

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

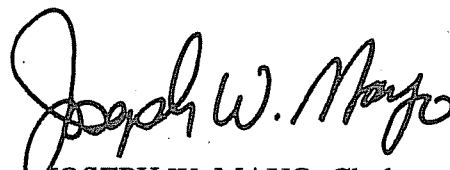
No. 1179

H.P. 870

House of Representatives, April 5, 1993

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Limit Terms of Certain State Office Holders.**

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


JOSEPH W. MAYO, Clerk

Presented by Representative BENNETT of Norway.
Cosponsored by Representatives: AIKMAN of Poland, AULT of Wayne, CAMERON of
Rumford, DUTREMBLE of Biddeford, FARNUM of South Berwick, KUTASI of Bridgton,
OTT of York, QUINT of Paris, TAYLOR of Cumberland, WHITCOMB of Waldo, Senators:
HALL of Piscataquis, HANLEY of Oxford.

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

4
6 **Constitution Art. IV, Part First, §5** is amended to read:

8 **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
10 the House; reelection eligibility. The meetings within this
State for the choice of Representatives shall be warned in due
12 course of law by qualified officials of the several towns and
cities 7 days at least before the election, and the election
14 officials of the various towns and cities shall preside
impartially at such meetings, receive the votes of all the
16 qualified electors, sort, count and declare them in open meeting;
and a list of the persons voted for shall be formed, with the
18 number of votes for each person against that person's name.
Cities and towns belonging to any Representative District shall
20 hold their meetings at the same time in the respective cities and
towns; and such meetings shall be notified, held and regulated,
22 the votes received, sorted, counted and declared in the same
manner. Fair copies of the lists of votes shall be attested by
24 the municipal officers and the clerks of the cities and towns and
the city and town clerks respectively shall cause the same to be
26 delivered into the office of the Secretary of State forthwith.
The Governor shall examine the returned copies of such lists and
28 7 days before the first Wednesday of December biennially, shall
issue a summons to such persons as shall appear to have been
30 elected by a plurality of all votes returned, to attend and take
their seats. All such lists shall be laid before the House of
32 Representatives on the first Wednesday of December biennially,
and they shall finally determine who are elected. A person may
34 not serve more than 4 consecutive terms as a member of the House
of Representatives.

36
38 **Constitution Art. IV, Part Second, §5** is amended to read:

40 **Section 5. Determination of Senators elected; procedure for**
filling vacancies; reelection eligibility. The Senate shall, on
said first Wednesday of December, biennially determine who is
42 elected by a plurality of votes to be Senator in each district.
All vacancies in the Senate arising from death, resignation,
44 removal from the State or like causes, and also vacancies, if
any, which may occur because of the failure of any district to
46 elect by a plurality of votes the Senator to which said district
shall be entitled shall be filled by an immediate election in the
48 unrepresented district. The Governor shall issue a proclamation
therefor and therein fix the time of such election. A person may
50 not serve more than 4 consecutive terms as a member of the Senate.

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

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

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

10 **Section 1. Election.** The Treasurer shall be chosen
12 biennially, at the first session of the Legislature, by joint
14 ballot of the Senators, and Representatives in convention. A
 person may not serve more than 4 consecutive terms as Treasurer
 of State.

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

18 **Section 11. Attorney General.** The Attorney General shall
20 be chosen biennially by joint ballot of the Senators and
22 Representatives in convention. Vacancy in said office occurring
24 when the Legislature is not in session, may be filled by
 appointment by the Governor, subject to confirmation as required
26 by this Constitution for Justices of the Supreme Judicial Court.
 A person may not serve more than 4 consecutive terms as Attorney
 General.

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

30 **Section 23. State Auditor.** A person may not serve more
 than 4 consecutive terms as State Auditor.

32 ; and be it further

34 **Constitutional referendum procedure; form of question; effective
36 date. Resolved:** That the municipal officers of this State shall
38 notify the inhabitants of their respective cities, towns and
40 plantations to meet, in the manner prescribed by law for holding
 a statewide election, at a statewide election, on the Tuesday
42 following the first Monday of November following the passage of
 this resolution, to vote upon the ratification of the amendments
 proposed in this resolution by voting upon the following question:

44 "Do you favor amending the Constitution of Maine to limit
46 the terms that a person may serve as a member of the House
 of Representatives, a member of the Senate, the Attorney
48 General, the Secretary of State, the Treasurer of State or
 the State Auditor to 4 consecutive terms?"

50 The legal voters of each city, town and plantation shall
 vote by ballot on this question and designate their choice by a

2 cross or check mark placed within the corresponding square below
the word "Yes" or "No." The ballots must be received, sorted,
4 counted and declared in open ward, town and plantation meetings
and returns made to the Secretary of State in the same manner as
6 votes for members of the Legislature. The Governor shall review
the returns and, if it appears that a majority of the legal votes
8 are cast in favor of the amendment, the Governor shall proclaim
that fact without delay and the amendments become part of the
10 Constitution on the date of the proclamation; and be it further

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

16
18 **STATEMENT OF FACT**

20 This resolution proposes to amend the Constitution of Maine
to establish term limitations for State Legislators, the Attorney
22 General, the Secretary of State, the Treasurer of State and the
State Auditor. The resolution limits those office holders to 4
consecutive terms.