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July 24, 2015

Supreme Judicial Court
Matt Pollack, Clerk of the Court
205 New Bury Street, Room 139
Portland, ME 04101-4125

Re: In the Matter of
Request for Opinion of the Justices
Docket No. OJ-15-2

Dear Matt:

Please enter my appearance on behalf of The Honorable Michael Thibodeau, President of the Maine Senate, by and on behalf of the Maine Senate, and on behalf of Mark Eves, Speaker of the House of Representatives, by and on behalf of the Maine House of Representatives, in the above referenced matter.

Thank you for your attention and assistance. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Timothy C. Woodcock". The signature is stylized and cursive.

Timothy C. Woodcock

TCW/eab
cc: The Honorable Michael Thibodeau
The Honorable Mark Eves

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Re: In the Matter of
Request for Opinion of the Justices
Docket No. OJ-15-2

Dear Matt:

Please find enclosed the Brief of the President of the Maine Senate by and on Behalf of the Maine Senate and the Speaker of the Maine House of Representatives by and on Behalf of the Maine House of Representatives.

Please present to the Justice of the Supreme Court for consideration.

Very truly yours,

A handwritten signature in black ink that reads "Tim Woodcock".

Timothy C. Woodcock

TCW/eab
enclosures
cc: The Honorable Michael Thibodeau
The Honorable Mark Eves

STATE OF MAINE
SUPREME JUDICIAL COURT
OPINION OF THE JUSTICES
DOCKET NO. OJ-15-2

BRIEF OF THE PRESIDENT OF THE MAINE SENATE
BY AND ON BEHALF OF THE MAINE SENATE AND THE
SPEAKER OF THE MAINE HOUSE OF REPRESENTATIVES
BY AND ON BEHALF OF THE MAINE HOUSE OF
REPRESENTATIVES

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NOW COME, The Honorable Michael Thibodeau, President of the Maine Senate, by and on behalf of the Maine Senate, and Mark Eves, Speaker of the House of Representatives, by and on behalf of the Maine House of Representatives, and file their Brief in the above referenced matter and pursuant to the Procedural Order of this Court dated July 20, 2015 as follows:

I. INTRODUCTION

Before the Justices of the Supreme Court is a letter from Governor Paul LePage dated July 17, 2015 (hereinafter “Governor’s Letter”), formally requesting the Justices of the Supreme Judicial Court, pursuant to Article VI, Section 3 of the Constitution of Maine, to answer three questions: “ 1) What form of adjournment prevents the return of a bill to the Legislature as contemplated by the use of the word, adjournment, in Art. IV, pt. 3, § 2 of the Maine Constitution? 2) Did any of the action or inaction by the Legislature trigger the constitutional three-day procedure for the exercise of the Governor’s veto? 3) Are the 65 bills I [the Governor] returned to the Legislature on July 16 properly before that body for reconsideration?”

The Governor’s Letter provides more context for and detail to these questions which are explained and addressed below.¹

II. SUMMARY OF THE SALIENT POINTS OF THE FIRST SESSION OF THE 127TH MAINE LEGISLATURE

The First Regular Session of the 127th Maine Legislature convened on December 3, 2014, pursuant to Article IV, Part Third, Section 1 of the Maine Constitution and 3 MRS § 2. At

¹ The Governor’s Letter included several exhibits. For the convenience of the Justices, this brief will refer to those exhibits as identified in the Letter.

various points, the 127th Legislature adjourned and returned to continue its legislative duties. Under Title 3, Section 2, the First Regular Session was scheduled to conclude on June 17, 2015.² On June 18, 2015, before conducting any substantive legislative business, both Houses of the Legislature approved orders adding five legislative days³ to the First Regular Session. Exhibits 2-4; See also, 3 MRS § 2. On June 23, both Houses approved a second order extending the First Regular Session by another five legislative days. Exhibit 5.

On June 30, the Senate and the House of Representatives approved an Order providing that they both “adjourn...until the call of the President of the Senate and the Speaker of the House respectively, when there is a need to conduct business, or consider possible objections of the Governor.” Exhibit 7; see also, Exhibit 8. That same day, the President of the Senate, Senator Thibodeau, advised the Maine Senate that it would reconvene on July 16. Attachment A (Remarks of President of the Senate).

From June 30 to July 16, the Clerk of the House and the Secretary of the Senate were prepared to receive any and all bills that the Governor returned pursuant to his veto authority and in accordance with Article IV, Part Third, Section 2. Attachment B (Affidavit of Jennifer McGowan); Attachment C (Affidavit of Heather Priest). The Governor did not return any bills between June 30 and July 15. On July 16, when the House and Senate reconvened, exercising his veto authority, the Governor returned 65 bills.

² Title 3, Section 2 of the Maine Revised Statutes reads in pertinent part: “The first regular session of the Legislature, after its convening, shall adjourn no later than the 3rd Wednesday in June....”

³ “Legislative day” means “A day on which one or both chambers convene to conduct official business....” *Legislators’ Handbook, 127th Maine Legislature, A Guide for Maine Legislators: Procedures, Services & Facts* at p. 133.

III. DOES THE GOVERNOR’S LETTER POSE IMPORTANT QUESTIONS OF LAW AND CONSTITUTE A SOLEMN OCCASION WITHIN THE MEANING OF ARTICLE VI, SECTION 3 OF THE MAINE CONSTITUTION?

The first question in the Governor’s Letter asks the Justices to identify the “form” of adjournment that prevents the Governor from returning a bill to the Legislature within the meaning of Article IV, Part Third, Section 2.

It is not clear that this question meets the “Important Question of Law” and “Solemn Occasions” requirement of Article VI, Section 3. The difficulty lies in the Letter’s contention that, in the period from June 30 through July 15, the Governor was “prevented” from returning the bills when the Letter does not suggest that at any point in that interval the Governor actually attempted to return the bills. As will be seen below, the Clerk of the House and the Secretary of the Senate were both empowered to accept returned bills and capable of doing so.

