

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

SECOND REGULAR SESSION-1996

Legislative Document

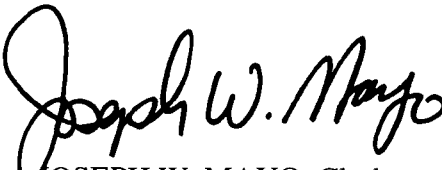
No. 1827

Initiated Bill 6

House of Representatives, March 6, 1996

An Act to Seek Congressional Term Limits.

Transmitted to the Clerk of the House of the 117th Maine Legislature by the Secretary of State on February 27, 1996 and ordered printed.


JOSEPH W. MAYO, Clerk

2 **PREAMBLE:** The People of the State of Maine want to
3 amend the United States Constitution to establish Term Limits on
4 Congress that will ensure representation in Congress by true
5 citizen lawmakers. The President of the United States is limited
6 by the XXII Amendment to two terms in office. Governors in forty
7 (40) states are limited to two terms or less. Voters have
8 established Term Limits for over 2,000 state legislators as well
9 as over 17,000 local officials across the country.

10 Nevertheless, Congress has ignored our desire for Term
11 Limits not only by proposing excessively long terms for its own
12 members but also by utterly refusing to pass an amendment for
13 genuine congressional term limits. Congress has a clear conflict
14 of interest in proposing a term limits amendment to the United
15 States Constitution. A majority of both Republicans and
16 Democrats in the United States House of Representatives during
17 the 104th Congress voted against a constitutional amendment
18 containing the Term Limits passed by a wide margin of Maine
19 voters.

20 The people, not Congress, should set Term Limits. We hereby
21 establish as the official position of the Citizens and State of
22 Maine that our elected officials should enact by Constitutional
23 Amendment congressional term limits no longer than three (3)
24 terms in the United States House of Representatives, nor longer
25 than two (2) terms in the United States Senate.

26 The career politicians dominating Congress have a conflict
27 of interest that prevents Congress from being what the Founders
28 intended, the branch of government closest to the people. The
29 politicians have refused to heed the will of the people for Term
30 Limits; they have voted to dramatically raise their own pay; they
31 have provided lavish million dollar pensions for themselves; and
32 they have granted themselves numerous other privileges at the
33 expense of the people. Most importantly, members of Congress
34 have enriched themselves while running up huge deficits to
35 support their spending. They have put the government nearly
36 \$5,000,000,000,000.00 (five trillion dollars) in debt, gravely
37 threatening the future of our children and grandchildren.

38 The corruption and appearance of corruption brought about by
39 political careerism is destructive to the proper functioning of
40 the first branch of our representative government Congress has
41 grown increasingly distant from the People of the States. The
42 People have the sovereign right and a compelling interest in
43 creating a citizen Congress that will more effectively protect
44 our freedom and prosperity. This interest and right may not
45 effectively be served in any way other than that proposed by this
46 initiative.

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2 The foresight of our Founders provided the People with a
3 path around congressional self-interest under Article 5 of the
4 Constitution. Pursuant to Article 5, the People may seek a
5 convention to propose amendments to the Constitution when
6 two-thirds of the States (34) apply for such a convention.
7 Amendments proposed by a convention would become part of the
8 Constitution upon the ratification of three-fourths of the states
9 (38). Therefore, the state of Maine, hereby amends its Compiled
10 Laws pursuant to our power under the state constitution.

11 We hereby state our intention that this law lead to the
12 adoption of the following Constitutional Amendment:

13 CONGRESSIONAL TERM LIMITS AMENDMENT

14 Section A. No person shall serve in the office of United
15 States Representative for more than three terms, but upon
16 ratification of this amendment no person who has held the office
17 of United States Representative or who then holds the office
18 shall serve for more than two additional terms.
19

20 Section B. No person shall serve in the office of United
21 States Senator for more than two terms, but upon ratification of
22 this amendment no person who has held the office of United States
23 Senator or who then holds the office shall serve in the office
24 for more than one additional term.
25

26 Section C. This article shall have no time limit within
27 which it must be ratified to become operative upon the
28 ratification of the legislatures or Conventions of three-fourths
29 of the several States.
30

