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Testimony of Representative Greenwood In Support of LD 1059, "An Act to Establish the Process for the Selection of Delegates for a Convention Called Under the United States Constitution, Article V."

Joint Standing Committee on State and Local Government

Senator Baldacci, Representative Salisbury, and my esteemed colleagues on the Joint Standing Committee on State and Local Government. I am Representative Randy Greenwood, proudly representing my friends and neighbors in Litchfield, Monmouth and my hometown of Wales, both in Androscoggin and Kennebec Counties and I thank you for the opportunity to present testimony in support of LD 1059 with my amendment.

I am here to present my amendment, which was a concept draft, for LD 1059, "An Act to Establish the Process for the Selection of Delegates for a Convention Called Under the United States Constitution, Article V."

Article V:

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states, or by conventions in three fourths thereof, as the one or the other mode of ratification may be proposed by the Congress

This is NOT and I repeat NOT calling for an Article V, but should one be called, this outlines a process for Selecting the Delegates for such a Convention, from Maine.

Article V of the United States Constitution provides two methods for proposing amendments to our nation's founding document.

Congress may propose amendments by a two-thirds vote of both chambers, or, upon the application of two-thirds of the states, Congress must call a convention for proposing amendments. In either case, no proposed amendment becomes part of the Constitution unless it is ratified by three-fourths of the states.

Article V places the states at the center of constitutional change. It gives state legislatures—not Congress, not delegates acting independently—the responsibility to define the scope, limits, and accountability of any state representation at such a convention.

LD 1059, as amended, prepares Maine to meet that responsibility. The amendment replaces the concept draft with a new chapter of statute that establishes, in advance, how Maine would participate in an Article V convention if one is called. Specifically, the bill:

- Establishes qualifications and ethical standards for commissioners who would represent Maine, including residency, voter registration, and prohibitions on recent federal lobbying, federal employment, or federal office holding;
- Provides for legislative selection, commissioning, instruction, and recall of commissioners, ensuring that commissioners remain accountable to the Legislature at all times;
- Requires a written oath and formal credentials that clearly define the scope of each commissioner's authority;
- Limits the authority of commissioners to the subject matter that triggered the convention and expressly prohibits actions that would undermine fundamental constitutional rights;
- Creates a small bipartisan legislative advisory committee to provide real-time oversight, guidance, and enforcement during the convention;
- Establishes clear procedures for vacancies, delegation conduct, compensation, and enforcement, including criminal penalties for exceeding delegated authority or interfering with commissioners' duties.

In short, this amendment creates a comprehensive framework so that Maine enters any Article V convention with clarity, discipline, and accountability rather than uncertainty or improvisation.

The amendment ensures strong **legislative control and accountability**. Commissioners are selected by the Legislature, commissioned by resolution, bound by written instructions, and subject to recall at any time. The Legislature retains authority before, during, and after the convention, including the ability to issue additional instructions as circumstances evolve.

The amendment also includes firm **guardrails against exceeding the scope of the convention**. Commissioners are prohibited from acting beyond the subject matter that triggered the convention and from voting for amendments that would alter fundamental guarantees of individual liberty, including those protected by the Bill of Rights and key constitutional amendments. A commissioner who exceeds their authority is subject to immediate removal and criminal penalties.

In addition, the amendment establishes **clear qualifications and ethical standards** for commissioners. Commissioners must be Maine residents, registered voters, and free from recent federal lobbying, federal employment, or federal officeholders. They must swear a written oath acknowledging the limits of their authority.

The amendment further creates a **small legislative advisory committee** to provide real-time oversight. This committee may advise commissioners, monitor convention proceedings, suspend commissioners who violate their authority, and fill vacancies when necessary. This structure ensures Maine's delegation speaks with discipline and accountability.

Finally, this amendment is **procedural, not ideological**. It does not advocate for calling an Article V convention, nor does it promote or oppose any particular amendment. It simply ensures that if a convention occurs, Maine participates responsibly, transparently, and in a manner consistent with constitutional principles and the will of the Legislature.

For these reasons, I respectfully urge the Committee to support LD 1059, as amended and I would be happy to answer any questions you may have.