be taken at least once in 10 years.

26
27 **Section 8. Taxation.** All taxes upon real and personal estate, assessed by
28 authority of this State, shall be apportioned and assessed equally according to the just
29 value thereof.

30
31 **1. Intangible property.** The Legislature shall have power to levy a tax upon
32 intangible personal property at such rate as it deems wise and equitable without regard
33 to the rate applied to other classes of property.

34
35 **2. Assessment of certain lands based on current use; penalty on change to**
36 **higher use.** The Legislature shall have power to provide for the assessment of the
37 following types of real estate whenever situated in accordance with a valuation based

1 upon the current use thereof and in accordance with such conditions as the Legislature
2 may enact:

- 3
- 4 A. Farms and agricultural lands, timberlands and woodlands;
- 5 B. Open space lands which are used for recreation or the enjoyment of scenic
6 natural beauty;
- 7
- 8 C. Lands used for game management or wildlife sanctuaries; and
- 9
- 10 D. Waterfront land that is used for or that supports commercial fishing
11 activities.
- 12

13 In implementing paragraphs A, B, C and D, the Legislature shall provide that
14 any change of use higher than those set forth in paragraphs A, B, C and D, except when
15 the change is occasioned by a transfer resulting from the exercise or threatened exercise
16 of the power of eminent domain, shall result in the imposition of a minimum penalty
17 equal to the tax which would have been imposed over the 5 years preceding that change
18 of use had that real estate been assessed at its highest and best use, less all taxes paid
19 on that real estate over the preceding 5 years, and interest, upon such reasonable and
20 equitable basis as the Legislature shall determine. Any statutory or constitutional
21 penalty imposed as a result of a change of use, whether imposed before or after the
22 approval of this subsection, shall be determined without regard to the presence of
23 minerals, provided that, when payment of the penalty is made or demanded, whichever
24 occurs first, there is in effect a state excise tax which applies or would apply to the
25 mining of those minerals.

26

27 **3. School districts.** The Legislature shall have power to provide that taxes,
28 which it may authorize a School Administrative District or a community school district
29 to levy, may be assessed on real, personal and intangible property in accordance with
30 any cost-sharing formula which it may authorize.

31

32 **4. Watercraft.** Beginning with the property tax year 1984, all watercraft as
33 defined by the Legislature shall be exempt from taxation as personal property, provided
34 that certain watercraft as defined by the Legislature shall be subject to an excise tax to
35 be collected and retained by the municipalities.

36

37 **5. Historic and scenic preservation.** The Legislature shall have the power to
38 provide that municipalities may reduce taxes on real property if the property owner

1 agrees to maintain the property in accordance with criteria adopted by the governing
2 legislative body of the municipality to maintain the historic integrity of important
3 structures or to provide scenic view easements of significant vistas.

4
5 **Section 9. Power of taxation.** The Legislature shall never, in any manner,
6 suspend or surrender the power of taxation.

7
8 **Section 10. Tenure of sheriffs.** Sheriffs shall be elected by the people of their
9 respective counties, by a plurality of the votes given in on the Tuesday following the
10 first Monday of November, and shall hold their offices for 4 years from the first day of
11 January next after their election, unless sooner removed as hereinafter provided.

12
13 **Removal of sheriffs from office and replacement.** Whenever the Governor
14 upon complaint, due notice and hearing shall find that a sheriff is not faithfully or
15 efficiently performing any duty imposed upon the sheriff by law, the Governor may
16 remove such sheriff from office and appoint another sheriff to serve for the remainder
17 of the term for which such removed sheriff was elected. All vacancies in the office of
18 sheriff, other than those caused by removal in the manner aforesaid shall be filled in
19 the same manner as is provided in the case of judges and registers of probate.

20
21 **Section 11. Attorney General.** The Attorney General shall be chosen
22 biennially by joint ballot of the Senators and Representatives in convention. Vacancy
23 in said office occurring when the Legislature is not in session, may be filled by
24 appointment by the Governor, subject to confirmation as required by this Constitution
25 for Justices of the Supreme Judicial Court.

26
27 **Section 12. Voting districts.** The Legislature may by law authorize the
28 dividing of towns into voting districts for all state and national elections, and prescribe
29 the manner in which the votes shall be received, counted, and the result of the election
30 declared.

