

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 1037

S.P. 392

In Senate, April 4, 1989

Reference to the Committee on State and Local Government suggested and ordered printed.

Joy J. O'Brien
JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRAWN of Knox.

Cosponsored by President PRAY of Penobscot, Representative McCORMICK of Rockport and Senator DUTREMBLE of York.

STATE OF MAINE

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Change the Terms of Members of the Senate from 2 to 4 Years .



1 **Constitutional amendment. RESOLVED:** Two thirds of each
2 branch of the Legislature concurring, that the following
3 amendment to the Constitution of Maine be proposed:

4 **Constitution, Art. II, §4** is repealed and the following enacted
5 in its place:

6
7 **Section 4. Time of state election; absentee voting.** The
8 election of Senators and Representatives shall be on the Tuesday
9 following the first Monday of November biennially forever except
10 as provided in this section. Beginning with the general
11 elections to be held in 1992, Senators in the odd-numbered
12 districts shall be elected to 4-year terms. In 1994, Senators in
13 the even-numbered districts shall be elected to 4-year terms.
14 The election of Governor shall be on the Tuesday following the
15 first Monday of November every 4 years. The Legislature under
16 proper enactment shall authorize and provide for voting by
17 citizens of the State absent therefrom in the Armed Forces of the
18 United States or of this State and for voting by other citizens
19 absent or physically incapacitated for reasons deemed sufficient.

20
21 **Constitution, Art. IV, Part Second, §1** is repealed and the
22 following enacted in its place:

23
24 **Section 1. Number of Senators.** The Senate shall consist of
25 an odd number of Senators, not less than 31 nor more than 35,
26 elected at the same time as Representatives by the qualified
27 electors of the districts into which the State shall be from time
28 to time divided. The term of office for Senators shall be for 2
29 years, except as provided in this section. Beginning with the
30 general elections to be held in 1992, Senators in the
31 odd-numbered districts shall be elected to 4-year terms. In
32 1994, Senators in the even-numbered districts shall be elected to
33 4-year terms.

34
35 **Constitution, Art. IV, Part Second, §5** is amended to read:

36
37 **Section 5. Determination of Senators elected; procedure for
38 filling vacancies.** The Senate shall, on said first Wednesday of
39 December, biennially following a senatorial election, determine
40 who is elected by a plurality of votes to be Senator in each
41 district. All vacancies in the Senate arising from death,
42 resignation, removal from the State or like causes, and also
43 vacancies, if any, which may occur because of the failure of any
44 district to elect by a plurality of votes the Senator to which
45 said district shall be entitled shall be filled by an immediate
46 election in the unrepresented district. The Governor shall issue
47 a proclamation therefor and therein fix the time of such election.

48
49 **Constitutional referendum procedure; form of question; effective
50 date. Resolved:** That the city aldermen, town selectmen and
51 plantation assessors

1 of this State shall notify the inhabitants of their respective
3 cities, towns and plantations to meet, in the manner prescribed
5 by law for holding a statewide election, at a statewide election,
7 on the Tuesday following the first Monday of November following
the passage of this resolution, to vote upon the ratification of
the amendment proposed in this resolution by voting upon the
following question:

9 "Shall the Constitution of Maine be amended to establish
11 4-year terms of office for Senators in odd-numbered
13 districts beginning in 1992 and 4-year terms of office for
Senators in even-numbered districts beginning in 1994?"

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

27 **Secretary of State shall prepare ballots. Resolved:** That the
29 Secretary of State shall prepare and furnish to each city, town
and plantation all ballots, returns and copies of this resolution
necessary to carry out the purposes of this referendum.

31

STATEMENT OF FACT

33

35 This constitutional resolution staggers the 4-year term of
37 office for Senators. According to this resolution, Senators in
odd-numbered districts would be elected to 4-year terms of office
beginning in 1992 and Senators in even-numbered districts would
39 be elected to 4-year terms of office beginning in 1994.