

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

**2. Class E crime.** A person who willfully or knowingly violates this chapter or rules of the commission or who willfully or knowingly makes a false statement in any report required by this chapter commits a Class E crime and, if certified as a Maine Clean Election Act candidate, must return to the fund all amounts distributed to the candidate.

**§1128. Study report**

By January 30, 2002 and every four years after that date, the commission shall prepare for the joint standing committee of the Legislature having jurisdiction over legal affairs a report documenting, evaluating and making recommendations relating to the administration, implementation and enforcement of the Maine Clean Election Act and Maine Clean Election Fund.

**Sec. 18. 36 MRSA §5286** is enacted to read:

**§5286. Contribution to Maine Clean Election Fund; voluntary checkoff**

**1. Designation.** Resident taxpayers may designate that \$3 of their taxes be deposited in the Maine Clean Election Fund in accordance with Title 21-A, section 1124.

**2. Forms.** The State Tax Assessor shall provide on the first page of the income tax form a space for the filing individual to indicate whether that filer wishes to pay \$3, or \$6 if filing a joint return, from the General Fund of the State to finance the Maine Clean Election Fund.

**3. Transfer of Funds.** The State Tax Assessor shall transfer funds from the General Fund in accordance with Title 21-A, section 1124.

**Sec. 19. Transition clause.** The revised Commission on Governmental Ethics and Election Practices is the successor in interest to the existing Commission on Governmental Ethics and Election Practices. The members of the existing commission shall serve until appointment and confirmation of members to the revised commission. Members of the revised commission must be appointed and confirmed by June 15, 1997.

Effective January 2, 1997.

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**CHAPTER 2**

**L.B. 6 - L.D. 1827**

**An Act to Seek Congressional Term Limits**

**PREAMBLE:** The People of the State of Maine want to amend the United States Constitution to establish Term Limits on Congress that will ensure representation in Congress by true citizen lawmakers. The President of the United States is limited by the XXII Amendment to two terms in office. Governors in forty (40) states are limited to two terms or less. Voters have established Term Limits for over 2,000 state legislators as well as over 17,000 local officials across the country.

Nevertheless, Congress has ignored our desire for Term Limits not only by proposing excessively long terms for its own members but also by utterly refusing to pass an amendment for genuine congressional term limits. Congress has a clear conflict of interest in proposing a term limits amendment to the United States Constitution. A majority of both Republicans and Democrats in the United States House of Representatives during the 104th Congress voted against a constitutional amendment containing the Term Limits passed by a wide margin of Maine voters.

The people, not Congress, should set Term Limits. We hereby establish as the official position of the Citizens and State of Maine that our elected officials should enact by Constitutional Amendment congressional term limits no longer than three (3) terms in the United States House of Representatives, nor longer than two (2) terms in the United States Senate.

The career politicians dominating Congress have a conflict of interest that prevents Congress from being what the Founders intended, the branch of government closest to the people. The politicians have refused to heed the will of the people for Term Limits; they have voted to dramatically raise their own pay; they have provided lavish million dollar pensions for themselves; and they have granted themselves numerous other privileges at the expense of the people. Most importantly, members of Congress have enriched themselves while running up huge deficits to support their spending. They have put the government nearly \$5,000,000,000,000.00 (five trillion dollars) in debt, gravely threatening the future of our children and grandchildren.

The corruption and appearance of corruption brought about by political careerism is destructive to the proper functioning of the first branch of our representative government. Congress has grown increasingly distant from the People of the States. The People have the sovereign right and a compelling interest in creating a citizen Congress that will more effectively protect our freedom and prosperity. This interest and right may not effectively be served in any way other than that proposed by this initiative.

The foresight of our Founders provided the People with a path around congressional self-interest under Article 5 of the Constitution. Pursuant to Article 5, the People may seek a convention to propose amendments to the Constitution when two-thirds of the States (34) apply for such a convention. Amendments proposed by a convention would become part of the Constitution upon the ratification of three-fourths of the states (38). Therefore, the state of Maine, hereby amends its Compiled Laws pursuant to our power under the state constitution.

We hereby state our intention that this law lead to the adoption of the following Constitutional Amendment:

#### CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

Therefore, We, the People of the State of Maine, have chosen to amend the Compiled State Laws to create legislation that will inform voters regarding incumbent and non-incumbent federal candidates' support for the above proposed CONGRESSIONAL TERM LIMITS AMENDMENT and incumbent and non-incumbent state legislators' support for the following proposed application to Congress:

We, the People and Legislature of the State of Maine, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V, to call an Article V Convention.

**Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 21-A MRSA c. 9, sub-c. I-A** is enacted to read:

### SUBCHAPTER I-A

#### CONGRESSIONAL TERM LIMITS ACT OF 1996

##### §641. Short title

This subchapter may be known and cited as the "Congressional Term Limits Act of 1996."