31
32 **Section 13. Bribery at elections.** The Legislature may enact laws excluding
33 from the right of suffrage, for a term not exceeding 10 years, all persons convicted of
34 bribery at any election, or of voting at any election, under the influence of a bribe.

35
36 **Section 14. Authority and procedure for issuance of bonds.** The credit of
37 the State shall not be directly or indirectly loaned in any case, except as provided in
38 sections 14-A, 14-B, 14-C and 14-D. The Legislature shall not create any debt or debts,

1 liability or liabilities, on behalf of the State, which shall singly, or in the aggregate, with
2 previous debts and liabilities hereafter incurred at any one time, exceed \$2,000,000,
3 except to suppress insurrection, to repel invasion, or for purposes of war, and except
4 for temporary loans to be paid out of money raised by taxation during the fiscal year in
5 which they are made, and except for loans to be repaid within 12 months with federal
6 transportation funds in amounts not to exceed 50% of transportation funds appropriated
7 by the federal government in the prior federal fiscal year; and excepting also that
8 whenever 2/3 of both Houses shall deem it necessary, by proper enactment ratified by
9 a majority of the electors voting thereon at a general or special election, the Legislature
10 may authorize the issuance of bonds on behalf of the State at such times and in such
11 amounts and for such purposes as approved by such action; but this shall not be
12 construed to refer to any money that has been, or may be deposited with this State by
13 the Government of the United States, or to any fund which the State shall hold in trust
14 for any Indian tribe. Whenever ratification by the electors is essential to the validity of
15 bonds to be issued on behalf of the State, the question submitted to the electors shall be
16 accompanied by a statement setting forth the total amount of bonds of the State
17 outstanding and unpaid, the total amount of bonds of the State authorized and unissued,
18 and the total amount of bonds of the State contemplated to be issued if the enactment
19 submitted to the electors be ratified. For any bond authorization requiring ratification
20 of the electors pursuant to this section, if any bonds have not been issued within 5 years
21 of the date of ratification, then those bonds may not be issued after that date. Within 2
22 years after expiration of that 5-year period, the Legislature may extend, by a majority
23 vote, the 5-year period for an additional 5 years or may deauthorize the bonds. If the
24 Legislature fails to take action within those 2 years, the bond issue shall be considered
25 to be deauthorized and no further bonds may be issued. For any bond authorization in
26 existence on November 6, 1984, and for which the 5-year period following ratification
27 has expired, no further bonds may be issued unless the Legislature, by November 6,
28 1986, reauthorizes those bonds by a majority vote, for an additional 5-year period,
29 failing which all bonds unissued under those authorizations shall be considered to be
30 deauthorized. Temporary loans to be paid out of moneys raised by taxation during any
31 fiscal year shall not exceed in the aggregate during the fiscal year in question an amount
32 greater than 10% of all the moneys appropriated, authorized and allocated by the
33 Legislature from undedicated revenues to the General Fund and dedicated revenues to
34 the Highway Fund for that fiscal year, exclusive of proceeds or expenditures from the
35 sale of bonds, or greater than 1% of the total valuation of the State of Maine, whichever
36 is the lesser.

37
38 **Section 14-A. Authority to insure industrial, manufacturing, fishing, and**
39 **agricultural mortgage loans.** For the purposes of fostering, encouraging and assisting
40 the physical location, settlement and resettlement of industrial, manufacturing, fishing,
41 agricultural and recreational enterprises within the State, the Legislature by proper
42 enactment may insure the payment of mortgage loans on real estate and personal
43 property within the State of such industrial, manufacturing, fishing, agricultural and

1 recreational enterprises not exceeding in the aggregate \$90,000,000 in amount at any
2 one time and may also appropriate moneys and authorize the issuance of bonds on
3 behalf of the State at such times and in such amounts as it may determine to make
4 payments insured as aforesaid. For the purposes of this section, a documented fishing
5 vessel or a vessel registered under state law shall be construed as real estate.

6
7 **Section 14-B. Authority to insure revenue bonds of the Maine School**
8 **Building Authority.** In order to encourage and assist in the provision and construction
9 of public school buildings in the State, the Legislature by proper enactment may insure
10 the payment of revenue bonds of the Maine School Building Authority on school
11 projects within the State not exceeding in the aggregate \$6,000,000 in amount at any
12 one time and may also appropriate moneys and authorize the issuance of bonds on
13 behalf of the State at such times and in such amounts as it may determine to make
14 payments insured as aforesaid.