It remains, however, that, even if the Governor could have returned the bills, he did not. Therefore, this situation arguably presents an Important Question of Law and a Solemn Occasion in that the Governor, who is charged with executing the laws, wishes clarification on their legal status. This may meet the tests of live gravity, immediacy, and unusual exigency standards. *See Opinion of the Justices*, 850 A.2d 1145, 1147 (Me. 2004); *Opinion of the Justices*, 709 A.2d 1183, (Me. 1997). If so, however, it does not appear that the Justices need go beyond determining whether the Clerk of the House and the Secretary of the Senate were empowered to accept and were capable of accepting bills returned by the Governor during the period in question. If this question is answered in the affirmative, the requirements of Article IV, Part Third, Section 2 would not have been met and the bill would necessarily have become law.

As for the two remaining questions set forth on the third page of the Governor’s Letter , they should not be answered under Article VI, Section 3 because they concern the Legislature’s

application of its own rules and procedures and, as such, any formal opinion on them would transgress the strictures of Article III, Section 2 of the Maine Constitution. If the Justices deem it appropriate to answer these questions, with due respect, they should be answered in the negative.

IV. POWERS ALLOCATED TO THE MAINE STATE LEGISLATURE UNDER ARTICLE IV OF THE MAINE CONSTITUTION

The questions posed in the Governor’s Letter must be considered within the framework of the powers allocated to the Maine State Legislature under the Constitution.

Separation of Powers. Elemental to the Maine Constitution is the separation of powers—the division of the otherwise undifferentiated sovereignty of the people of Maine among the three branches of government established under their Constitution. The concept of separating the powers of government was inspired by a concern against concentrating too much of the formidable powers of government in one place. As the United States Supreme Court has observed, “[t]he declared purpose of separating and dividing the powers of government, of course, was to ‘diffus[e] power the better to secure liberty.’” *Bowsher v. Synar*, 478 U.S. 714, 722 (1986), quoting in part, *Youngstown Sheet & Tube v. Sawyer*, 343 U.S. 579, 635 (1952) (Jackson, J., concurring).

The Maine Constitution emphasized and reinforced the importance and effect of separating the powers of government in Article III. Article III, Section 1 plainly stated what was implicit in the framework of the Constitution, that, “[t]he powers of this government shall be divided into three distinct departments, the legislative, the executive and judicial.” Maine Const., Art. III, § 1. To further safeguard this structure, the Constitution then provided that “[n]o person or persons belonging to one or more of these departments shall exercise any of the

powers properly belonging to either of the other departments, except in the cases herein expressly directed or permitted.” Maine Const., Art. III, 2.

Learned commentary on Article III, Section 2 has observed:

...the implications of this section, particularly when read in conjunction with section 1...embrace the question of whether [an official of one department] may exercise powers reserved to another branch. The doctrine of separation of powers presupposes that a member of one branch of government may not undertake the duties properly belonging to another branch.

Tinkle, M., *The Maine Constitution* (2d ed.), p. 71.

Accordingly, “[a]ll three departments of government are supreme ‘within their legitimate and appropriate sphere of action.’” *Id.*, quoting in part *Board of Overseers of the Bar v. Lee*, 422 A.2d 998, 1002 (Me. 1980). Thus, “each department must duly defer to another’s actions and decisions.” *Id.*, citing *Kavaja v. Bethel Savings Bank*, 495 A.2d 804, 806 (Me. 1985). Indeed, “it is the duty of one department to assume that another has acted within its legitimate province until the contrary is made to appear by strong and convincing reasons.” *Id.*, citing *State v. Phillips*, 107 Me. 249, 253, 78 A. 283 (1910); *State v. Lubec*, 93 Me. 418, 421, 45 A. 520 (1899).

In determining whether one branch of government has trespassed on the powers of another, Article III, Section 2 compels the application of a “formal test [which] is much more rigorous than the functional approach to the separation of powers in the federal Constitution.” *Id.*, citing *Bates v. Department of Behavioral and Developmental Services*, 2004 ME 154, ¶ 84, 863 A.2d 890, 911; *see also, In re Dunleavy*, 2003 ME 124, ¶ 6, 838 A.2d 338, 343; *State v. Hunter*, 447 A.2d 797, 800 (Me. 1982).

The authority that the Constitution allocates to the Legislative Branch as well as the powers both explicit and implicit in that allocation must be seen against this systemic division and the paramount and enduring objectives on which it was premised.

Allocation of Power to the Legislative Branch. The Constitution states that, “[t]he legislative power shall be vested in two distinctive branches, a House of Representatives, and a Senate, each to have a negative on the other, and both to be styled the Legislature of Maine...” Me. Const., Art. IV, Pt. 1st, § 1. It provides further that, “[t]he Legislature, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor that of the United States.” Me Const., Art. IV, Pt. 3d, § 1.

The Law Court has explained the breadth of this expansive allocation of authority. “The power granted to the Legislature of the State of Maine is plenary and subject only to those limitations placed on it by the Maine and United States Constitutions.” *League of Women Voters v. Secretary of State*, 683 A.2d 769, 771 (Me. 1996). The Court then distinguished the powers of the Maine Legislature from those that the United States Constitution reposed in Congress: “The power of the Maine Legislature is distinct from that of our nation’s Congress, which enjoys only those powers granted to it by the United States Constitution...” *Id.* By contrast, “[t]he Legislature of Maine may enact any law of any character or on any subject unless it is prohibited, either in express terms or by necessary implication, by the Constitution of the United States or the Constitution of this State.” *Id.*, quoting *Baxter v. Waterville Sewage District*, 146 Me. 211, 215, 79 A.2d 585, 588 (1951).

Authority of Legislature to Govern Itself. It is evident that the Maine Constitution recognizes that, in order to safeguard the essential sovereign powers that had been entrusted to it,

the Legislature must possess concomitant power to order its own affairs. To this end, the Constitution provides that the members of the House of Representatives would have the sole authority to elect their own speaker, their own clerk, “and other officers.” Me Const., art. IV, pt. 1, § 6. Likewise, it provides that the members of the Senate would have the sole authority to elect their own president, their own secretary, and, “other offices.” *Id.*, art. IV, pt. 2, § 8.

In addition, the Constitution provides that, “[e]ach House shall be the judge of the elections and qualifications of its own members...” The Justices of the Maine Supreme Judicial Court have recognized this power as exclusive and plenary. *Opinion of the Justices*, 157 Me. 98, 102, 170 A.2d 657 (1961); *see also*, Me. Const., art. VI, pt. 3, § 4 (power to punish and expel members).

