

MAINE STATE LEGISLATURE

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M
R.H.S.

L.D. 269

DATE: *May 20, 1997*

(Filing No. S-287)

STATE AND LOCAL GOVERNMENT

Reported by: *Majority*

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STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to S.P. 89, L.D. 269, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 4-year Terms for Senators and Members of the House of Representatives"

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

'RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 4-year Terms for Senators and Proposing to Limit the Number of Consecutive Terms a Senator or a Member of the House of Representatives May Serve'

Further amend the resolution by striking out everything after the title and before the summary and inserting in its place the following:

'Constitutional amendment. Resolved: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

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

Section 4. Time of state election; absentee voting. The election of Senators and Representatives and the Governor shall be on the Tuesday following the first Monday of November ~~biennially--forever~~ every 4 years and the election of ~~Governor~~ members of the House of Representatives shall be on the Tuesday following the first Monday of November ~~every-4-years~~ biennially. The Legislature under proper enactment shall authorize and

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provide for voting by citizens of the State absent therefrom in the Armed Forces of the United States or of this State and for voting by other citizens absent or physically incapacitated for reasons deemed sufficient.

Constitution, Art. IV, Part First, §4-A is enacted to read:

Section 4-A. Term limit. A person who has served 4 consecutive terms as a member of the House of Representatives is not eligible to serve a 5th consecutive term as a member of that body. A person who has served one year or more as a member of the House is considered to have served a full term for purposes of this section. Terms served prior to the effective date of this section are included in the 4-term limit under this section.

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

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

Constitution, Art. IV, Part Second, §6-A is enacted to read:

Section 6-A. Term limits. A person who has served 2 consecutive 4-year terms as Senator is not eligible to serve a 3rd consecutive term as a member of that body. A person who has served 2 years or more of a 4-year term in the Senate is considered to have served a full term for purposes of this section.

A person who has served 4 consecutive terms as a member of the Senate as of the end of the 119th Legislature is not eligible to serve in the Senate in the 120th Legislature. A person who has served 2 or 3 consecutive terms as a member of the Senate as of the end of the 119th Legislature is eligible to serve only one additional consecutive term in the Senate.

; and be it further

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities,

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towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election, on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine as proposed by a resolution of the Legislature to change the term of office for State Senators from 2 years to 4 years beginning in the year 1998 and limiting the number of consecutive terms that a person may serve as a Senator or a member of the House of Representatives?"

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

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

Further amend the resolution by inserting at the end before the summary the following:

FISCAL NOTE

The estimated cost of sending this constitutional amendment out to referendum will vary according to the total number of referenda enacted during the First Special Session of the 118th Legislature to be submitted to the voters in November. 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.'

SUMMARY

This amendment replaces the constitutional resolution. It provides 4-year terms for Senators, beginning in 1998. It also

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2 adds term limits to the Constitution of Maine for both Senators
and members of the House of Representatives. Senators are
4 limited to 2 consecutive 4-year terms; members of the House are
6 limited to 4 consecutive 2-year terms. Senators who serve 2
years or more are considered to have served a full term. Members
8 of the House are considered to have served a full term if they
serve one year or more. It adds transition language that
10 explains the application of the new constitutional term limits
for persons who have served in the Senate or House prior to the
12 Legislative year in which the constitutional change becomes
effective. The amendment also adds a fiscal note to the
constitutional resolution.