31 Therefore, We, the People of the State of Maine, have chosen
32 to amend the Compiled State Laws to create legislation that will
33 inform voters regarding incumbent and non-incumbent federal
34 candidates' support for the above proposed CONGRESSIONAL TERM
35 LIMITS AMENDMENT and incumbent and non-incumbent state
36 legislators' support for the following proposed application to
37 Congress:
38

39 We, the People and Legislature of the State of Maine, due to
40 our desire to establish term limits on Congress, hereby make
41 application to Congress, pursuant to our power under Article V,
42 to call an Article V Convention.
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44 **Be it enacted by the People of the State of Maine as follows:**

45 **Sec. 1. 21-A MRSA c. 9, sub-c. I-A is enacted to read:**

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SUBCHAPTER I-A

CONGRESSIONAL TERM LIMITS ACT OF 1996

§641. Short title

This subchapter may be known and cited as the "Congressional Term Limits Act of 1996."

§642. Definitions

As used in this Act, unless the context otherwise indicates, the following terms have the following meanings.

1. Application. "Application" means an application to the Congress of the United States to call a convention for the purpose of proposing an amendment to the United States Constitution to limit to 3 terms the service of members of the United States House of Representatives and to 2 terms the service of members of the United States Senate.

2. Proposed amendment. "Proposed amendment" means the following proposed amendment to the United States Constitution set forth in The Congressional Term Limit Act of 1996:

CONGRESSIONAL TERM LIMITS AMENDMENT

Section A. No person shall serve in the office of United States Representative for more than three terms, but upon ratification of this amendment no person who has held the office of United States Representative or who then holds the office shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

§643. Ballot for incumbent Legislator

1. Notation of violation of voter instruction. Except as provided in subsection 2, the Secretary of State shall print on all primary, general and special election ballots "VIOLATED VOTER

2 INSTRUCTION ON TERM LIMITS" adjacent to the name of any
3 Legislator who during the current term of office failed to:

4 A. Vote in favor of the application when brought to a vote
5 in any setting in which the Legislator served, including,
6 but not limited to, either legislative body, a committee, a
7 subcommittee or the legislative council;

8
9 B. Second the application if it lacked for a second in any
10 setting in which the Legislator served, including, but not
11 limited to either legislative body, a committee, a
12 subcommittee or the legislative council;

13 C. Vote in favor of all votes bringing the application
14 before any setting in which the Legislator served,
15 including, but not limited to either legislative body, a
16 committee, a subcommittee or the legislative council;

17 D. Propose, sponsor or otherwise bring to a vote of the
18 full legislative body the application if it otherwise lacked
19 a legislator who so proposed or brought to a vote of the
20 full legislative body the application;

21 E. Vote against any attempt to delay, table, rerefer to
22 committee or otherwise prevent a vote by the full
23 legislative body of the application;

24 F. Vote in favor of any requests for the yeas and nays on
25 all votes on the application;

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27 G. Request the yeas and nays on all votes on the
28 application if it otherwise lacked a Legislator who so
29 requested;

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31 H. Vote against any change, addition, amendment or
32 modification to the application in any setting in which the
33 Legislator served, including, but not limited to either
34 legislative body, a committee, a subcommittee or the
35 legislative council;

36
37 I. Either be present and voting during any consideration of
38 the application in any setting in which the Legislator
39 served including, but not limited to, either legislative
40 body, a committee, a subcommittee or the legislative
41 council, or, if absent during any consideration of the
42 application in any setting in which the Legislator served,
43 including, but not limited to either legislative body, a
44 committee, a subcommittee or the legislative council, be
45 recorded in favor of the application via pairing or other
46 absentee provision;
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2 J. Vote against any proposed repeal of or amendment to this
Act;

4 K. Vote against any legislation that would supplement or
alter this Act;

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8 L. Vote in favor of the proposed amendment when it is sent
to the states for ratification, in any setting in which the
Legislator served, including, but not limited to, either
10 legislative body, a committee, a subcommittee or the
legislative council; or

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14 M. Vote against any amendment to the United States
Constitution with longer limits than those specified in the
proposed amendment if any such amendment is sent to the
16 states for ratification.

18 2. Exceptions. The language "VIOLATED VOTER INSTRUCTION ON
TERM LIMITS" may not be printed adjacent to the name of a
20 Legislator if:

22 A. Notwithstanding subsection 1, paragraphs A to K, the
State has made application for the purpose of proposing the
24 proposed amendment and that application has not been
withdrawn or the proposed amendment has been submitted to
26 the States for ratification;

28 B. Notwithstanding subsection 1, paragraphs L and M, the
State has ratified the proposed amendment; or

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32 C. Notwithstanding subsection 1, the proposed amendment has
become part of the Constitution of the United States.