Still further, the Constitution expressly ensures that each House of the Legislature possessed the power to “determine the rules of its proceedings...” Me. Const. art. IV, pt. 3, § 4; *see also*, *id.* at art. IV, pt. 3, § 6 (power to punish contempt). In the conduct of their respective sessions, the Constitution invests the House and the Senate with the power and the duty to maintain a journal of their proceedings. *Id.* at art. IV, pt. 3, § 5.

V. MEANINGS OF “ADJOURN” AND “ADJOURNMENT”

The first question raised by the Governor’s Letter turns on the meaning of the words “adjourn” and “adjournment.” Those words appear at different points throughout Article IV and, as will be discussed below, must always be construed in the particular context in which they appear.

A. “ADJOURN” AND “ADJOURNMENT” IN THE MAINE CONSTITUTION DO NOT HAVE A SINGLE MEANING

At several points, the words “adjourn” and “adjournment” appear in Article IV of the Maine Constitution. A review of these instances demonstrates that they do not have fixed and

invariable meaning but, rather, their meaning must be derived from the provision in which they appear.

For example, Article IV, Part Third, Section 3 provides that, "...a majority [of each House] shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members...." The same Article also provides that "[n]either House shall, during the session, without the consent of the other, adjourn for more than 2 days, nor to any other place than that in which the Houses shall be sitting." Me. Const., art. IV, pt. 3, § 12.

Each of the provisions just quoted were part of the Constitution as ratified and made effective in 1820. It is evident that, as used in Sections 3 and 12, the word "adjourn" includes a temporary suspension of the operations of a particular legislative session. In neither instance, could the word be construed to mean the formal termination of a legislative session. Therefore, the words "adjourn" and "adjournment" as used in the Constitution are not limited to adjournments that terminate a regular session or special session of the Legislature.

In 1909, the people of Maine amended the Constitution to provide a referendum process. These amendments included a definitional provision. Among the words and phrases appearing in this provision was the phrase "recess of the Legislature" which was defined to mean: "the adjournment without day of a session of the Legislature..." *Id.* art. IV, pt. 3, § 20. In order for the referendum process to be effective, it was essential to establish a date certain from which the 90 day period provided in article IV, Part Third, Sections 16 and 17 would run. Section 17 referred to a "recess" of the Legislature and Section 20 made it clear that "recess" meant the final adjournment of a legislative session. *Cf., id.*, art. IV, pt. 3, § 1 (reference to "first regular session" and "second regular session").

The very particular definition of “recess of the Legislature” in Section 20 further illustrates the point that, other than as employed in that section, the terms “adjourn” and “adjournment” as they appear in the Maine Constitution do not mean the final adjournment—that is, the close or termination of a legislative session—unless the Legislature so provides.

B. ADJOURNMENT OF A LEGISLATIVE SESSION “WITHOUT DAY” OR “SINE DIE” MEANS THE END OF A LEGISLATIVE SESSION

The Governor’s Letter states that, “[w]hen the Legislature adjourned on June 30 with no date to reconvene, I was prevented from returning the bills to their houses of origin.” Letter at 1, see also, *id.* at 2-3 (“By [the Legislature’s] adjournment without a set date of return, I was prevented from returning these bills to their houses of origin.”). The Governor’s Letter thus questions the legal effect of the Senate Order of June 30, 2015. (Exhibit 7—S.P. 555). That Order advised that the Senate and the House had agreed to adjourn “until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business, or consider possible objections of the Governor.” *Id.*

It is evident that the S.P. 555 did not, itself, specify a date on which the Senate and House would return. It appears that the Governor’s Letter is asserting that this fact, by itself, prevented the Governor from returning bills with his objections to the House and the Senate as provided for in Article IV, Part Third, Section 2 of the Maine Constitution. In other words, it appears that the Governor’s Letter is presenting the question of whether, when both Houses of the Legislature adjourn without setting a particular date of return but, in the same Order, express their intention to return, their adjournment nonetheless constitutes a final adjournment of that particular legislative session. This question implicates the distinction between and adjournment and an adjournment sine die or “without day.”

As has been noted, the Maine Constitution divides the biennial legislatures in two sessions: the first regular session and the second regular session. Me. Const., art. IV, pt. 3, § 1. The Constitution contemplates that, while in the midst of a regular session, the Legislature may adjourn and reconvene. See, e.g., *id.* at art. IV, pt. 3 § 12. *Mason's Manual of Legislative Procedure* (“*Mason's*”) (2010 3d.), which is used and relied on by the Maine Legislature (See, e.g., Rules of Maine Senate, Rule 520), is consistent on this point. *Mason's* states that: “When a state legislature is duly convened, it cannot be adjourned sine die nor be dissolved except in the regular legal manner, and an adjournment from day to day cannot have that effect.” *Id.* at §§ 445(1), 781(1).

As this excerpt from *Mason's* suggests, there is a significant distinction between a temporary adjournment of a legislative session and an adjournment sine day or “without day.” In parliamentary practice, the adjournment of a legislative session is a very particular, very specific form of adjournment—it is an adjournment that brings a legislative session to close. *Mason's*, again, is informative on the point: “The houses of the state legislatures convene at the date fixed by the constitution and continue until adjournment sine die.” *Id.* at § 203. Adjournment sine die requires a motion to that effect. “A motion to adjourn sine die has the effect of closing the session and terminating all unfinished business before the house...” *Id.* at § 443(5). By contrast, “[a] motion to adjourn from day to day does not destroy the continuity of a session.” *Id.* The finality of an adjournment sine die is such that *Mason's* defines a “legislative session” as “the period of time between the initial convening and adjournment sine die.” *Id.* at § 781(5).

Maine legislative practice in adjournment sine day, or “without day,” is consistent with *Mason's*. It is a deliberate and affirmative action by both Houses. Each House must approve

adjournment sine die, **as such**. See *Mason's*, § 204 (3) (“Neither the senate nor the house can constitutionally adjourn sine die without the consent of the other.”) Given the significance of closing a legislative session, the approval of adjournment sine die is supplemented by formal notification procedures. These procedures are venerable and of longstanding. See, e.g., House Jour. 1850 (Attachment D). It is evident from this excerpt from the 1850 House Journal that the adjournment without day was not only deliberately and affirmatively adopted, but its gravity was such that it was followed by formal notification of the Governor by the Legislature that the two Houses of the Legislature “had acted on all business before them and are ready to adjourn.” *Id.* The House Journal also confirms that the Senate, too, was formally advised of the House action and that the Senate formally advised the House of the same. *Id.*

The formal, deliberate, affirmative step of adjourning sine die remains an elemental and essential part of the current parliamentary practice of the Maine Legislature. On July 16, 2015, the first regular session of the 127th Legislature was closed after both Houses approved motions to “Adjourn Without Day.” These actions were followed by formal notification by each House of the Other and to the Governor that this step had been taken. (Attachment E, Senate Orders 24, 25).

