

MAINE STATE LEGISLATURE

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DATE: 2/3/94

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STATE & LOCAL GOVERNMENT

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STATE OF MAINE
SENATE
116TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 220, L.D. 691, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Availability of Legislative Participation"

Amend the resolution by striking out the title and substituting the following:

'Resolution, Proposing an Amendment to the Constitution of Maine to Limit Terms of Legislators and Certain Other State Officerholders'

Further amend the resolution by striking out everything after the first paragraph and before the statement of fact and inserting in its place the following:

'Constitution Art. IV, Part First, §5 is amended to read:

Section 5. Election of Representatives; lists of votes delivered forthwith; lists of votes examined by Governor; summons of persons who appear to be elected; lists shall be laid before the House. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against that person's name. Cities and towns belonging to any Representative District shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and

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2 declared in the same manner. Fair copies of the lists of votes
3 shall be attested by the municipal officers and the clerks of the
4 cities and towns and the city and town clerks respectively shall
5 cause the same to be delivered into the office of the Secretary
6 of State forthwith. The Governor shall examine the returned
7 copies of such lists and 7 days before the first Wednesday of
8 December biennially, shall issue a summons to such persons as
9 shall appear to have been elected by a plurality of all votes
10 returned, to attend and take their seats. All such lists shall
11 be laid before the House of Representatives on the first
12 Wednesday of December biennially, and they shall finally
13 determine who are elected. A person may not serve more than 4
14 consecutive full or partial terms as a member of the House of
Representatives.

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

18 **Section 5. Determination of Senators elected; procedure for**
19 **filling vacancies.** The Senate shall, on said first Wednesday of
20 December, biennially determine who is elected by a plurality of
21 votes to be Senator in each district. All vacancies in the
22 Senate arising from death, resignation, removal from the State or
23 like causes, and also vacancies, if any, which may occur because
24 of the failure of any district to elect by a plurality of votes
25 the Senator to which said district shall be entitled shall be
26 filled by an immediate election in the unrepresented district.
27 The Governor shall issue a proclamation therefor and therein fix
28 the time of such election. A person may not serve more than 4
29 consecutive full or partial terms as a member of the Senate.

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

32 **Section 1. Election.** The Secretary of State shall be
33 chosen biennially at the first session of the Legislature, by
34 joint ballot of the Senators and Representatives in convention.
35 A person may not serve more than 4 consecutive full or partial
36 terms as Secretary of State.

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

40 **Section 1. Election.** The Treasurer shall be chosen
41 biennially, at the first session of the Legislature, by joint
42 ballot of the Senators, and Representatives in convention. A
43 person may not serve more than 4 consecutive full or partial
44 terms as Treasurer of State.

46 **Constitution Art. IX, §11 is amended to read:**

48 **Section 11. Attorney General.** The Attorney General shall
49 be chosen biennially by joint ballot of the Senators and
50 Representatives in convention. Vacancy in said office occurring
51 when the Legislature is not in session, may be filled by
52

2 appointment by the Governor, subject to confirmation as required
3 by this Constitution for Justices of the Supreme Judicial Court.
4 A person may not serve more than 4 consecutive full or partial
5 terms as Attorney General.

6 **Constitution Art. IX, §23** is enacted to read:

8 **Section 23. State Auditor.** A person may not serve more
9 than 2 consecutive full or partial 4-year terms as State Auditor.

10 ; and be it further
11

12
13
14 **Constitutional referendum procedure; form of question; effective
15 date. Resolved:** That the municipal officers of this State shall
16 notify the inhabitants of their respective cities, towns and
17 plantations to meet, in the manner prescribed by law for holding
18 a general election, at the next general election in the month of
19 November following passage of this resolution, to vote upon the
20 ratification of the amendment proposed in this resolution by
21 voting upon the following question:

22 "Do you favor amending the Constitution of Maine to limit
23 the terms that a person may serve as a member of the Senate,
24 a member of the House of Representatives, the Attorney
25 General, the Secretary of State or the Treasurer of State to
26 4 consecutive full or partial 2-year terms and the terms
27 that a person may serve as the State Auditor to 2
28 consecutive full or partial 4-year terms?"

29
30 The legal voters of each city, town and plantation shall
31 vote by ballot on this question and designate their choice by a
32 cross or check mark placed within the corresponding square below
33 the word "Yes" or "No." The ballots must be received, sorted,
34 counted and declared in open ward, town and plantation meetings
35 and returns made to the Secretary of State in the same manner as
36 votes for members of the Legislature. The Governor shall review
37 the returns and, if it appears that a majority of the legal votes
38 are cast in favor of the amendment, the Governor shall proclaim
39 that fact without delay and the amendment becomes part of the
40 Constitution on the date of the proclamation; and be it further
41

42
43 **Secretary of State shall prepare ballots. Resolved:** That the
44 Secretary of State shall prepare and furnish to each city, town
45 and plantation all ballots, returns and copies of this resolution
46 necessary to carry out the purposes of this referendum.

47
48 **FISCAL NOTE**

49 The estimated cost of sending this resolution out to
50 referendum will vary according to the total number of referenda
51

enacted during the Second Regular Session of the 116th
Legislature. The estimated cost to the Secretary of State if one
to 6 referenda are enacted is \$95,000. Each additional
referendum costs an additional \$7,000.'

STATEMENT OF FACT

This amendment replaces the original resolution and proposes
to amend the Constitution of Maine to establish term limitations
for State Legislators, the Attorney General, the Secretary of
State, the Treasurer of State and the State Auditor that are
consistent with initiated legislation approved by the voters in
November 1993. The amendment limits those officeholders to 4
consecutive full or partial 2-year terms, except the State
Auditor, who is limited to 2 consecutive full or partial 4-year
terms. The amendment also adds a fiscal note.