

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

No. 691

S.P. 220

In Senate, February 25, 1993

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

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator HANLEY of Oxford.

Cosponsored by Senators: HALL of Piscataquis, SUMMERS of Cumberland, Representatives:
BARTH of Bethel, BENNETT of Norway, BRUNO of Raymond, CAMERON of Rumford,
CROSS of Dover-Foxcroft, DEXTER of Kingfield, KUTASI of Bridgton, LEMONT of Kittery,
QUINT of Paris, REED of Dexter, TRUE of Fryeburg.

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

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

7 **Section 2. Number of Representatives; biennial terms;**
8 **division of the State into districts for House of**
9 **Representatives.** The House of Representatives shall consist of
10 151 members, to be elected by the qualified electors, and hold
11 their office 2 years from the day next preceding the first
12 Wednesday in December following the general election. A member
13 of the House of Representatives may not serve more than 10
14 consecutive years. If a member is elected to fill a vacancy in
15 office, the time served during that period is not included in the
16 10-year limit. A member who has served 10 years is not eligible
17 to serve a partial term. A member who is serving a legislative
18 term on November 1, 1993 is entitled to complete the term and the
19 term is not included in the 10-year limit. The Legislature which
20 convenes in 1983 and every 10th year thereafter shall cause the
21 State to be divided into districts for the choice of one
22 Representative for each district. The number of Representatives
23 shall be divided into the number of inhabitants of the State
24 exclusive of foreigners not naturalized according to the latest
25 Federal Decennial Census or a State Census previously ordered by
26 the Legislature to coincide with the Federal Decennial Census, to
27 determine a mean population figure for each Representative
28 District. Each Representative District shall be formed of
29 contiguous and compact territory and shall cross political
30 subdivision lines the least number of times necessary to
31 establish as nearly as practicable equally populated districts.
32 Whenever the population of a municipality entitles it to more
33 than one district, all whole districts shall be drawn within
34 municipal boundaries. Any population remainder within the
35 municipality shall be included in a district with contiguous
36 territory and shall be kept intact.

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

38 **Section 5. Determination of Senators elected; procedure for**
39 **filling vacancies.** The Senate shall, on said first Wednesday of
40 December, biennially determine who is elected by a plurality of
41 votes to be Senator in each district. A member of the Senate may
42 not serve more than 10 consecutive years. If a member is elected
43 to fill a vacancy in office, the time served during that period
44 is not included in the 10-year limit. A member who has served 10
45 years is not eligible to serve a partial term. A member who is
46 serving a legislative term on November 1, 1993 is entitled to
47 complete the term and the term is not included in the 10-year
48 limit.

1
2 limit. All vacancies in the Senate arising from death,
3 resignation, removal from the State or like causes, and also
4 vacancies, if any, which may occur because of the failure of any
5 district to elect by a plurality of votes the Senator to which
6 said district shall be entitled shall be filled by an immediate
7 election in the unrepresented district. The Governor shall issue
8 a proclamation therefor and therein fix the time of such election.

9 ; and be it further

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

20 "Do you favor amending the Constitution of Maine to limit to
21 10 the number of years a Legislator may serve consecutively
22 in the Senate or the House of Representatives?"

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

35
36 **Secretary of State shall prepare ballots. Resolved:** That the
37 Secretary of State shall prepare and furnish to each city, town
38 and plantation all ballots, returns and copies of this resolution
39 necessary to carry out the purposes of this referendum.

40 41 42 43 44 **STATEMENT OF FACT**

45 This constitutional resolution is designed to encourage
46 increased involvement by more citizens in the Legislature by
47 limiting the terms a Senator or a member of the House of
48

2 Representatives may serve in either the Senate or the House of
Representatives to 5 consecutive terms. A Senator or a member of
4 the House of Representatives who reaches the limit may serve
additional terms in the opposite house.