From the foregoing, it is apparent that S.P. 555 was not an adjournment sine die. It not only lacked any of the formal and material parliamentary trappings of such an adjournment, it clearly stated the intent of both Houses to reconvene, subject only to the selection of a particular date. Moreover, it specifically advised that, among the purposes for which the two Houses would reconvene, was to permit the “consider[ation of] possible objections of the Governor.”

Exhibit 7.

C. **“ADJOURNMENT” AS USED IN ARTICLE IV, PART THIRD, SECTION 2**

Although the Senate and House had not adjourned sine die, the question remains as to whether their adjournment nonetheless fell within the confines of Article IV, Part Third, Section 2. That raises the question of the meaning of “adjournment” as it appears in that section.

Section 2 establishes the Governor’s authority to veto legislation and sets forth the procedural prerequisites for the Governor’s exercise of that power. There, after setting forth, inter alia, the Governor’s authority to veto legislation and the standards that apply to Legislature in sustaining or overriding such a veto, Section 2 provides in pertinent part that:

If the bill or resolution shall not be returned by the Governor within 10 days (Sundays excepted) after it shall have been presented to the Governor, it shall have the same force and effect as if the Governor had signed it unless the Legislature by their adjournment prevent its return. Me. Const. IV, Pt. 3d, § 2.

As with Article IV, Part Third, Sections 3 and 12, this section too, was part of the Maine Constitution as ratified, though its wording has been changed over time (for purposes of the questions before the Justices, these changes are not substantive). Here, it is apparent that “adjournment” is used in a highly particularized and distinctive manner—that is, Section 2 does not apply to each and every adjournment; rather, it applies only to those adjournments which “prevent” the Governor from “return[ing]” bills “with objections to the House, in which it shall have originated...” *Id.*

First, by its plain language, Section 2 applies only when **the Legislature** has adjourned. The adjournment of one House or the other does not meet the requirements of Section 2. *Cf., Wright v. United States*, 302 U.S. 583, 587 (1932). Second, the type of adjournment provided for in Section 2 is one whereby the Governor, having received bills from the House and the Senate, is **unable**, during the pendency of that adjournment, to return the bills. If, however, the

governor is able to return the bills during the adjournment, then the adjournment does not fall within Article IV, Part Third, Section 2. Whether the Governor was able to return bills during this adjournment is discussed below.

D. FROM JULY 1 TO JULY 15, 2015, THE GOVERNOR'S OFFICE DID NOT RETURN ANY BILLS TO EITHER THE CLERK OF THE HOUSE OF REPRESENTATIVES OR THE SECRETARY OF THE SENATE.

The Governor's Letter appears to acknowledge that if he was, in fact, able to return bills during the adjournment of the Legislature from June 30 to July 16, then the conditions required by Article IV, Part Third, Section 2 would not have been met. At one point, the Governor's Letter asserts that he could not return the bills: "When the Legislature adjourned on June 30 with no date to reconvene I was prevented from returning bills to their houses of origin." Governor's Letter at 1. At another point, the Governor's Letter puts this in the form of a question: "I must know whether the 65 bills I was prevented by the Legislature's adjournment from returning to their houses of origin by July 11 have become law." *Id.* at 3.

As has been noted, S.P. 555 expressly provided that the 127th Legislature adjourned on June 30 with the proviso that it would return to consider, if required, objections that the Governor had raised to legislation forwarded to him by both Houses. Notwithstanding this express proviso, was the Governor nonetheless "prevented" from returning bills to the Houses of their origin?

The office of the Clerk of the House of Representatives and the office of the Secretary of the Senate are provided for in the Maine Constitution and, therefore, they have constitutional stature. *See* Me. Const. art. IV, pt. 1, § 7; art. IV, pt. 2, § 8; *cf.*, *Lund ex. rel. Wilbur v. Pratt*, 308 A.2d 554, 558 (Me. 1973) (Attorney General a constitutional officer). In addition, their duties and capacities are further set forth in statute. *See* 3 M.R.S. §§ 21-23 (Secretary of the

Senate, Assistant Secretary of the Senate); 3 M.R.S. §§ 41-44 (Clerk of the House, Assistant Clerk of the House).

At all times from June 30 through July 16, the Clerk of the House and the Secretary of the Senate were authorized and prepared to receive any bills returned to either House by the Governor's Office. This included all days (Sundays excepted) within that period.

Affidavit of Jennifer McGowan. The affidavit of Jennifer McGowan shows that, throughout the First Regular Session of the 127th Legislature, she has served as the Assistant Clerk of the House. Attachment B at ¶ 1. Assistant Clerk McGowan further attests that, during the period June 30 to July 16, the Clerk of the House was authorized to accept and capable of accepting bills returned by the Governor. *Id.* at ¶ 6. Her affidavit also establishes that the Clerk of the House, Rob Hunt, notified representatives of the Governor's Office of his availability to receive bills, should the Governor return any bills on a Saturday. *Id.* at ¶ 7.

Affidavit of Heather Priest. The affidavit of Heather Priest shows that, throughout the 127th Legislature, she has served as Secretary of the Senate. Attachment C at ¶ 1. Secretary Priest's duties include receiving bills that were returned by the Governor. *Id.* at ¶ 4, 5. As with Assistant Clerk McGowan, from June 30 to July 16, Secretary Priest was authorized to receive and was capable of receiving bills returned by the Governor. *Id.* at ¶ 6. As evidence of her clear understanding that she was so empowered, she communicated with representatives of the Governor's Office to advise them of her availability to receive any bills that the Governor might wish to return on a Saturday. *Id.* at ¶¶ 8-10.

The affidavits of Assistant Clerk McGowan and Secretary Priest are consistent with S.P. 555, which expressly provided that the 127th Legislature intended to reconvene to consider, if necessary, any bills that the Governor might return from June 30 forward. These affidavits also

demonstrate that from June 30 to July 16, both the Clerk of the House and the Secretary of the Senate were empowered to receive and stood ready to receive any and all such returned bills.