15
16 **Section 14-C. Authority to insure mortgage loans for Indian housing.** For
17 the purpose of fostering and encouraging the acquisition, construction, repair and
18 remodeling of houses owned or to be owned by members of the 2 tribes on the several
19 Indian reservations, the Legislature by proper enactment may insure the payment of
20 mortgage loans on such houses not exceeding in the aggregate \$1,000,000 in amount
21 at any one time and may also appropriate moneys and authorize the issuance of bonds
22 on behalf of the State at such times and in such amounts as it may determine to make
23 payments insured as aforesaid.

24
25 **Section 14-D. Authority to insure Maine veterans' mortgage loans, and to**
26 **appropriate moneys and issue bonds for the payment of same.** For the purposes of
27 recognizing the services and sacrifices of Maine's men and women who have served
28 their state and country through honorable service in the Armed Forces of the United
29 States in time of war or national emergency; enlarging the opportunities for
30 employment of Maine's veterans; insuring the preservation and betterment of the
31 economy of the State of Maine; and stimulating the flow of private investment funds to
32 Maine's veterans, the Legislature by proper enactment may insure the payment of any
33 mortgage loan to resident Maine veterans of the Armed Forces of the United States,
34 including a business organization owned in whole or in part by a resident Maine
35 veteran, when such loans are made in connection with such legitimate purposes and
36 under such terms and conditions as the Legislature may determine, not exceeding in the
37 aggregate \$4,000,000 in amount at any one time and may also appropriate moneys and
38 authorize the issuance of bonds on behalf of the State at such times and in such amounts
39 as it may determine to make payments insured as aforesaid.

40

1 **Section 15. Municipal borrowing regulated by Legislature through general**
2 **law.** The Legislature shall enact general law regulating the total borrowing capacity of
3 municipal corporations.

4
5 **Section 16. Seat of government.** Augusta is hereby declared to be the seat of
6 government of this State.

7
8 **Section 17. Continuity of Government in case of enemy attack.**
9 Notwithstanding any general or special provision of this Constitution, the Legislature,
10 in order to insure continuity of state and local governmental operations in periods of
11 emergency resulting from disasters caused by enemy attack, shall have the power and
12 the immediate duty to provide for prompt and temporary succession to the powers and
13 duties of public offices, of whatever nature and whether filled by election or
14 appointment, the incumbents of which may become unavailable for carrying on the
15 powers and duties of such offices, and to adopt such other measures as may be
16 necessary and proper for insuring the continuity of governmental operations including
17 but not limited to the financing thereof. In the exercise of the powers hereby conferred
18 the Legislature shall in all respects conform to the requirements of this Constitution
19 except to the extent that in the judgment of the Legislature so to do would be
20 impracticable or would admit of undue delay.

21
22 **Section 18. Limitation on use of funds of Maine State Retirement System.**
23 All of the assets, and proceeds or income therefrom, of the Maine State Retirement
24 System or any successor system and all contributions and payments made to the system
25 to provide for retirement and related benefits shall be held, invested or disbursed as in
26 trust for the exclusive purpose of providing for such benefits and shall not be
27 encumbered for, or diverted to, other purposes. Funds appropriated by the Legislature
28 for the Maine State Retirement System are assets of the system and may not be diverted
29 or deappropriated by any subsequent action.

30
31 **Section 18-A. Funding of retirement benefits under the Maine Public**
32 **Employees Retirement System.** Beginning with the fiscal year starting July 1, 1997,
33 the normal cost of all retirement and ancillary benefits provided to participants under
34 the Maine Public Employees Retirement System must be funded annually on an
35 actuarially sound basis. Unfunded liabilities may not be created except those resulting
36 from experience losses. Unfunded liability resulting from experience losses must be
37 retired over a period not exceeding 20 years.

38
39 **Section 18-B. Payment of unfunded liabilities of the Maine State**
40 **Retirement System.** Each fiscal year beginning with the fiscal year starting July 1,

1 1997, the Legislature shall appropriate funds that will retire in 31 years or less the
2 unfunded liabilities of the Maine State Retirement System that are attributable to state
3 employees and teachers. The unfunded liabilities referred to in this section are those
4 determined by the Maine State Retirement System's actuaries and certified by the Board
5 of Trustees of the Maine State Retirement System as of June 30, 1996.

