

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 297

S.P. 122

In Senate, January 27, 1995

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives.

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

Presented by Senator HALL of Piscataquis.

Cosponsored by Senators: BEGLEY of Lincoln, FERGUSON of Oxford, KIEFFER of Aroostook, Representatives: BAILEY of Township 27, CROSS of Dover-Foxcroft, LIBBY of Kennebunk.

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

6
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 1998, 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; 4-year 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**
delivered forthwith; lists of votes examined by Governor; summons
52 **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
general election, and they shall finally determine who are
25 elected.

26

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

28

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

40

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

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

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

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

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

38 **Section 1. Election.** The Secretary of State shall be
40 chosen biennially, at the first ~~sessiøn~~ and third regular
sessions of the Legislature, by joint ballot of the Senators and
42 Representatives in convention.

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

46 **Section 1. Election.** The Treasurer shall be chosen
biennially, at the first ~~sessiøn~~ and third regular sessions of
48 the Legislature, by joint ballot of the Senators, and
Representatives in convention.

50

; and be it further

