

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 185

H.P. 144 House of Representatives, February 3, 1987
Reference to the Committee on State and Local Government
suggested and ordered printed.

EDWIN H. PERT, Clerk
Presented by Representative VOSE of Eastport.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 RESOLUTION, Proposing an Amendment
2 to the Constitution of Maine
3 Requiring Candidates for the Maine Legislature
4 to be Residents of the District Which they
5 Seek to Represent by January 1st Preceding
6 the Date of the General Election.
7

8 Constitutional amendment. RESOLVED: Two thirds
9 of each branch of the Legislature concurring, that
10 the following amendment to the Constitution of Maine
11 be proposed:

12 Constitution, Art. IV, Pt. first, §4 is amended
13 to read:

14 Section 4. Qualifications. No person shall ~~shall~~ may
15 be a member of the House of Representatives, unless
16 he shall, at the commencement of the period for which

1 he is elected, have been 5 years a citizen of the
2 United States, have arrived at the age of 21 years,
3 have been a resident in this State one year; and for
4 the 3 months next preceding the time of his election
5 shall have been; by January 1st and, during the period
6 for which he is elected, shall continue to be a
7 resident in the district which he represents.

8 Constitutional referendum procedure; form of
9 question; effective date. Resolved: That the city
10 aldermen, town selectmen and plantation assessors of
11 this State shall notify the inhabitants of their respective
12 cities, towns and plantations to meet, in
13 the manner prescribed by law for holding a statewide
14 election, at a statewide election, on the Tuesday
15 following the first Monday of November following the
16 passage of this resolution, to vote upon the ratification
17 of the amendment proposed in this resolution
18 by voting upon the following question:

19 "Shall the Constitution of Maine be changed
20 to require candidates for the Maine House of
21 Representatives and the Maine Senate to be residents
22 of the district which they seek to represent
23 by January 1st prior to the election?"

24 The legal voters of each city, town and plantation
25 shall vote by ballot on this question, and shall
26 designate their choice by a cross or check mark
27 placed within the corresponding square below the word
28 "Yes" or "No." The ballots shall be received,
29 sorted, counted and declared in open ward, town and
30 plantation meetings and returns made to the Secretary
31 of State in the same manner as votes for members of
32 the Legislature. The Governor shall review the returns
33 and, if it appears that a majority of the legal
34 voters are in favor of the amendment, the Governor
35 shall proclaim that fact without delay and the amendment
36 shall become part of the Constitution of Maine
37 on the date of the proclamation.

38 Secretary of State shall prepare ballots. Resolved:
39 That the Secretary of State shall prepare and
40 furnish to each city, town and plantation all
41 ballots, returns and copies of this resolution necessary
42 to carry out the purposes of this referendum.

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STATEMENT OF FACT

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The current constitutional provision requires a candidate seeking election to the Maine House of Representatives or the Maine Senate to be a resident of the district for 3 months prior to his election. The Constitution of Maine allows a candidate to file nomination papers and to be nominated in a primary election without being a resident in the district which he seeks to represent.

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The purpose of this constitutional amendment is to require that any person who seeks nomination or is nominated as a candidate in a primary election to be a resident of the district which he seeks to represent at that time. The electorate should be assured at the time a person files nomination papers or at the time of a primary election that the interests of the candidate to represent the district are certain and genuine. There should be no question that the candidate resides in the district when the candidate first seeks support for his candidacy.

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