34 3. Determination. The Secretary of State shall determine
whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS"
36 adjacent to the name of a Legislator in accordance with this
section no later than the time that nomination petitions are
38 certified. The Secretary of State shall make public this
determination at the time that information regarding nomination
40 petition certifications is made available to the public.

42 4. Challenge of determination. The determination made by
the Secretary of State may be challenged under the same process
44 that exists for challenging petition certification under sections
337 and 356. A challenger or candidate may appeal the decision
46 of the Secretary of State by commencing an action in Superior
Court in accordance with the Maine Rules of Civil Procedure, Rule
48 80-B. In this action, the Secretary of State shall be
responsible for showing clear and convincing evidence to justify
50 the Secretary of State's determination.

2 **§644. Ballot for incumbent Governor**

4 **1. Notation of violation of voter instruction.** Except as
6 provided in subsection 2, the Secretary of State shall print on
8 all primary, general and special election ballots "VIOLATED VOTER
10 INSTRUCTION ON TERM LIMITS" adjacent to the name of any Governor
12 who during the current term of office failed to:

14 A. Veto any attempt to amend or repeal this Act; or

16 B. Veto any legislation that would supplement, alter or
18 effect this Act in any way.

20 **2. Exception.** The language "VIOLATED VOTER INSTRUCTION ON
22 TERM LIMITS" may not be printed adjacent to the name of a
24 Governor as required by subsection 1, if the proposed amendment
26 has been submitted to the states for ratification and ratified by
28 this State or the proposed amendment has become part of the
30 United States Constitution.

32 **3. Determination.** The Secretary of State shall determine
34 whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS"
36 adjacent to the name of a Governor in accordance with this
38 section no later than the time that nomination petitions are
40 certified. The Secretary of State shall make public this
42 determination at the time that information regarding nomination
44 petition certifications is made available to the public.

46 **4. Challenge of determination.** The determination made by
48 the Secretary of State may be challenged under the same process
50 that exists for challenging petition certification under sections
52 337 and 356. A challenger or candidate may appeal the decision
54 of the Secretary of State by commencing an action in Superior
56 Court in accordance with the Maine Rules of Civil Procedure, Rule
58 80-B. In this action, the Secretary of State shall be
60 responsible for showing clear and convincing evidence to justify
62 the Secretary of State's determination.

64 **§645. Ballot for incumbent members of Congress**

66 **1. Notation of violation of voter instruction.** Except as
68 provided in subsection 2, the Secretary of State shall print on
70 all primary, general and special election ballots "VIOLATED VOTER
72 INSTRUCTION ON TERM LIMITS" adjacent to the name of any United
74 States Senator or Representative who during the current term of
76 office:

78 A. Failed to vote in favor of the proposed amendment when
80 brought to a vote in any setting in which the congressional

- 2 member served including, but not limited to, either
3 legislative body, a committee, a subcommittee or a
4 legislative council;
- 6 B. Failed to second the proposed amendment if it lacked for
7 a second before any proceeding of the legislative body
8 including, but not limited to, either legislative body, a
9 committee, a subcommittee or a legislative council;
- 10 C. Failed to propose, sponsor or otherwise bring to a vote
11 of the full legislative body the proposed amendment if it
12 otherwise lacked a congressional member who so proposed;
- 14 D. Failed to vote in favor of all votes bringing the
15 proposed amendment before any committee, subcommittee or in
16 any other setting of the respective house upon which the
17 congressional member served including, but not limited to
18 either legislative body, a committee, a subcommittee or a
19 legislative council;
- 20 E. In any other settings of the respective house in which
21 the congressional member served, including, but not limited
22 to, either legislative body, a committee, a subcommittee or
23 a legislative council, failed to reject any attempt to
24 delay, table, rerefer to committee or otherwise postpone or
25 prevent a vote by the full legislative body on the proposed
26 amendment;
- 28 F. Failed to vote against any proposed constitutional
29 amendment that would increase term limits beyond those in
30 the proposed amendment regardless of any other actions in
31 support of the proposed amendment;
- 34 G. Sponsored or cosponsored any proposed constitutional
35 amendment or law that would increase term limits beyond
36 those in the proposed amendment;
- 38 H. Failed to vote in favor of any requests for the yeas and
39 nays on all votes on the proposed amendment;
- 40 I. Failed to sign any discharge petition that would cause
41 the proposed amendment to be considered by the full
42 legislative body;
- 44 J. Failed to either be present and voting during any
45 consideration of the proposed amendment in any setting in
46 which the congressional member served including, but not
47 limited to, either legislative body, a committee or
48 subcommittee or, if absent during any consideration of the
49 proposed amendment in any setting in which the congressional
50 member served including, but not limited to, either
51 legislative body, a committee, a subcommittee or a
52 legislative council;