Even though the Legislature was not actively meeting after June 30 and before July 16, at no time during that period was the Governor “prevent[ed]” from “return[ing] bills within the meaning of Article IV, Part Third, Section 2.”⁴

The Governor’s Letter posed the question—“What form of adjournment prevents the return of a bill to the Legislature as contemplated by the use of the word, adjournment, in Art. IV, Pt. 3, § 2 of the Maine Constitution?” It is understood that the Governor’s Letter is asking the Justices to identify a particular type of adjournment that would come within the meaning of Article IV, Part Third, Section 2. It does not appear, however, that in the context of the particular events before the Justices an answer to this level of detail is required, because no adjournment occurred that prevented the Governor from returning bills to their respective Houses of origin.

To the extent that the Justices conclude that a more particular answer is in order, the foregoing discussion also establishes that the only form of adjournment that could meet the requirements of Article IV, Part Third, Section 2 is an adjournment sine die.⁵

VI. THE FIRST REGULAR SESSION OF THE 127TH LEGISLATURE WAS PROPERLY AND VALIDLY EXTENDED BEYOND ITS STATUTORY ADJOURNMENT DATE.

The Governor’s Letter suggests that, even if the Governor was not physically prevented from returning bills to the House of Representatives and the Senate, he was legally prevented

⁴ For this reason, none of the Opinions of Justices cited the Governor’s Letter are apposite because all involved adjournments of the Legislature sine die. See *Opinion of Justices*, 484 A.2d 999, 1000 (Me. 1984), *Opinion of Justices*, 437 A.2d 597, 598 (Me. 1981).

⁵ Though not binding with respect to the interpretation of Me. Const., art. IV, pt. 3, § 2, it bears noting that the majority of jurisdictions that have addressed the issue agree with this conclusion. See, e.g., *Kennedy v. Sampson*, 511 F.2d 430, 199 (D.C. Cir. 1974); *State ex rel. Gilmore v. Brown*, 6 Ohio St. 3d 39, 40 (1983) and the cases cited therein; cf., *Wright v. U.S.*, 302 U.S. 583(1938).

from doing so because his return of the bills would not have been legally effective. The Governor's Letter phrases this question broadly, asking: "Did any of the action or inaction by the Legislature trigger the constitutional three-day procedure for the exercise of the Governor's veto?" It appears that this broad question is derived from particular representations in the Letter which include the assertion that the Legislature "fail[ed] to timely extend the first regular session beyond the statutory adjournment date of June 17..." (Governor's Letter at 3) and the further assertion that the Legislature did not approve an extension of the first regular session before the expiration of the statutory adjournment date of June 17. *Id.* at 3. The Letter acknowledges that the Legislature had approved an additional five legislative days when both Houses met on June 18. These circumstances, the Letter concludes, had "creat[ed] a question around its legal authority to reconvene the [first regular] session at all." *Id.*

The Justices should decline to answer the Governor's question on this point because it trenches upon the Legislature's authority to order its own business, to exercise the powers allocated to it under the Constitution, and to discharge its duties and responsibilities without limitations created by either or both of the other departments of Maine government.

A. THE GOVERNOR'S QUESTION INTRUDES ON THE LEGISLATURE'S AUTHORITY

As was discussed above, the Constitution invests the Legislature to enact "reasonable laws and regulations for the defense and benefit of the people of their State, not repugnant to this Constitution, nor to that of the United States." Me. Const., Art. IV, Pt. 3d, § 1. To implement this portentous authority, the Constitution also empowers the House of Representatives and the Senate to "determine the rules of its proceedings..." *Id.* at Art. IV, Pt. 3d, § 4.

The question in the Governor's Letter concerns Article IV, Part Third, Section 1 which provides the starting points for the First and Second Regular Sessions of a given Legislature.

The Constitution, itself, does not provide a deadline by which either the First or Second Regular Session concludes. Instead, Section 1 provides that, “[t]he Legislature shall enact appropriate statutory limits on the length of the first regular session...”

Pursuant to this directive, the Legislature enacted 3 M.R.S. § 2, which in pertinent part provides that “[t]he first regular session of the Legislature, after its convening, shall adjourn no later than the 3rd Wednesday of June....” Section 2 provides further, however, that “[t]he Legislature, in the case of emergency, may by a vote of 2/3 of the members of each House present and voting, extend the date for adjournment...by no more than 5 legislative days”⁶

Section 2 of Title Three relates solely and distinctly to legislative authority. It must, then, be seen within the broad framework set forth in the Maine Constitution dividing the powers of government among the three branches; an allocation that is reinforced and protected by Article III, Sections 1 and 2. Giving force and particularity to these Constitutional mandates are the many provisions set forth in Article IV that ensure that the House and the Senate are the masters of their respective provinces and that they share control over their joint legislative processes.

The distinctive character and substance of the Legislature’s essential self-governing authority appears in the Preamble to the Joint Rules of the Maine Legislature, which states:

These Joint Rules are adopted pursuant to the Constitution of Maine to assist in carrying out the responsibilities of the Legislature. These rules take precedence over statutes enacted by a prior Legislature relating to the proceedings of the Legislature. A higher precedence is given to the individual chamber rules, followed by past practices and customs of the chamber.

The Governor’s Letter acknowledges that on June 18, 2015, both Houses addressed the expiration of the period provided at 3 MRS § 2. In doing so, both Houses were acting pursuant

⁶ The Legislature may add to the first five legislative day extension by a second five legislative day extension and may then add one more legislative day “for the purpose of considering possible objections of the Governor to any bill or resolution presented to him by the Legislature under the Constitution, Article IV, Part Third, Section 2.” 3 M.R.S. § 2.

to the authority that the Constitution invested in them generally and, in particular, the authority to “determine the rules of its proceedings” as provided in Article IV, Part Third, Section 4.

To inquire into and opine on these processes would intrude on the Legislature’s Article IV powers and would be inconsistent with the stern and salutary injunction of Article III, Section

2. It is respectfully advised that the Justices decline to answer the Governor’s inquiry on this point.

B. THE LEGISLATURE DIRECTLY AND VALIDLY EXTENDED THE FIRST REGULAR SESSION OF THE 127TH LEGISLATURE

Should the Justices determine that an opinion on the Legislature’s first extension of the First Regular Session is in order, a review of the procedure employed by the House and the Senate to do so vindicates their actions.