6
7 **Section 19. Limitation on expenditure of motor vehicle and motor vehicle**
8 **fuel revenues.** All revenues derived from fees, excises and license taxes relating to
9 registration, operation and use of vehicles on public highways, and to fuels used for
10 propulsion of such vehicles shall be expended solely for cost of administration,
11 statutory refunds and adjustments, payment of debts and liabilities incurred in
12 construction and reconstruction of highways and bridges, the cost of construction,
13 reconstruction, maintenance and repair of public highways and bridges under the
14 direction and supervision of a state department having jurisdiction over such highways
15 and bridges and expense for state enforcement of traffic laws and shall not be diverted
16 for any purpose, provided that these limitations shall not apply to revenue from an
17 excise tax on motor vehicles imposed in lieu of personal property tax.

18
19 **Section 20. Mining Excise Tax Trust Fund.** The principal amount of the
20 Mining Excise Tax Trust Fund or any successor fund may not be expended unless the
21 expenditure is approved in a separate measure by a 2/3 vote of all the members elected
22 to each House of the Legislature and by the Governor.

23
24 **Section 21. State mandates.** For the purpose of more fairly apportioning the
25 cost of government and providing local property tax relief, the State may not require a
26 local unit of government to expand or modify that unit's activities so as to necessitate
27 additional expenditures from local revenues unless the State provides annually 90% of
28 the funding for these expenditures from State funds not previously appropriated to that
29 local unit of government. Legislation implementing this section or requiring a specific
30 expenditure as an exception to this requirement may be enacted upon the vote of 2/3 of
31 all members elected to each House. This section must be liberally construed.

32
33 **Section 22. Revenues generated by fisheries and wildlife management.** The
34 amount of funds appropriated in any fiscal year to the Department of Inland Fisheries
35 and Wildlife, or any successor agency responsible for fisheries and wildlife
36 management, other than commercial marine fisheries management, may not be less
37 than the total revenues collected, received or recovered by the Department of Inland
38 Fisheries and Wildlife, or successor agency, from license and permit fees, fines, the
39 sale, lease or rental of property, penalties and all other revenue sources pursuant to the
40 laws of the State administered by the department or successor agency, except that
41 revenues received from the Federal Government may be allocated as provided by

1 federal or state law and the Legislature may establish special funds and deposit
2 revenues collected, received or recovered by the department or successor agency into
3 those special funds, provided that the revenues are allocated and expended only for the
4 purposes of those special funds as provided by law.

5
6 **Section 23. State park land.** State park land, public lots or other real estate
7 held by the State for conservation or recreation purposes and designated by legislation
8 implementing this section may not be reduced or its uses substantially altered except
9 on the vote of 2/3 of all the members elected to each House. The proceeds from the
10 sale of such land must be used to purchase additional real estate in the same county for
11 the same purposes.

12
13 **Section 24. Reapportionment.** Congressional districts must be reapportioned
14 as follows.

15
16 **1. Procedure.** Beginning in 2021 and every 10 years thereafter, when the
17 Secretary of State has received notification of the number of congressional seats to
18 which the State is entitled and the Federal Decennial Census population count is final,
19 the Legislative Apportionment Commission, established every 10 years pursuant to
20 Article IV, Part Third, Section 1-A, shall review the existing congressional districts. If
21 the districts do not conform to Supreme Judicial Court guidelines, the commission shall
22 reapportion the State into congressional districts.

23
24 In making such a reapportionment, the commission shall ensure that each
25 congressional district is formed of compact and contiguous territory and crosses
26 political subdivisions the least number of times necessary to establish districts as
27 equally populated as possible. The commission shall submit its plan to the Clerk of the
28 House of Representatives no later than June 1st of the year in which apportionment is
29 required. The Legislature shall enact the submitted plan of the commission or a plan of
30 its own in regular or special session by a vote of 2/3 of the members of each House by
31 June 11th of the year in which apportionment is required to the Clerk of the House of
32 Representatives. This action is subject to the Governor's approval, as provided in
33 Article IV, Part Third, Section 2.

34
35 **2. Court apportionment.** If the Legislature fails to make an apportionment
36 by June 11th, the Supreme Judicial Court shall make the apportionment within 60 days
37 following the period in which the Legislature is required to act but fails to do so. In
38 making the apportionment, the Supreme Judicial Court shall take into consideration
39 plans and briefs filed by the public with the court during the first 30 days of the period
40 in which the court is required to apportion.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40

3. Judicial review. The Supreme Judicial Court has original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group of citizens. If a challenge is sustained, the Supreme Judicial Court shall make the apportionment.