2 member served, including, but not limited to, either
3 legislative body, a committee or subcommittee, be recorded
4 in favor of the proposed amendment by means of pairing,
5 proxy voting or other absentee provision.

6 **2. Exception.** The language "VIOLATED VOTER INSTRUCTION ON
7 TERM LIMITS" may not be printed adjacent to the name of any
8 member of Congress as required by subsection 1 if the proposed
9 amendment has been submitted to the states for ratification or
10 has become part of the United States Constitution.

11 **3. Determination.** The Secretary of State shall determine
12 whether to print "VIOLATED VOTER INSTRUCTION ON TERM LIMITS"
13 adjacent to the name of any member of Congress in accordance with
14 this section no later than the time that nomination petitions are
15 certified. The Secretary of State shall make public this
16 determination at the time that information regarding nomination
17 petition certifications is made available to the public.

18 **4. Challenge of determination.** The determination made by
19 the Secretary of State may be challenged under the same process
20 that exists for challenging petition certification under sections
21 337 and 356. A challenger or candidate may appeal the decision
22 of the Secretary of State by commencing an action in Superior
23 Court in accordance with the Maine Rules of Civil Procedure, Rule
24 80-B. In this action, the Secretary of State shall be
25 responsible for showing clear and convincing evidence to justify
26 the Secretary of State's determination.

27 **§646. Pledge to support term limits**

28 **1. Pledge requirement.** Until the proposed amendment
29 becomes part of the United States Constitution, the Secretary of
30 State shall offer to candidates for the Congress of the United
31 States, Governor, the Maine Senate and the Maine House of
32 Representatives the term limits pledge set forth in subsection
33 3. The Secretary of State shall provide pledge forms to the
34 candidates. The candidates must sign and file with the Secretary
35 of State the pledge forms before the commencement of petitioning
36 for ballot access. Except as provided in subsection 2, for a
37 candidate who refuses to take the term limits pledge, the
38 Secretary of State shall print "REFUSED TO PLEDGE TO SUPPORT TERM
39 LIMITS" printed adjacent to the candidate's name on every
40 primary, general and special election ballot.

41 **2. Exception.** The language "REFUSED TO PLEDGE TO SUPPORT
42 TERM LIMITS" may not be printed adjacent to the candidate's name
43 on every primary, general and special election ballot when,
44 pursuant to section 643, 644 or 645, the notation "VIOLATED VOTER
45 INSTRUCTION ON TERM LIMITS" is printed adjacent to the name of any
46 member of Congress as required by subsection 1 if the proposed
47 amendment has been submitted to the states for ratification or
48 has become part of the United States Constitution.

2 INSTRUCTION ON TERM LIMITS" shall appear adjacent to the
3 candidate's name.

4 3. Term limits pledge. The Secretary of State shall offer
5 the following term limits pledge:

6 A. For all candidates for the United States Senate and the
7 United States House of Representatives:

10 "I support term limits and pledge to use all my legislative
11 powers to enact the proposed amendment to the United States
12 Constitution set forth in the Congressional Term Limits Act
13 of 1996. If elected, I pledge to act in such a way that the
14 designation "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" will
15 not appear adjacent to my name.

16
17 Signature of Candidate"

20 B. For all candidates for Governor:

22 "I support Term Limits and pledge, if elected, to use all my
23 delegated powers to enact the proposed Constitutional
24 Amendment set forth in the Congressional Term Limits Act of
25 1996. I pledge to use all my delegated powers to cause the
26 Legislature to make application under the United States
27 Constitution, Article V, to the Congress of the United
28 States as set forth in the Congressional Term Limits Act of
29 1996. I pledge to veto any attempt to amend or repeal the
30 Congressional Term Limits Act of 1996. I pledge to veto any
31 legislation that would supplement, alter or effect the
32 Congressional Term Limits Act of 1996 in any way.