##### §642. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

**1. Application.** "Application" means an application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution to limit to 3 terms the service of members of the United States House of Representatives and to 2 terms the service of members of the United States Senate.

**2. Proposed amendment.** "Proposed amendment" means the following proposed amendment to the United States Constitution set forth in The Congressional Term Limit Act of 1996:

#### CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

##### §643. Ballot for incumbent Legislator

**1. Notation of violation of voter instruction.** Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any Legislator who during the current term of office failed to:

A. Vote in favor of the application when brought to a vote in any setting in which the

Legislator served, including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council;

B. Second the application if it lacked for a second in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

C. Vote in favor of all votes bringing the application before any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

D. Propose, sponsor or otherwise bring to a vote of the full legislative body the application if it otherwise lacked a legislator who so proposed or brought to a vote of the full legislative body the application;

E. Vote against any attempt to delay, table, refer to committee or otherwise prevent a vote by the full legislative body of the application;

F. Vote in favor of any requests for the yeas and nays on all votes on the application;

G. Request the yeas and nays on all votes on the application if it otherwise lacked a Legislator who so requested;

H. Vote against any change, addition, amendment or modification to the application in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council;

I. Either be present and voting during any consideration of the application in any setting in which the Legislator served including, but not limited to, either legislative body, a committee, a subcommittee or the legislative council, or, if absent during any consideration of the application in any setting in which the Legislator served, including, but not limited to either legislative body, a committee, a subcommittee or the legislative council, be recorded in favor of the application via pairing or other absentee provision;

J. Vote against any proposed repeal of or amendment to this Act;

K. Vote against any legislation that would supplement or alter this Act;

L. Vote in favor of the proposed amendment when it is sent to the states for ratification, in any setting in which the Legislator served, including, but not limited to, either legislative body, a

committee, a subcommittee or the legislative council; or

M. Vote against any amendment to the United States Constitution with longer limits than those specified in the proposed amendment if any such amendment is sent to the states for ratification.

**2. Exceptions.** The language "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" may not be printed adjacent to the name of a Legislator if:

A. Notwithstanding subsection 1, paragraphs A to K, the State has made application for the purpose of proposing the proposed amendment and that application has not been withdrawn or the proposed amendment has been submitted to the States for ratification;

B. Notwithstanding subsection 1, paragraphs L and M, the State has ratified the proposed amendment; or

C. Notwithstanding subsection 1, the proposed amendment has become part of the Constitution of the United States.

**3. Determination.** The Secretary of State shall determine whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of a Legislator in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

**4. Challenge of determination.** The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80-B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

#### **§644. Ballot for incumbent Governor**

**1. Notation of violation of voter instruction.** Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any Governor who during the current term of office failed to:

A. Veto any attempt to amend or repeal this Act; or

B. Veto any legislation that would supplement, alter or effect this Act in any way.

**2. Exception.** The language "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" may not be printed adjacent to the name of a Governor as required by subsection 1, if the proposed amendment has been submitted to the states for ratification and ratified by this State or the proposed amendment has become part of the United States Constitution.

**3. Determination.** The Secretary of State shall determine whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of a Governor in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

**4. Challenge of determination.** The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80-B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

#### **§645. Ballot for incumbent members of Congress**

**1. Notation of violation of voter instruction.** Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any United States Senator or Representative who during the current term of office:

A. Failed to vote in favor of the proposed amendment when brought to a vote in any setting in which the congressional member served including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council;

B. Failed to second the proposed amendment if it lacked for a second before any proceeding of the legislative body including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council;

C. Failed to propose, sponsor or otherwise bring to a vote of the full legislative body the proposed amendment if it otherwise lacked a congressional member who so proposed;

D. Failed to vote in favor of all votes bringing the proposed amendment before any committee, subcommittee or in any other setting of the respective house upon which the congressional member served including, but not limited to either legislative body, a committee, a subcommittee or a legislative council;

E. In any other settings of the respective house in which the congressional member served, including, but not limited to, either legislative body, a committee, a subcommittee or a legislative council, failed to reject any attempt to delay, table, rerefer to committee or otherwise postpone or prevent a vote by the full legislative body on the proposed amendment;

F. Failed to vote against any proposed constitutional amendment that would increase term limits beyond those in the proposed amendment regardless of any other actions in support of the proposed amendment;

G. Sponsored or cosponsored any proposed constitutional amendment or law that would increase term limits beyond those in the proposed amendment;

H. Failed to vote in favor of any requests for the yeas and nays on all votes on the proposed amendment;

I. Failed to sign any discharge petition that would cause the proposed amendment to be considered by the full legislative body;

J. Failed to either be present and voting during any consideration of the proposed amendment in any setting in which the congressional member served including, but not limited to, either legislative body, a committee or subcommittee or, if absent during any consideration of the proposed amendment in any setting in which the congressional member served, including, but not limited to, either legislative body, a committee or subcommittee, be recorded in favor of the proposed amendment by means of pairing, proxy voting or other absentee provision.