As has been discussed, on June 18, 2015, the day following the third Wednesday in June, the House and Senate respectively approved an extension of First Regular Session by five legislative days. The House of Representatives put the extension to a vote on June 18, where it was passed 118 in favor and 23 opposed, 10 being absent, well above the 2/3 vote required by 3 M.R.S. § 2. (Exhibit 2). In the Senate, the President Pro Tempore advised the Senators that the Senate “had extended beyond statutory adjournment as of yesterday” and that, as a result, “[w]e need to be explicitly clear about our actions and the intentions of going beyond statutory adjournment date.” (Exhibit 3 to Governor’s Letter).

The extension was then put before the Senate which, directly invoking 3 M.R.S. § 2, proposed to extend the first regular session for an additional five legislative days beyond June 17, 2015, and, apparently as a prophylactic measure, ratified “all action taken by the House and the Senate on June 18, 2015 prior to [the vote on the extension].” (Exhibit 3). A roll call vote on

this motion followed, whereby, with all 35 Senators voting, it was passed unanimously. (Exhibit 4).

From the actions of the House and the Senate on June 18, 2015, it is apparent that, not having extended the First Regular Session on June 17, they simply approved the extension the following day. Nothing in Section 2 of Title 3 suggests or even hints that the Legislature lacks the authority to extend a regular session after the final statutory date for that session has passed. To the contrary, the actions of House and the Senate in extending the first regular session were fully consistent not only with Section 2 but also with the Constitution's clear mandate to the Legislature that separately and together, the two Houses are masters of their own rules and processes. The Legislature's decision to extend the First Regular Session by five legislative days was entirely proper and valid.

If it is assumed that the passage of the statutory deadline for the First Regular Session had some potentially significant legal import, that only prompt the question—who had standing to raise the issue? Given that both the House and the Senate put these motions to a vote, it is evident that members of the House and Senate could have not only opposed the measure but could also have raised procedural objections, had they been in order. As it turns out, no member of the House or Senate raised any such procedural objection.

With no member having objected to the procedural propriety of these motions, the moment to raise such an objection passed. With the Legislature having taken this step, neither the Executive Branch nor the Judicial Branch has the authority to undo what the Legislature, with the consent of its members, has done.

Therefore, if the Justices conclude that they should opine on this issue, the procedures employed by the Legislature to approve the first extension of the First Regular Session were

consistent with their internal procedures, within the broad powers delegated to them by the Constitution, and, the extension was thereby valid. Therefore, it is respectfully suggested that, should the Justices answer the second question in the Governor's Letter—"Did any of the action or inaction by the Legislature trigger the constitutional three-day procedure for the exercise of the Governor's veto?"—it should be answered in the negative.

VII. THE 65 BILLS THAT THE GOVERNOR RETURNED TO THE LEGISLATURE ARE NOT PROPERLY BEFORE THE LEGISLATURE.

The last question posed by the Governor's Letter concerns whether the 65 bills that he returned to the Legislature on July 16, 2015 are, at present, "properly before that body for consideration."

The answer to this question is determined by the conclusions that at no point before July 16 had the Legislature terminated or closed the First Regular Session of the 127th Legislature and that at no point from June 30 to July 16 was the Governor prevented from returning any of the bills in question to their respective Houses of origin.

For reasons set forth above, then, it is respectfully suggested that this question should be answered in the negative.

VIII. CONCLUSION

The Governor's Letter concerns the meaning of Article IV, Part Third, Section 2 in the context of the particular measures taken and procedures adopted by 127th Legislature during its First Regular Session. At no time during the period in question, June 30 to July 16, did those measures and procedures prevent the Governor from returning bills within the meaning of Article IV, Part Third, Section 2. Therefore, the bills not returned before July 16 have gone into effect and have become the law of the land.

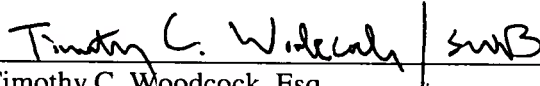
The procedures employed by the House and the Senate to approve the first extension of the First Regular Session of the 127th Legislature concerned the exercise of powers uniquely entrusted to the Legislature by the Constitution and, with due respect, they are beyond the authority of the Executive and Judicial Departments.

Should the Justices feel that opinions on the Legislature's first extension may be in order, the procedures employed by both Houses were well within their authority and those procedures were validly and properly exercised. The first extension was, therefore, valid.

Dated this 24th day of July, 2015.

Respectfully submitted,

HONORABLE MICHAEL THIBODEAU,
President of the Maine State Senate, and
HONORABLE MARK EVES,
on Behalf of the Maine Senate and the Speaker
of the Maine House of Representatives by and
on Behalf of the Maine House of Representatives,

 / SWB

Timothy C. Woodcock, Esq.
Adria Y. LaRose, Esq.
EATON PEABODY
80 Exchange Street
P.O. Box 1210
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(207) 947-0111
twoodcock@eatonpeabody.com
alarose@eatonpeabody.com

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
SENATE ADVANCED JOURNAL AND CALENDAR**

Tuesday, June 30, 2015

SUPPLEMENT NO. 31

ORDERS

Joint Order

(4-1) On motion by Senator MASON of Androscoggin, the following Joint Order:
S.P. 556

Ordered, the House concurring, that when the House and Senate adjourn they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business, or consider possible objections of the Governor.

In Senate Chamber - June 30, 2015

Out of order and under suspension of the Rules, the Senate considered the following:

ORDERS

Joint Order

On motion by Senator **MASON** of Androscoggin, the following Joint Order:
S.P. 556

Ordered, the House concurring, that when the House and Senate adjourn they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is a need to conduct business, or consider possible objections of the Governor.

READ and PASSED.

Sent down for concurrence.

THE PRESIDENT: The Chair would advise the Senate that we are going to go on recess until the sound of the bell and would encourage you to grab something quick to eat and I anticipate potentially a half hour or 45 minute break here. The Senate will stand in recess until the sound of the bell.

At the end of session:

THE PRESIDENT: Off the Record. The Chair would advise the Senate that we intend to stand adjourned until the call of the Chair. There has been a Joint Order that has passed this Body and the House Body as well and the two presiding officers will have the authority to call us back into session if we need be called in to deal with any sort of line-item vetoes or things of that nature. If not than you should be holding your calendar for July 16th, which is hopefully the date that we'll all be here but there is that outside potential that we could possibly return before than if we had to to deal with any sort of business at hand.

