

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1044

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H.P. 740

House of Representatives, March 12, 1991

Received by the Clerk of the House on March 8, 1991. Referred to the Committee on State and Local Government and 1400 ordered printed pursuant to Joint Rule 14.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

Presented by Representative HANLEY of Paris.

Cosponsored by Representative HEPBURN of Skowhegan, Representative GARLAND of Bangor, Representative SAVAGE of Union, Representative BENNETT of Norway and Representative LIPMAN of Augusta.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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**RESOLUTION, Proposing an Amendment to the Constitution of Maine  
to Increase the Availability of Legislative Participation.**

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

4  
6           **Constitution Art. IV, Part First, Section 2,** as amended by CR 1985,  
c. 3, is further amended to read:

8           **Section 2. Number of Representatives; biennial terms;**  
9 **division of the State into districts for House of**  
10 **Representatives.** The House of Representatives shall consist of  
11 151 members, to be elected by the qualified electors, and hold  
12 their office 2 years from the day next preceding the first  
13 Wednesday in December following the general election. A member  
14 of the House of Representatives may not serve more than 10  
15 consecutive years. If a member is elected to fill a vacancy in  
16 office, the time served during that period is not included in the  
17 10-year limit. A member who has served 10 years is not eligible  
18 to serve a partial term. A member who is serving a legislative  
19 term on the effective date of this paragraph is entitled to  
20 complete the term and the term is not included in the 10-year  
21 limit. The Legislature which convenes in 1983 and every 10th  
22 year thereafter shall cause the State to be divided into  
23 districts for the choice of one Representative for each  
24 district. The number of Representatives shall be divided into  
25 the number of inhabitants of the State exclusive of foreigners  
26 not naturalized according to the latest Federal Decennial Census  
27 or a State Census previously ordered by the Legislature to  
28 coincide with the Federal Decennial Census, to determine a mean  
29 population figure for each Representative District. Each  
30 Representative District shall be formed of contiguous and compact  
31 territory and shall cross political subdivision lines the least  
32 number of times necessary to establish as nearly as practicable  
33 equally populated districts. Whenever the population of a  
34 municipality entitles it to more than one district, all whole  
35 districts shall be drawn within municipal boundaries. Any  
36 population remainder within the municipality shall be included in  
a district with contiguous territory and shall be kept intact.

38           **Constitution, Article IV, Part Second, Section 5** is amended to read:

40           **Section 5. Determination of Senators elected; procedure for**  
41 **filling vacancies.** The Senate shall, on said first Wednesday of  
42 December, biennially determine who is elected by a plurality of  
43 votes to be Senator in each district. A member of the Senate may  
44 not serve more than 10 consecutive years. If a member is elected  
45 to fill a vacancy in office, the time served during that period  
46 is not included in the 10-year limit. A member who has served 10  
47 years is not eligible to serve a partial term. A member who is  
48 serving a legislative term on the effective date of this  
49 paragraph is entitled to complete the term and the term is not  
50 included in the 10-year limit. All vacancies in the Senate

2 arising from death, resignation, removal from the State or like  
3 causes, and also vacancies, if any, which may occur because of  
4 the failure of any district to elect by a plurality of votes the  
5 Senator to which said district shall be entitled shall be filled  
6 by an immediate election in the unrepresented district. The  
7 Governor shall issue a proclamation therefor and therein fix the  
8 time of such election.

9 ; and be it further

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

20 "Shall the Constitution of Maine be amended to limit the  
21 number of years a Legislator may serve consecutively in the  
22 House of Representatives or the Senate?"

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

36  
37 **Secretary of State shall prepare ballots. Resolved:** That the  
38 Secretary of State shall prepare and furnish to each city, town  
39 and plantation all ballots, returns and copies of this resolution  
40 necessary to carry out the purposes of this referendum.

41  
42  
43  
44 **STATEMENT OF FACT**

45  
46 This constitutional resolution is designed to encourage  
47 increased involvement by more citizens in the Legislature by  
48 limiting the terms a Representative or Senator may serve in  
49 either the House of Representatives or the Senate to 5  
50 consecutive terms. A Representative or Senator who reaches the  
51 limit may serve additional terms in the opposite house.  
52