

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 269

S.P. 89

In Senate, January 21, 1997

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide 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 "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator KIEFFER of Aroostook.

Cosponsored by Senators: CASSIDY of Washington, CLEVELAND of Androscoggin, HALL of Piscataquis, MILLS of Somerset, PARADIS of Aroostook, Representatives: AHEARNE of Madawaska, DEXTER of Kingfield, OTT of York.

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

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

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:

2 **Section 5. Election of Representatives; lists of votes**
3 **delivered forthwith; lists of votes examined by Governor; summons**
4 **of persons who appear to be elected; lists shall be laid before**
5 **the House.** The meetings within this State for the choice of
6 Representatives shall be warned in due course of law by qualified
7 officials of the several towns and cities 7 days at least before
8 the election, and the election officials of the various towns and
9 cities shall preside impartially at such meetings, receive the
10 votes of all the qualified electors, sort, count and declare them
11 in open meeting; and a list of the persons voted for shall be
12 formed, with the number of votes for each person against that
13 person's name. Cities and towns belonging to any Representative
14 District shall hold their meetings at the same time in the
15 respective cities and towns; and such meetings shall be notified,
16 held and regulated, the votes received, sorted, counted and
17 declared in the same manner. Fair copies of the lists of votes
18 shall be attested by the municipal officers and the clerks of the
19 cities and towns and the city and town clerks respectively shall
20 cause the same to be delivered into the office of the Secretary
21 of State forthwith. The Governor shall examine the returned
22 copies of such lists and 7 days before the first Wednesday of
23 December biennially following the general election, shall issue a
24 summons to such persons as shall appear to have been elected by a
25 plurality of all votes returned, to attend and take their seats.
26 All such lists shall be laid before the House of Representatives
27 on the first Wednesday of December biennially following the
28 general election, and they shall finally determine who are
elected.

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

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

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

46 **Section 1. To meet annually; power of Legislature to**
47 **convene itself at other times; extent of legislative power.** The
48 Legislature shall convene on the first Wednesday of December
49 following the general election in what shall be designated the
50 first regular session of the Legislature; and shall further

2 convene on the first Wednesday after the first Tuesday of January
3 in the subsequent ~~even-numbered-year~~ 3 years in what shall be
4 designated the second, third and fourth regular ~~session~~ sessions
5 of the Legislature; provided, however, that the business of the
6 second and fourth regular ~~session~~ sessions of the Legislature
7 shall be limited to budgetary matters; legislation in the
8 Governor's call; legislation of an emergency nature admitted by
9 the Legislature; legislation referred to committees for study and
10 report by the Legislature in the first or third regular session
11 as the case may be; and legislation presented to the Legislature
12 by written petition of the electors under the provisions of
13 Article IV, Part Third, Section 18. The Legislature shall enact
14 appropriate statutory limits on the length of the first and third
15 regular ~~session~~ sessions and of the second and fourth regular
16 regular ~~session~~ sessions. The Legislature may convene at such other
17 times on the call of the President of the Senate and Speaker of
18 the House, with the consent of a majority of the Members of the
19 Legislature of each political party, all Members of the
20 Legislature having been first polled. The Legislature, with the
21 exceptions hereinafter stated, shall have full power to make and
22 establish all reasonable laws and regulations for the defense and
23 benefit of the people of this State, not repugnant to this
24 Constitution, nor to that of the United States.

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

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

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

42
43 **Section 1. Election.** The Secretary of State shall be
44 chosen biennially, at the first ~~session~~ and third regular
45 sessions of the Legislature, by joint ballot of the Senators and
46 Representatives in convention.

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

