

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. 1120

H.P. 808

House of Representatives, April 11, 1989

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

A handwritten signature in cursive script, reading "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative MAHANY of Easton.

Cosponsored by Senator LUDWIG of Aroostook, Representative ANDERSON of Woodland and Senator MATTHEWS of Kennebec.

STATE OF MAINE

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

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine to Provide for 4-Year Terms for Senators and Representatives.**



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

5 **Constitution, Art. II, §4** is amended to read:

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 1990, the elections of Senators,
12 Representatives and the election ~~of~~ Governor shall be on the
13 Tuesday following the first Monday of November every 4 years.
14 The Legislature under proper enactment shall authorize and
15 provide for voting by citizens of the State absent therefrom in
16 the Armed Forces of the United States or of this State and for
17 voting by other citizens absent or physically incapacitated for
18 reasons deemed sufficient.

19 **Constitution, Art. IV, Part First, §2,** as amended by CR 1985, c. 3,
20 is further amended to read:

23 **Section 2. Term of office.** The House of Representatives
24 shall consist of 151 members, to be elected by the qualified
25 electors, and hold their office 2 4 years from the day next
26 preceding the first Wednesday in December following the general
27 election. The Legislature which convenes in 1983 and every 10th
28 year thereafter shall cause the State to be divided into
29 districts for the choice of one Representative for each
30 district. The number of Representatives shall be divided into
31 the number of inhabitants of the State exclusive of foreigners
32 not naturalized according to the latest Federal Decennial Census
33 or a State Census previously ordered by the Legislature to
34 coincide with the Federal Decennial Census, to determine a mean
35 population figure for each Representative District. Each
36 Representative District shall be formed of contiguous and compact
37 territory and shall cross political subdivision lines the least
38 number of times necessary to establish as nearly as practicable
39 equally populated districts. Whenever the population of a
40 municipality entitles it to more than one district, all whole
41 districts shall be drawn within the municipal boundaries. Any
42 population remainder within the municipality shall be included in
43 a district with contiguous territory and shall be kept intact.

45 **Constitution, Art. IV, Part First, §5,** as amended by CR 1987, c. 4,
46 is further amended to read:

47 **Section 5. Election of representatives; lists of votes**
48 **delivered forthwith; lists of votes examined by Governor; summons**
49 **of persons who appear to be elected; lists shall be laid before**
50 **the House. The meetings within this State for the choice of**
51 **Representatives shall be warned in due course of law by qualified**
52 **officials of the several towns and cities 7 days at least before**
53

1 the election, and the election officials of the various towns and
3 cities shall preside impartially at such meetings, receive the
5 votes of all the qualified electors, sort, count and declare them
7 in open meeting; and a list of the persons voted for shall be
9 formed, with the number of votes for each person against that
11 person's name. Cities and towns belonging to any Representative
13 District shall hold their meetings at the same time in the
15 respective cities and towns; and such meetings shall be notified,
17 held and regulated, the votes received, sorted, counted and
19 declared in the same manner. Fair copies of the lists of votes
21 shall be attested by the municipal officers and the clerks of the
cities and towns and the city and town clerks respectively shall
cause the same to be delivered into the office of the Secretary
of State forthwith. The Governor shall examine the returned
copies of such lists and 7 days before the first Wednesday of
December biennially following the general election, shall issue a
summons to such persons as shall appear to have been elected by a
plurality of all votes returned, to attend and take their seats.
All such lists shall be laid before the House of Representatives
on the first Wednesday of December biennially following the
general election, and they shall finally determine who are
elected.

23
25 **Constitution, Art. IV, Part Second, §5** is amended to read:

27 **Section 5. Determination of Senators elected; procedure for**
filling vacancies. The Senate shall, on said first Wednesday of
December, ~~biennially~~ following the general election, determine
29 who is elected by a plurality of votes to be Senator in each
district. All vacancies in the Senate arising from death,
31 resignation, removal from the State or like causes, and also
vacancies, if any, which may occur because of the failure of any
33 district to elect by a plurality of votes the Senator to which
said district shall be entitled shall be filled by an immediate
35 election in the unrepresented district. The Governor shall issue
a proclamation therefor and therein fix the time of such election.