34
35 Signature of Candidate"

38 C. For all candidates for the Maine Senate, the Maine House
39 of Representatives:

40 "I support term limits and pledge to use all my legislative
41 powers to cause the Legislature of the State of Maine to
42 make application to the Congress of the United States for a
43 constitutional convention under Article V of the United
44 States Constitution, and to enact the proposed amendment to
45 the United States Constitution set forth in the
46 Congressional Term Limits Act of 1996. If elected, I pledge
47 to act in such a way that the designation "VIOLATED VOTER
48 INSTRUCTION ON TERM LIMITS" will not appear adjacent to my
49 name.

50

.....
2 Signature of Candidate"

4 **4. Determination.** The Secretary of State shall determine
6 whether to print "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS"
8 adjacent to the name of a candidate in accordance with this
10 section no later than the time that nomination petitions are
 certified. The Secretary of State shall make public this
 determination at the time that information regarding nomination
 petition certifications is made available to the public.

12 **5. Challenge of determination.** The determination made by
14 the Secretary of State may be challenged under the same process
16 that currently exists for challenging petition certification
18 under sections 337 and 356. A challenger or candidate may appeal
20 the decision of the Secretary of State by commencing an action in
 Superior Court in accordance with the Maine Rules of Civil
 Procedure, Rule 80-B. In this action, the Secretary of State
 shall be responsible for showing clear and convincing evidence to
 justify the Secretary of State's determination.

22 **Sec. 2. Legislators directed to make application to Congress.** Each
24 member of the Maine Senate and the Maine House of Representatives
26 shall use all of that Legislator's delegated powers to make the
 following application under the United States Constitution,
 Article V, to the Congress of the United States:

28 We, the People and Legislature of the State of Maine, due to
30 our desire to establish term limits on Congress, hereby make
 application to Congress, pursuant to our power under Article
 V, to call an Article V Convention.

32 **Sec. 3. Governor directed to aid in application and ratification.** The
34 Governor shall use all of the Governor's delegated powers to aid
36 the Legislature in making the application specified in Sec. 2 to
 the Congress of the United States under Article V of the United
 States Constitution.

38 **Sec. 4. Congressional delegation directed to propose congressional**
40 **term limits amendment.** Each member of the state's congressional
42 delegation shall use all of that member's delegated powers to
 propose and vote for the following amendment to the United States
 Constitution:

44 CONGRESSIONAL TERM LIMITS AMENDMENT

46 Section A. No person shall serve in the office of United
48 States Representative for more than three terms, but upon
 ratification of the amendment no person who has held the office

of United States Representative or who then holds the office
shall serve for more than two additional terms.

Section B. No person shall serve in the office of United States Senator for more than two terms, but upon ratification of this amendment no person who has held the office of United States Senator or who then holds the office shall serve in the office for more than one additional term.

Section C. This article shall have no time limit within which it must be ratified to become operative upon the ratification of the legislatures or Conventions of three-fourths of the several States.

Sec. 5. Jurisdiction. Any legal challenge to this Act shall be filed as an original action before the Supreme Court of this state.

Sec. 6. Severability. If any portion, clause, or phrase of this initiative is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, the remaining portions, clauses, and phrases may not be affected, but shall remain in full force and effect.

STATEMENT OF FACT

This bill accomplishes the following.

1. It requires the Secretary of State to offer to all candidates for the Legislature, Governor and Congress a pledge to support congressional term limits and requires that, if a candidate refuses to sign the pledge, the Secretary of State print adjacent to that candidate's name on the ballot the words "REFUSED TO PLEDGE TO SUPPORT TERM LIMITS."

2. It requires that the Secretary of State print adjacent to the candidate's name on the ballot the words "VIOLATED VOTER INSTRUCTION ON TERM LIMITS" if an incumbent candidate for Governor, Congress or Legislature fails to vote in the manner specified in the bill.

3. It directs the Legislature to make application to Congress calling for a constitutional convention to propose an amendment to the federal constitution to require congressional term limits and directs the Governor to aid in such application. It also directs the State's congressional delegation to work to propose such an amendment to the federal constitution.