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. OJ-15-2

In the Matter of)
Request for Opinion of the Justices) AFFIDAVIT OF JENNIFER
) MCGOWAN

I, Jennifer McGowan, do hereby depose and say that I make this affidavit in support of the brief filed on behalf of the Speaker of the House of Representatives, Mark Eves, by and on behalf of the Maine House of Representatives and on behalf of President Michael Thibodeau, by and on behalf of the Maine Senate, in the above-referenced matter.

1. I am the Assistant Clerk of the House of Representatives and was elected to that position by vote of the House of Representatives on December 3, 2014.
2. The Clerk of the House, who was also elected on December 3, 2014, but he is not available to complete an affidavit on the points contained herein.
3. The Office of the Clerk of the House, which includes my position, is authorized under Rule 406 of the Joint Rules of the Maine Legislature to receive endorse papers passing between the House of Representatives and the Senate and to transmit and receive legislative papers between the two Houses.
4. The Office of the Clerk of the House, which includes my position, is also authorized by the House of Representatives to accept bills that originated in the House of Representatives that are returned by the Governor .
5. During the 127th Legislature, the Clerk of the House of Representatives and I, in my capacity as Assistant Clerk, have received bills that have been returned by the Governor to the House of Representatives.
6. Every day from June 30, 2015 to July 16, 2015, with the exception of Sundays, the Clerk of the House of Representatives was authorized and prepared to accept any bills that had originated in the House of Representatives and that were returned by the Governor.

7. During the period from June 30, 2015 to July 16, 2015, Rob Hunt, the Clerk, advised me that he had e-mailed Lance Libby, the Legislative Policy Coordinator/Policy Advisor, in the Office of the Governor, that he, Rob Hunt, was available to accept bills returned by the Governor on Saturday. Attached as Exhibit A. hereto is a copy of the e-mail that Rob Hunt sent to Lance Libby with Lance Libby's reply acknowledging his receipt of Rob Hunt's e-mail.
8. The Clerk of the House did not receive any bills as returned by the Governor from July 1, 2015 to and through July 15, 2015.
9. On July 16, 2015, the Governor returned bills to the House of Representatives that had originated in the House of Representatives.
10. The Clerk's Office accepted the bills that the Governor returned on July 16, 2015 but forwarded them to the Revisor's Office because the Revisor's Office had earlier notified the Clerk's Office that it had chaptered the bills in question.

DATED at Augusta, Maine this 23rd day of July, 2015.


By: Jennifer McGowan

STATE OF MAINE
KENNEBEC, ss.

July 23, 2015

Personally appeared the above-named Jennifer McGowan and made oath that the foregoing is true and based upon her own personal knowledge, information and belief, and insofar as based upon information and belief, she believes it to be true.

Before me, 

Notary Public

Albenie R. Boutot, Jr., Notary Public
STATE OF MAINE
My Commission Expires November 10, 2015

EXHIBIT A

Hunt, Rob

From: Libby, Lance <Lance.Libby@maine.gov>
Sent: Thursday, July 09, 2015 2:44 PM
To: Hunt, Rob
Subject: RE: Saturday

Thank you for the email, Rob.

Lance Libby
Legislative Policy Coordinator/Policy Advisor
Office of Governor Paul R. LePage
207-287-3533 – Office
207-592-0041 – Mobile
Lance.Libby@Maine.Gov

From: Hunt, Rob [<mailto:rob.hunt@legislature.maine.gov>]
Sent: Thursday, July 09, 2015 2:30 PM
To: Libby, Lance
Cc: Hicks, Ana; Priest, Heather
Subject: Saturday

Hi Lance,
I was writing to let you know that if you need me to come in on Saturday to pick up bills that may be vetoed, I am more than willing to do so. Please call me at 207-756-5476. I will be in Belgrade about 20-25 minutes away.

I do have to go to a memorial service for my grandmother that day, but I will have my phone with me and will be available afterwards.

Let me know if you have any questions.

All the Best,

Rob Hunt
Clerk of the House
Maine House of Representatives
2 State House Station
Augusta, ME 04333
(207) 287-1400

STATE OF MAINE

SUPREME JUDICIAL COURT

DOCKET NO. OJ-15-2

In the Matter of
Request for Opinion of the Justices

)
)

AFFIDAVIT OF HEATHER PRIEST

I, Heather Priest, do hereby depose and say that I make this affidavit in support of the brief filed on behalf of the Speaker of the House of Representatives, Mark Eves, by and on behalf of the Maine House of Representatives and on behalf President Michael Thibodeau, by and on behalf of the Maine Senate, in the above-referenced matter.

1. I am the Secretary of the Maine State Senate. I was duly elected to the position of Secretary of the Senate by the members of the Maine State Senate on December 3, 2014, and have held, and continue to hold, that job continuously since that date.
2. Prior to my election as Secretary of the Senate, I was Chief of Staff for the Senate Republican Leaders. I also previously served as Clerk of the Maine State House of Representatives for the 125th Legislature. Before serving as Clerk of the House, I worked for sixteen years in the House Republican Office.
3. Among my duties as Secretary of the Senate, as imposed under Rule 406 of the Joint Rules of the Maine Legislature and the practice and custom of the Legislature, is responsibility for possession and maintenance of legislative materials.
4. In addition, my responsibilities include receiving bills returned by the Governor under Me. Const., art. IV, pt. 3, § 2.