Section 25. Apportionment of county commissioner districts. County commissioner districts must be apportioned as follows.

1. Redistricting, generally. Beginning in 2021 and every 10 years thereafter, the apportionment commission established under Article IV, Part Third, Section 1-A shall review the existing county commissioner districts and, as necessary, reapportion those districts in each county to establish as nearly as practicable equally populated districts. The Speaker of the House of Representatives is responsible for calling the commission together to review the county commissioner districts. No action may be taken by the commission without a quorum of 7.

A. The apportionment commission shall divide the number of commissioners in each county into the number of inhabitants of the county, excluding foreigners not naturalized, according to the latest Federal Decennial Census or a state census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each county commissioner district. Each county commissioner district must be formed of contiguous and compact territory and must cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts must be drawn within the municipal boundaries. Any population remainder within the municipality must be included in a district drawn to cross the municipal boundary as long as the population remainder within the municipality is contiguous to another municipality or municipalities included in the district. Any county that already meets the standards and guidelines for equally populated districts, as established by this section, this Constitution and the Constitution of the United States, need not be reapportioned.

B. Interested parties from each county may submit redistricting plans for the commission to consider. Those plans must be submitted to the commission no later than 30 calendar days after the commission is called together by the Speaker of the House of Representatives under this subsection. The commission may hold public hearings on plans affecting each county.

1 C. The commission shall submit its plan to the Clerk of the House of
2 Representatives no later than June 1st of the year in which apportionment is
3 required. The Clerk of the House of Representatives shall submit to the
4 Legislature, no later than January 15, 2022, and every 10th year thereafter, one
5 legislative document to reapportion the county commissioner districts based on
6 the plan submitted by the apportionment commission. The Legislature must
7 enact the submitted plan or a plan of its own in regular or special session by a
8 vote of 2/3 of the members of each House within 30 calendar days after the plan
9 is submitted to it by the Clerk of the House of Representatives. This action is
10 subject to the Governor's approval, as provided in Article IV, Part Third, Section
11 2.

12

13 **2. Supreme Judicial Court.** If the Legislature fails to make an apportionment
14 within the 30 calendar days, the Supreme Judicial Court shall make the apportionment
15 within 60 calendar days following the period in which the Legislature is required to act
16 but fails to do so. In making the apportionment, the Supreme Judicial Court shall
17 consider plans and briefs filed by the public with the court during the first 30 days of
18 the period in which the court is required to apportion.

19

20

Article X.

21

Additional Provisions.

22

[Section 1. See 2024 Rearrangement notes.]

23

24

[Section 2. See 2024 Rearrangement notes.]

25

26

Section 3. Laws now in force continue until repealed. All laws now in force
27 in this State, and not repugnant to this Constitution, shall remain, and be in force, until
28 altered or repealed by the Legislature, or shall expire by their own limitation.

29

30

Section 4. Amendments to Constitution. The Legislature, whenever 2/3 of
31 both Houses shall deem it necessary, may propose amendments to this Constitution;
32 and when any amendments shall be so agreed upon, a resolution shall be passed and
33 sent to the selectmen of the several towns, and the assessors of the several plantations,
34 empowering and directing them to notify the inhabitants of their respective towns and
35 plantations, in the manner prescribed by law, at the next biennial meetings in the month
36 of November, or to meet in the manner prescribed by law for calling and holding
37 biennial meetings of said inhabitants for the election of Senators and Representatives,
38 on the Tuesday following the first Monday of November following the passage of said
39 resolve, to give in their votes on the question, whether such amendment shall be made;

1 and if it shall appear that a majority of the inhabitants voting on the question are in
2 favor of such amendment, it shall become a part of this Constitution.

