

THE EPISCOPAL DIOCESE OF MAINE

Report of the Special Commission of the Constitution and Canons Committee
regarding non- canonically resident priests-in-charge of a congregation
voting in an election of a bishop

6 June 2019

BACKGROUND AND CHARGE

Section III.3 (4) of the Constitution of the Diocese of Maine allows a presbyter of The Episcopal Church who is not canonically resident in the Diocese, but who is licensed and appointed to serve as Priest-In Charge of one of its congregations, to have seat, voice and vote in the Convention of the Diocese with one exception: that priest may not vote in the election of a Bishop. This exclusion of non-resident priests-in-charge from an episcopal election was challenged by a motion offered from the floor at the 199th Convention of the Diocese on October 27, 2018. By a majority vote on the floor, this motion was referred to committee for further study.

On February 25, 2019, Bishop Stephen T. Lane established a special Commission of the Constitution and Canons Committee, and charged this Commission to respond to the motion of referral. The Bishop charged the Commission to study the questions raised by the referral, and to report its findings and recommendations to him by May 15, 2019. The Commission's principal recommendations were informally communicated to the Bishop by Gordon Gayer, Esq., on May 15, 2019. The full findings, conclusions and recommendations of the Commission are set out in this Report.

THE COMMISSION

The members of the Commission are: The Rev. Cn. Michael Ambler, Gordon Gayer, Esq., Ms. Brenda Hamilton, The Rev. Cn. Nancy Moore, and Mr. Michael Gleason. The Commission met at Loring House on March 22, 2019, both in person and through teleconferencing connection, and communicated thereafter by email. Throughout this period, Gordon Gayer has acted as Convener of the Commission.

FINDINGS AND CONCLUSIONS

1. Prior to 2012, The Constitution and Canons of the Diocese of Maine did not allow a non-canonically-resident priest to vote at an annual convention of diocese, even if that person were a licensed Priest-in-Charge of a congregation in the diocese.
2. At the diocesan convention in October of 2011 a resolution was introduced with the support of Bishop Lane and then-Chancellor Joseph Delafield, Esq., to add a new subsection (4) to Article III, Section 3 of the Constitution of the Diocese, to read as follows:

(4) A Presbyterian of The Episcopal Church who is not canonically resident in the Diocese, but who is licensed to officiate in the Diocese and is appointed to serve as Priest-in-Charge of a congregation in the Diocese pursuant to Canon III.9.3 (b) of the Canons of the General Convention shall have seat, voice and vote in the Convention, but shall not be entitled to vote in the election of a Bishop.
3. The explanatory material accompanying this resolution pointed out that it had been the custom in the Diocese to accept Letters Dimissory transferring the canonical residency of a priest from another diocese only if the priest had been called to serve as rector of a congregation here. It also pointed out that a number of non-resident priests were serving as duly licensed priests-in-charge of Maine congregations, and that it seemed appropriate that such priests should be able to represent the interests of their congregations by being able to vote at Convention. While the explanatory material did not address the carve-out from the proposed new subsection, which would deny non-resident priests-in-charge a vote in the election of a bishop, both Bishop Lane and Mr. Delafield recalled that this carve-out was a deliberate and intentional part of the resolution. The resolution was approved at the 2011 convention and, when brought back to the 2012 convention for its required second reading, was approved again. The Journals of these two conventions reflect only brief discussion of the larger resolution, and none directed specifically at the carve-out of voting in the election for a bishop.
4. In the years since 2012, non-resident priests-in-charge have voted on regular matters before the annual conventions without incident. In the absence of an episcopal election, the carve-out was not challenged until October 27, 2018, the last regular convention before the Special Convention to Elect the Tenth Bishop of Maine on February 9, 2019.
5. The Commission identified five non-resident priests-in-charge serving congregations in the Diocese at present. It reached out to all five, seeking to learn how they would respond if it became possible for them to become canonically resident in Maine. All of those who responded expressed an interest and/or readiness to transfer residency, were it possible.

6. Since the Commission was charged narrowly to respond to the referral of the challenge to the carve-out for voting in an episcopal election, it expresses no conclusion or opinion regarding the larger purpose of the 2011-2012 resolution, i.e., allowing non-resident priests to vote on regular matters at convention.
7. The commission believes that the ban on non-resident priests voting in the election of a bishop should remain in place. This ban is fundamentally aligned with the polity of The Episcopal Church. A vote for a bishop is a vote of and for the whole church, just as a newly elected bishop, once consecrated, becomes a bishop of the whole church. Every priest should be able to vote for a bishop where he/she is canonically resident, but only in that diocese. The remedy for this ban is to make it easier for a licensed priest-in-charge to become resident in Maine, but not to allow that priest simultaneously the ability to vote in episcopal elections in two separate jurisdictions.

RECOMMENDATIONS

1. The ban on non-resident priests-in-charge voting in the election of a bishop, as stated in Section III.3 (4) of the Constitution of the Diocese, should remain in place.
2. A path should be opened through which non-resident priests-in-charge can more readily become resident in Maine, if they so choose. The Bishop has considerable discretion in this area; he should use it at his discretion to open such a path.

Mr. Gordon Gayer, Esq.

Date