5. During my tenure as Secretary of the Senate, I in fact have received bills returned by the Governor under Me. Const., art. IV, pt. 3, § 2.
6. From June 18, 2015 through July 16, 2015, I was authorized as Secretary of the Senate to receive bills returned by the Governor that had originated in the Senate and was available to do so.
7. On Thursday, July 9, 2015, I emailed Lance Libby, Legislative Policy Coordinator/Policy Advisor to Governor LePage, to let him know that I would be available to receive the return of any bills from the Governor through Saturday, July 11, 2015, as that was the last day for the Governor to return a number of bills pursuant to Me. Const., art. IV, pt. 3, § 2. A true and correct copy of my July 9, 2015 message is attached hereto as Exhibit A.
8. On July 10, 2015, I also sent a text message to Governor LePage's Deputy Chief of Staff, Kathleen Newman. My text stated, "Evening, Kathleen- sorry to bother you on a Friday night. I gave lance [sic] [Libby] my cell number in the event that bills would need to be delivered tomorrow to the secretary's office. Just wanted you to know as well. Feel free to call me if necessary. Id [sic] be happy to accept them." A true and correct copy of a print-out of this text message is attached hereto as Exhibit B.
9. I sent the text message referenced above because I was aware that July 11, 2015 was the last day for the Governor to return a number of bills and because July 11, 2015 was a Saturday. I wanted to let a representative of the Governor's office know for certain that I would be available to receive the return of the bills. And, in fact, I would have accepted them on July 11, 2015.
10. As indicated on Ex. B, Ms. Newman responded "Hi sweet – I don't anticipate delivering any bills this weekend. Thanks, though!"

11. On July 16, 2015, while the Legislature was in session, the office of the Secretary of the Senate received bills returned by the Governor. None of the returned bills remained within the ten day period for returning bills under Me. Const., art. IV, pt. 3, § 2. I then forwarded the bills returned by the Governor to the Revisor's Office, because the Revisor had earlier notified my office that it chaptered those bills.

DATED at Augusta, Maine this 23rd day of July, 2015.



Heather Priest

STATE OF MAINE
KENNEBEC, ss.

July 23, 2015

Personally appeared the above-named Heather Priest and made oath that the foregoing is true and based upon her own personal knowledge, information and belief, and insofar as based upon information and belief, she believes it to be true.

Before me, 

Notary Public

Albenie R. Boutot, Jr., Notary Public
STATE OF MAINE
My Commission Expires November 10, 2015

EXHIBIT A

Priest, Heather

From: Libby, Lance <Lance.Libby@maine.gov>
Sent: Thursday, July 09, 2015 2:45 PM
To: Priest, Heather
Subject: RE: Saturday

Thank you, Heather.

Lance Libby
Legislative Policy Coordinator/Policy Advisor
Office of Governor Paul R. LePage
207-287-3533 – Office
207-592-0041 – Mobile
Lance.Libby@Maine.Gov

From: Priest, Heather [<mailto:Heather.Priest@legislature.maine.gov>]
Sent: Thursday, July 09, 2015 2:38 PM
To: Hunt, Rob; Libby, Lance
Subject: RE: Saturday

Same goes for me, too. I can be reached at 458-5980.

*Heather Priest
Secretary, Maine State Senate
3 State House Station
Augusta, Maine 04333-0003
207 287-1540*

From: Hunt, Rob
Sent: Thursday, July 09, 2015 2:30 PM
To: Libby, Lance
Cc: Hicks, Ana; Priest, Heather
Subject: Saturday

Hi Lance,

I was writing to let you know that if you need me to come in on Saturday to pick up bills that may be vetoed, I am more than willing to do so. Please call me at 207-756-5476. I will be in Belgrade about 20-25 minutes away.

I do have to go to a memorial service for my grandmother that day, but I will have my phone with me and will be available afterwards.

Let me know if you have any questions.

All the Best,

Rob Hunt
Clerk of the House
Maine House of Representatives
2 State House Station
Augusta, ME 04333

(207) 287-1400

Fri, Jul 10, 8:37 PM

Evening, Kathleen- sorry to bother you on a Friday night. I gave lance my cell number in the event that bills would need to be delivered tomorrow to the secretary's office. Just wanted you to know as well. Feel free to call me if necessary. Id be happy to accept them

Fri, Jul 10, 10:08 PM

Hi sweet - I don't anticipate delivering any bills this weekend.

that bills would need to be delivered tomorrow to the secretary's office. Just wanted you to know as well. Feel free to call me if necessary. I'd be happy to accept them

Fri, Jul 10, 10:08 PM

Hi sweet - I don't anticipate delivering any bills this weekend. Thanks, though!

Alrighty. Have a good weekend! Call me if necessary

017
Chapman, Danforth, Dennett, Duran, Garland,
Gentlemen Gilman, M. A. Goodwin, Cairnes,
Hathorn, Hayden, Hayes, Holbrook, Holmes,
Horrans, Howerton, Jordan, Leighton, Lord,
Littlefield, McAnty, Mitchell, Percival,
Purkiss, H. P. Thomas, Putnam, Rogers,
Sewall, Simons, Stanley, Tamm, Tamm,
Waterhouse, H. Ward, Whittier, Whitcomb,
Young.

Keyp

Alexander, Ames, Arnold, Carr, Bell,
E. Chase, Cochran, Cox, Cunningham,
M. J. Davis, Dudley, Gordon, Hall, Hancock,
Higgins, Holway, Hopkins, King, Knowlton,
Lane, Mason, Mellick, J. M. Mitchell, Merrill,
Morris, Papp, H. P. Thomas, Putnam,
Quinn, Reed, Sargent, W. Smith, Stafford,
Tilden, Walker, J. Wood, Higgins, Wells,
York.

The House joined Messrs Sewall,
M. Smith, Simons, Appleton & Merrill to
the Committee to wait on the Governor and
inform him that the two Houses have
acted on all business before them and
are now ready to adjourn.

The Committee subsequently reported
that the Governor had no further com-
munications to make, except to com-
municate the title of acts and resolutions they
have signed.

Mr. Appleton of Bangor (the Speaker)
having left the chair on account of
indisposition rose and said—

13 20
Mr. Sewall of Oldtown was charged
with a Message to the Senate informing
that body that the House had acted
upon all Business before it and is now
ready to adjourn without day.

A similar message was received
from the Senate.

On motion of Mr. Sewall of Oldtown
the House then adjourned without day.

E. W. Hays Clerk

**STATE OF MAINE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE
FIRST REGULAR SESSION
SENATE ADVANCED JOURNAL AND CALENDAR**

Thursday, July 16, 2015

SUPPLEMENT NO. 10

ORDERS

On motion by Senator MASON of Androscoggin, the following Senate Order:
S.O. 24

Ordered, that a message be sent to Governor Paul R. LePage informing him that the Senate has transacted all business before it and is ready to Adjourn Without Day.

On motion by Senator CUSHING of Penobscot, the following Senate Order:
S.O. 25

Ordered, that a message be sent to the House of Representatives informing that Body that the Senate is ready to Adjourn Without Day.
