

# 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)



# 116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

---

Legislative Document

No. 502

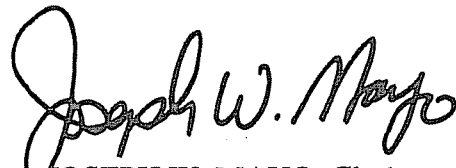
H.P. 389

House of Representatives, February 16, 1993

**RESOLUTION, Proposing an Amendment to the Constitution of Maine to Modify Terms of Office for Senators and Members of the House of Representatives.**

---

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

  
JOSEPH W. MAYO, Clerk

Presented by Representative GRAY of Sedgwick.  
Cosponsored by Senator: HALL of Piscataquis.

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

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

8           **Section 4. Time of state election; absentee voting.** The  
election of Senators and members of the House of Representatives  
shall be on the Tuesday following the first Monday of November  
10 biennially ~~forever~~, except as provided in this section.  
Beginning with the general elections held in 1994, the elections  
12 of Senators, members of the House of Representatives and the  
election ~~of~~ Governor shall be on the Tuesday following the first  
14 Monday of November every 4 years. The Legislature under proper  
enactment shall authorize and provide for voting by citizens of  
16 the State absent therefrom in the Armed Forces of the United  
States or of this State and for voting by other citizens absent  
18 or physically incapacitated for reasons deemed sufficient.

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

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

46           **Constitution, Art. IV, Part First, §5**, as amended by CR 1987, c.  
48 4, is further amended to read:

50           **Section 5. Election of Representatives; lists of votes**  
52 **delivered forthwith; lists of votes examined by Governor; summons**  
**of persons who appear to be elected; lists shall be laid before**

2 **the House.** The meetings within this State for the choice of  
3 Representatives shall be warned in due course of law by qualified  
4 officials of the several towns and cities 7 days at least before  
5 the election, and the election officials of the various towns and  
6 cities shall preside impartially at such meetings, receive the  
7 votes of all the qualified electors, sort, count and declare them  
8 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  
10 person's name. Cities and towns belonging to any Representative  
11 District shall hold their meetings at the same time in the  
12 respective cities and towns; and such meetings shall be notified,  
13 held and regulated, the votes received, sorted, counted and  
14 declared in the same manner. Fair copies of the lists of votes  
15 shall be attested by the municipal officers and the clerks of the  
16 cities and towns and the city and town clerks respectively shall  
17 cause the same to be delivered into the office of the Secretary  
18 of State forthwith. The Governor shall examine the returned  
19 copies of such lists and 7 days before the first Wednesday of  
20 December biennially following the general election, shall issue a  
21 summons to such persons as shall appear to have been elected by a  
22 plurality of all votes returned, to attend and take their seats.  
23 All such lists shall be laid before the House of Representatives  
24 on the first Wednesday of December biennially following the  
25 general election, and they shall finally determine who are  
26 elected.

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

28  
29 **Section 5. Determination of Senators elected; procedure for**  
30 **filling vacancies.** The Senate shall, on said first Wednesday of  
31 December, ~~biennially~~ following the general election, determine  
32 who is elected by a plurality of votes to be Senator in each  
33 district. All vacancies in the Senate arising from death,  
34 resignation, removal from the State or like causes, and also  
35 vacancies, if any, which may occur because of the failure of any  
36 district to elect by a plurality of votes the Senator to which  
37 said district shall be entitled shall be filled by an immediate  
38 election in the unrepresented district. The Governor shall issue  
39 a proclamation therefor and therein fix the time of such election.

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

41  
42 **Section 1. To meet annually; power of Legislature to**  
43 **convene itself at other times; extent of legislative power.** The  
44 Legislature shall convene on the first Wednesday of December  
45 following the general election in what shall be designated the  
46 first regular session of the Legislature; and shall further  
47 convene on the first Wednesday after the first Tuesday of January  
48 in the subsequent ~~even-numbered-year~~ 3 years in what shall be  
49 designated the second, third and fourth regular ~~session~~ sessions  
50 of the Legislature; provided, however, that the business of the  
51 second and fourth regular ~~session~~ sessions of the Legislature  
52

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

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

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

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

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

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

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

45 ; and be it further

2           **Constitutional referendum procedure; form of question; effective**  
3 **date. Resolved:** That the city aldermen, town selectmen and  
4 plantation assessors of this State shall notify the inhabitants  
5 of their respective cities, towns and plantations to meet, in the  
6 manner prescribed by law for holding at a special statewide  
7 election, on the Tuesday following the first Monday of November  
8 following the passage of this resolution, to vote upon the  
9 ratification of the amendment proposed in this resolution by  
10 voting upon the following question:

12           "Shall the Constitution of Maine be amended as proposed by a  
13 resolution of the Legislature to change the term of office  
14 for State Legislators from 2 years to 4 years beginning in  
15 1994?"

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

28  
29           **Secretary of State shall prepare ballots. Resolved:** That the  
30 Secretary of State shall prepare and furnish to each city, town  
31 and plantation all ballots, returns and copies of this resolution  
32 necessary to carry out the purpose of this referendum.

34  
35  
36                                   **STATEMENT OF FACT**

37           This constitutional resolution changes Legislators' terms to  
38 4 years following the general election in 1994. The Legislature  
39 meets every year, but the business in the 4th year is restricted  
40 as it presently is in the 2nd year.