3
4 **Section 5. Persons in office to continue to hold their offices; part of a law of**
5 **Massachusetts made a part of this constitution.** All officers provided for in the sixth
6 section of an act of the Commonwealth of Massachusetts, passed on the nineteenth day
7 of June, in the year of our Lord one thousand eight hundred and nineteen, entitled "an
8 act relating to the separation of the district of Maine from Massachusetts proper, and
9 forming the same into a separate and independent State," shall continue in office as
10 therein provided; and the following provisions of said act shall be a part of this
11 constitution, subject however to be modified or annulled as therein is prescribed, and
12 not otherwise, to wit:

13 "Sec. 1. Whereas it has been represented to this Legislature, that a majority of the
14 people of the district of Maine are desirous of establishing a separate and independent
15 government within said district: therefore,

16 *"Be it enacted by the Senate and House of Representatives in general court*
17 *assembled, and by the authority of the same,* That the consent of this commonwealth
18 be, and the same is hereby given, that the district of Maine may be formed and erected
19 into a separate and independent state, if the people of the said district shall in the
20 manner, and by the majority hereinafter mentioned, express their consent and
21 agreement thereto, upon the following terms and conditions: and provided the congress
22 of the United States shall give its consent thereto, before the fourth day of March next:
23 which terms and conditions are as follows, viz.

24 *"First.* All the lands and buildings belonging to the commonwealth, within
25 Massachusetts proper, shall continue to belong to said commonwealth, and all the lands
26 belonging to the commonwealth within the district of Maine, shall belong, the one-half
27 thereof to the said commonwealth, and the other half thereof, to the state to be formed
28 within the said district, to be divided as is hereinafter mentioned; and the lands within
29 the said district, which shall belong to the said commonwealth, shall be free from
30 taxation, while the title to the said lands remains in the commonwealth; and the rights
31 of the commonwealth to their lands, within said district, and the remedies for the
32 recovery thereof, shall continue the same, within the proposed state, and in the courts
33 thereof, as they now are within the said commonwealth, and in the courts thereof; for
34 which purposes, and for the maintenance of its rights, and recovery of its lands, the said
35 commonwealth shall be entitled to all other proper and legal remedies, and may appear
36 in the courts of the proposed state and in the courts of the United States, holden therein;
37 and all rights of action for, or entry into lands, and of actions upon bonds, for the breach
38 of the performance of the condition of settling duties, so called, which have accrued or
39 may accrue, shall remain in this commonwealth, to be enforced, commuted, released,

1 or otherwise disposed of, in such manner as this commonwealth may hereafter
2 determine: *provided, however*, that whatever this commonwealth may hereafter receive
3 or obtain on account thereof, if any thing, shall, after deducting all reasonable charges
4 relating thereto, be divided, one-third part thereof to the new state, and two-third parts
5 thereof to this commonwealth.

6 "Second. All the arms which have been received by this commonwealth from the
7 United States, under the law of congress, entitled "an act making provisions for arming
8 and equipping the whole body of militia of the United States," passed April the twenty-
9 third, one thousand eight hundred and eight, shall, as soon as the said district shall
10 become a separate state, be divided between the two states, in proportion to the returns
11 of the militia, according to which, the said arms have been received from the United
12 States, as aforesaid.

13 "Third. All money, stock or other proceeds, hereafter derived from the United
14 States, on account of the claim of this commonwealth, for disbursements made, and
15 expenses incurred, for the defence of the state, during the late war with Great Britain,
16 shall be received by this commonwealth, and when received, shall be divided between
17 the two states, in the proportion of two-thirds to this commonwealth, and one-third to
18 the new state.

19 "Fourth. All other property, of every description, belonging to the commonwealth,
20 shall be holden and receivable by the same as a fund and security, for all debts,
21 annuities, and Indian subsidies, or claims due by said commonwealth; and within two
22 years after the said district shall have become a separate state, the commissioners to be
23 appointed, as hereinafter provided, if the said states cannot otherwise agree, shall assign
24 a just portion of the productive property, so held by said commonwealth, as an
25 equivalent and indemnification to said commonwealth, for all such debts, annuities or
26 Indian subsidies or claims, which may then remain due, or unsatisfied: and all the
27 surplus of the said property, so holden as aforesaid, shall be divided between the said
28 commonwealth and the said district of Maine, in the proportion of two-thirds to the said
29 commonwealth, and one-third to the said district—and if, in the judgment of the said
30 commissioners, the whole of said property, so held, as a fund and security, shall not be
31 sufficient indemnification for the purpose, the said district shall be liable for and shall
32 pay to said commonwealth one-third of the deficiency.