**2. Exception.** The language "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" may not be printed adjacent to the name of any member of Congress as required by subsection 1 if the proposed amendment has been submitted to the states for ratification or has become part of the United States Constitution.

**3. Determination.** The Secretary of State shall determine whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" adjacent to the name of any member of Congress in accordance with

this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

**4. Challenge of determination.** The determination made by the Secretary of State may be challenged under the same process that exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80-B. In this action, the Secretary of State shall be responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

**§646. Pledge to support term limits**

**1. Pledge requirement.** Until the proposed amendment becomes part of the United States Constitution, the Secretary of State shall offer to candidates for the Congress of the United States, Governor, the Maine Senate and the Maine House of Representatives the term limits pledge set forth in subsection 3. The Secretary of State shall provide pledge forms to the candidates. The candidates must sign and file with the Secretary of State the pledge forms before the commencement of petitioning for ballot access. Except as provided in subsection 2, for a candidate who refuses to take the term limits pledge, the Secretary of State shall print "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" printed adjacent to the candidate's name on every primary, general and special election ballot.

**2. Exception.** The language "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" may not be printed adjacent to the candidate's name on every primary, general and special election ballot when, pursuant to section 643, 644 or 645, the notation "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" shall appear adjacent to the candidate's name.

**3. Term limits pledge.** The Secretary of State shall offer the following term limits pledge:

A. For all candidates for the United States Senate and the United States House of Representatives:

"I support term limits and pledge to use all my legislative powers to enact the proposed amendment to the United States Constitution set forth in the Congressional Term Limits Act of 1996. If elected, I pledge to act in such a way that the designation "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.

.....  
Signature of Candidate"

B. For all candidates for Governor:

"I support Term Limits and pledge, if elected, to use all my delegated powers to enact the proposed Constitutional Amendment set forth in the Congressional Term Limits Act of 1996. I pledge to use all my delegated powers to cause the Legislature to make application under the United States Constitution, Article V, to the Congress of the United States as set forth in the Congressional Term Limits Act of 1996. I pledge to veto any attempt to amend or repeal the Congressional Term Limits Act of 1996. I pledge to veto any legislation that would supplement, alter or effect the Congressional Term Limits Act of 1996 in any way.

.....  
Signature of Candidate"

C. For all candidates for the Maine Senate, the Maine House of Representatives:

"I support term limits and pledge to use all my legislative powers to cause the Legislature of the State of Maine to make application to the Congress of the United States for a constitutional convention under Article V of the United States Constitution, and to enact the proposed amendment to the United States Constitution set forth in the Congressional Term Limits Act of 1996. If elected, I pledge to act in such a way that the designation "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" will not appear adjacent to my name.

.....  
Signature of Candidate"

**4. Determination.** The Secretary of State shall determine whether to print "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS" adjacent to the name of a candidate in accordance with this section no later than the time that nomination petitions are certified. The Secretary of State shall make public this determination at the time that information regarding nomination petition certifications is made available to the public.

**5. Challenge of determination.** The determination made by the Secretary of State may be challenged under the same process that currently exists for challenging petition certification under sections 337 and 356. A challenger or candidate may appeal the decision of the Secretary of State by commencing an action in Superior Court in accordance with the Maine Rules of Civil Procedure, Rule 80-B. In this action, the Secretary of State shall be

responsible for showing clear and convincing evidence to justify the Secretary of State's determination.

phrases may not be affected, but shall remain in full force and effect.

Effective January 2, 1997.

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**Sec. 2. Legislators directed to make application to Congress.** Each member of the Maine Senate and the Maine House of Representatives shall use all of that Legislator's delegated powers to make the following application under the United States Constitution, Article V, to the Congress of the United States:

We, the People and Legislature of the State of Maine, due to our desire to establish term limits on Congress, hereby make application to Congress, pursuant to our power under Article V, to call an Article V Convention.

**Sec. 3. Governor directed to aid in application and ratification.** The Governor shall use all of the Governor's delegated powers to aid the Legislature in making the application specified in Sec. 2 to the Congress of the United States under Article V of the United States Constitution.

**Sec. 4. Congressional delegation directed to propose congressional term limits amendment.** Each member of the state's congressional delegation shall use all of that member's delegated powers to propose and vote for the following amendment to the United States Constitution:

#### CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of the amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

**Sec. 5. Jurisdiction.** Any legal challenge to this Act shall be filed as an original action before the Supreme Court of this state.

**Sec. 6. Severability.** If any portion, clause, or phrase of this initiative is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and