

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 63

H.P. 54

House of Representatives, January 9, 2001

**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.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LABRECQUE of Gorham.

Cosponsored by Representative ANDREWS of York, Senator: McALEVEY of York.

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 **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
biennially ~~forever, except as provided in this section.~~
10 Beginning with the general elections held in 2002, 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** is amended to read:

22 **Section 2. Number of Representatives; 4-year terms;**
division of the State into districts for House of
24 **Representatives.** The House of Representatives shall consist of
151 members, to be elected by the qualified electors, and hold
26 their office ~~2~~ 4 years from the day next preceding the first
Wednesday in December following the general election. The
28 Legislature which convenes in 1983 and every 10th year thereafter
shall cause the State to be divided into districts for the choice
30 of one Representative for each district. The number of
Representatives shall be divided into the number of inhabitants
32 of the State exclusive of foreigners not naturalized according to
the latest Federal Decennial Census or a State Census previously
34 ordered by the Legislature to coincide with the Federal Decennial
Census, to determine a mean population figure for each
36 Representative District. Each Representative District shall be
formed of contiguous and compact territory and shall cross
38 political subdivision lines the least number of times necessary
to establish as nearly as practicable equally populated
40 districts. Whenever the population of a municipality entitles it
to more than one district, all whole districts shall be drawn
42 within municipal boundaries. Any population remainder within the
municipality shall be included in a district with contiguous
44 territory and shall be kept intact.

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

48 **Section 5. Election of Representatives; lists of votes**
delivered forthwith; lists of votes examined by Governor; summons
50 **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
25 general election, and they shall finally determine who are
26 elected.

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

28
29 **Section 5. Determination of Senators elected; procedure for**
30 **filling vacancies.** The Senate shall, on said first Wednesday of
31 December, ~~biennially~~ following the general election, determine
32 who is elected by a plurality of votes to be Senator in each
33 district. All vacancies in the Senate arising from death,
34 resignation, removal from the State or like causes, and also
35 vacancies, if any, which may occur because of the failure of any
36 district to elect by a plurality of votes the Senator to which
37 said district shall be entitled shall be filled by an immediate
38 election in the unrepresented district. The Governor shall issue
39 a proclamation therefor and therein fix the time of such election.
40

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

42
43 **Section 1. To meet annually; power of Legislature to**
44 **convene itself at other times; extent of legislative power.** The
45 Legislature shall convene on the first Wednesday of December
46 following the general election in what shall be designated the
47 first regular session of the Legislature; and shall further
48 convene on the first Wednesday after the first Tuesday of January
49 in the subsequent ~~even-numbered year~~ 3 years in what shall be
50 designated the second, third and fourth regular sessions sessions

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

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

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

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

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

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

43 **Section 1. Election.** The Treasurer shall be chosen
44 biennially, at the first sessiøen and third regular sessions of

2 the Legislature, by joint ballot of the Senators, and
Representatives in convention.

4 ; and be it further

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

14 "Do you favor amending the Constitution of Maine as proposed
16 by a resolution of the Legislature to change the term of
office for State Legislators from 2 years to 4 years
18 beginning in 2002?"

20 The legal voters of each city, town and plantation shall
vote by ballot on this question, and designate their choice by a
22 cross or check mark placed within the corresponding square below
the word "Yes" or "No." The ballots must be received, sorted,
24 counted and declared in open ward, town and plantation meetings
and returns made to the Secretary of State in the same manner as
26 votes for members of the Legislature. The Governor shall review
the returns and, if it appears that a majority of the legal votes
28 are cast in favor of the amendment, the Governor shall proclaim
that fact without delay and the amendment becomes part of the
30 Constitution on January 1, 2002; and be it further

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

36
38
40 **SUMMARY**

42 This constitutional resolution changes Legislators' terms to
4 years following the general election in 2002. The Legislature
meets every year, but the business in the 4th year would be
44 restricted as it is presently in the 2nd year.