33 "Fifth. The new State shall, as soon as the necessary arrangements can be made for
34 that purpose, assume and perform all the duties, and obligations of this commonwealth,
35 towards the Indians within said district of Maine, whether the same arise from treaties,
36 or otherwise; and for this purpose shall obtain the assent of said Indians, and their
37 release to this commonwealth of claims and stipulations arising under the treaty at
38 present existing between the said commonwealth and said Indians; and as an
39 indemnification to such new state, therefore, this commonwealth when such

1 arrangements shall be completed, and the said duties and obligations assumed, shall
2 pay to said new state, the value of thirty thousand dollars, in manner following, viz: the
3 said commissioners shall set off by metes and bounds, so much of any part of the land
4 within the said district, falling to this commonwealth in the division of the public lands,
5 hereinafter provided for, as in their estimation shall be of the value of thirty thousand
6 dollars; and this commonwealth shall, thereupon, assign the same to the said new state,
7 or in lieu thereof, may pay the sum of thirty thousand dollars at its election; which
8 election of the said commonwealth, shall be made within one year from the time that
9 notice of the doings of the commissioners, on this subject, shall be made known to the
10 Governor and Council; and if not made within that time, the election shall be with the
11 new state.
12

13 *"Sixth.* Commissioners, with the powers and for the purposes mentioned in this act,
14 shall be appointed in manner following: the executive authority of each state shall
15 appoint two; and the four so appointed or the major part of them, shall appoint two
16 more: but if they cannot agree in the appointment, the executive of each state shall
17 appoint one in addition; not however, in that case, to be a citizen of its own state. And
18 any vacancy happening with respect to the commissioners shall be supplied in the
19 manner provided for their original appointment; and, in addition to the powers herein
20 before given to said commissioners, they shall have full power and authority to divide
21 all the public lands within the district, between the respective states, in equal shares, or
22 moities, in severalty, having regard to quantity, situation and quality; they shall
23 determine what lands shall be surveyed and divided, from time to time, the expense of
24 which surveys, and of the commissioners, shall be borne equally by the two states. They
25 shall keep fair records of their doings, and of the surveys made by their direction, copies
26 of which records, authenticated by them, shall be deposited from time to time in the
27 archives of the respective states; transcripts of which, properly certified, may be
28 admitted in evidence in all questions touching the subject to which they relate. The
29 executive authority of each state may revoke the power of either or both its
30 commissioners: having, however, first appointed a substitute, or substitutes, and may
31 fill any vacancy happening with respect to its own commissioners: four of said
32 commissioners shall constitute a quorum, for the transaction of business; their decision
33 shall be final upon all subjects within their cognizance. In case said commission shall
34 expire, the same not having been completed, and either state shall request the renewal
35 or filling up of the same, it shall be renewed or filled up in the same manner, as is herein
36 provided for filling the same, in the first instance, and with the like powers; and if either
37 state shall, after six months notice, neglect or refuse to appoint its commissioners, the
38 other may fill up the whole commission.

39 *"Seventh.* All grants of land, franchises, immunities, corporate or other rights, and
40 all contracts for, or grants of land not yet located, which have been or may be made by
41 the said commonwealth, before the separation of said district shall take place, and
42 having or to have effect within the said district, shall continue in full force, after the
said district shall become a separate state. But the grant which has been made to the

1 president and trustees of Bowdoin College, out of the tax laid upon the banks, within
2 this commonwealth, shall be charged upon the tax upon the banks within the said
3 district of Maine, and paid according to the terms of said grant; and the president and
4 trustees, and the overseers of said college, shall have, hold and enjoy their powers and
5 privileges in all respects; so that the same shall not be subject to be altered, limited,
6 annulled or restrained except by judicial process, according to the principles of law;
7 and in all grants hereafter to be made, by either state, of unlocated land within the said
8 district, the same reservations shall be made for the benefit of schools and of the
9 ministry, as have heretofore been usual, in grants made by this commonwealth. And all
10 lands heretofore granted by this commonwealth, to any religious, literary, or
11 eleemosynary corporation, or society, shall be free from taxation, while the same
12 continues to be owned by such corporation, or society.
54