37
39 **Constitution, Art. IV, Part Third, §1** is amended to read:

41 **Section 1. To meet annually; power of Legislature to**
convene itself at other times; extent of legislative power. The
Legislature shall convene on the first Wednesday of December
43 following the general election in what shall be designated the
first regular session of the Legislature; and shall further
45 convene on the first Wednesday after the first Tuesday of January
in the subsequent even-numbered-year 3 years in what shall be
47 designated the second, third and fourth regular session sessions
of the Legislature; provided, however, that the business of the
49 second and fourth regular session sessions of the Legislature
shall be limited to budgetary matters; legislation in the
51 Governor's call; legislation of an emergency nature admitted by
the Legislature; legislation referred to committees for study and

1 report by the Legislature in the first or third regular session
3 as the case may be; and legislation presented to the Legislature
by written petition of the electors under the provisions of
Article IV, Part Third, Section 18. The Legislature shall enact
5 appropriate statutory limits on the length of the first regular
session and the second, third and fourth regular session
7 sessions. The Legislature may convene at such other times on the
call of the President of the Senate and Speaker of the House,
9 with the consent of a majority of the Members of the Legislature
of each political party, all Members of the Legislature having
11 been first polled. The Legislature, with the exceptions
hereinafter stated, shall have full power to make and establish
13 all reasonable laws and regulations for the defense and benefit
of the people of this State, not repugnant to this Constitution,
15 nor to that of the United States.

17 **Constitution, Art. IV, Part Third, §18, sub-§1** is amended to read:

19 **1. Petition procedure.** The electors may propose to the
Legislature for its consideration any bill, resolve or
21 resolution, including bills to amend or repeal emergency
legislation but not an amendment of the State Constitution, by
23 written petition addressed to the Legislature or to either branch
thereof and filed in the office of the Secretary of State by the
25 hour of 5:00 p.m., on or before the 50th day after the date of
convening of the Legislature in first and third regular session
27 sessions or on or before the 25th day after the date of convening
of the Legislature in second and fourth regular session
29 sessions. If the 50th or 25th day, whichever applies, is a
Saturday, Sunday, or legal holiday, the period runs until the
31 hour of 5:00 p.m., of the next day which is not a Saturday,
Sunday, or legal holiday.

33 **Constitution, Art. V, Part Second, §1** is amended to read:

35 **Section 1. Election.** The Secretary of State shall be
chosen biennially at the first session of the first and third
37 regular sessions of the Legislature, by joint ballot of the
Senators and Representatives in convention.

41 **Constitution, Art. V, Part Third, §1** is amended to read:

43 **Section 1. Election.** The Treasurer shall be chosen
biennially, at the first session of the first and third regular
45 sessions of the Legislature, by joint ballot of the Senators, and
Representatives in convention.

47 **Constitutional referendum procedure; form of question; effective
date. Resolved:** That the city aldermen, town selectmen and
49 plantation assessors of this State shall notify the inhabitants
of their respective cities, towns and plantations to meet, in the
51 manner
prescribed

1 by law for holding a statewide election, at a statewide election,
2 on the Tuesday following the first Monday of November following
3 the passage of this resolution, to vote upon the ratification of
4 the amendments proposed in this resolution by voting upon the
5 following question:

7 "Shall the Constitution of Maine be amended as proposed by a
8 resolution of the Legislature to change the term of office
9 for State Legislators from 2 years to 4 years beginning in
10 1990?"

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

22
23 **Secretary of State shall prepare ballots. Resolved:** That the
24 Secretary of State shall prepare and furnish to each city, town
25 and plantation all ballots, returns and copies of this resolution
26 necessary to carry out the purposes of this referendum.

27
28
29

30 STATEMENT OF FACT

31 This constitutional amendment changes Legislator's terms to
32 4 years following the general election in 1990. The Legislature
33 meets every year, but the business in the 4th year would be
34 restricted as it presently is in the 2nd year.
35