13 "Eighth. No laws shall be passed in the proposed state, with regard to taxes, actions,
14 or remedies at law, or bars or limitations thereof, or otherwise making any distinction
15 between the lands and rights of property of proprietors, not resident in, or not citizens
16 of said proposed state, and the lands and rights of property of the citizens of the
17 proposed state, resident therein; and the rights and liabilities of all persons, shall, after
18 the said separation, continue the same as if the said district was still a part of this
19 commonwealth, in all suits pending, or judgments remaining unsatisfied on the fifteenth
20 day of March next, where the suits have been commenced in Massachusetts proper, and
21 process has been served within the district of Maine; or commenced in the district of
22 Maine, and process has been served in Massachusetts proper, either by taking bail,
23 making attachments, arresting and detaining persons, or otherwise, where execution
24 remains to be done; and in such suits the courts within Massachusetts proper, and within
25 the proposed state, shall continue to have the same jurisdiction as if the said district had
26 still remained a part of the commonwealth. And this commonwealth shall have the same
27 remedies within the proposed state, as it now has, for the collection of all taxes, bonds,
28 or debts, which may be assessed, due, made, or contracted, by, to, or with the
29 commonwealth, on or before the said fifteenth day of March, within the said district of
30 Maine; and all officers within Massachusetts proper and the district of Maine, shall
31 conduct themselves accordingly.

32 "Ninth. These terms and conditions, as here set forth, when the said district shall
33 become a separate and independent state, shall, *ipso facto*, be incorporated into, and
34 become and be a part of any constitution, provisional or other, under which the
35 government of the said proposed state, shall, at any time hereafter, be administered;
36 subject however, to be modified, or annulled by the agreement of the legislature of both
37 the said states; but by no other power or body whatsoever."

38

39 **Section 6. Constitution to be arranged by Chief Justice of the Supreme**
40 **Judicial Court; Constitution to be enrolled and printed with laws; supreme law of**

1 **the State.** The Chief Justice of the Supreme Judicial Court shall arrange the
2 Constitution, as amended, under appropriate titles and in proper articles, parts and
3 sections, omitting all sections, clauses and words not in force and making no other
4 changes in the provisions or language thereof, and shall submit the same to the
5 Legislature; and such arrangement of the Constitution shall be made and submitted to
6 the regular session of the Legislature in 1973 and every 10 years thereafter unless
7 sooner authorized by the Legislature; and the draft and arrangement, when approved
8 by the Legislature, shall be enrolled on parchment and deposited in the office of the
9 Secretary of State; and printed copies thereof shall be prefixed to the books containing
10 the Revised Statutes of the State. And the Constitution, with the amendments made
11 thereto, in accordance with the provisions thereof, shall be the supreme law of the State.
12

13 **Section 7. Original sections 1, 2, 5, of Article X not to be printed; section 5**
14 **in full force.** (Repealed)

15
16
17 **2024 REARRANGEMENT NOTES**
18 **of Chief Justice Valerie Stanfill**
19

20 Article X, section 7 was repealed by Const. Res. 2023, ch. 1, *passed in 2023*.
21 As a result, sections 1, 2 and 5 of article X may be printed. Under article X, section
22 6 of the Maine Constitution, however, in arranging the Constitution to be printed
23 the Chief Justice is required to omit “all sections, clauses and words not in force.”
24 Upon review of sections 1 and 2 for inclusion in the printing, it is patently clear on
25 the face of each section that neither remains in force. They both pertain only to the
26 first Legislature, which has long since adjourned. As a result, sections 1 and 2 have
27 been omitted from article X.

28 Section 5 is incorporated in this rearrangement because it is not evident from
29 the plain text of this section that it is not in force. Section 5 of article X was also
30 previously not printed pursuant to the now-repealed seventh section of article X.
31 There are multiple versions of section 5 in existence before the 1875 passage of
32 section 7, *see Resolves 1875, ch. 98, approved in 1875*, although the differences
33 appear non-substantive. This arrangement incorporates the iteration of section 5 that
34 appeared in the last officially published version of the Maine Constitution before
35 the section was ordered not to be printed. *See R.S. (1871) at 42-46.*

36 Amend the resolve by relettering or renumbering any nonconsecutive Part letter or
37 section number to read consecutively.

1
2
3
4
5
6
7
8
9

10
11
12

SUMMARY

This amendment replaces Appendix A, the Constitution of Maine, to replace Article X, Section 5 with the version submitted by the Chief Justice of the Maine Supreme Judicial Court, which was the last version of Section 5 that was printed before it was required to not be printed.

This amendment also removes the Revisor's Note, which noted that, due to a large number of transcription errors contained in the last officially published version of Article X, Section 5 in 1875, the version that was included in the original resolve was the version as approved in 1820.

SPONSORED BY: _____

(Representative MOONEN, M.)

TOWN: Portland