

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2001

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Legislative Document

No. 389

H.P. 311

House of Representatives, January 30, 2001

**RESOLUTION, Proposing an Amendment to the Constitution of Maine  
to Prohibit a Person Employed Full-time in the Judicial or Executive  
Branch of the State from Serving in the Legislature.**

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

*Millicent M. MacFarland*

MILLICENT M. MacFARLAND, Clerk

Presented by Representative PERKINS of Penobscot.  
Cosponsored by Representatives: BROOKS of Winterport, McKENNEY of Cumberland,  
PINKHAM of Lamoine, TRAHAN of Waldoboro, WHEELER of Bridgewater, Senators:  
DAVIS of Piscataquis, 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. IV, §4** is amended to read:

6                   **Section 4. Residency requirement.** No person shall be a  
8 member of the House of Representatives, unless the person shall,  
at the commencement of the period for which the person is  
10 elected, not be a full-time employee of the judicial or executive  
branch of the State, have been 5 years a citizen of the United  
12 States, have arrived at the age of 21 years, have been a resident  
in this State one year; and for the 3 months next preceding the  
14 time of this person's election shall have been, and, during the  
period for which elected, shall continue to be a resident in the  
16 district which that person represents.

18                   No person may be a candidate for election as a member of the  
House of Representatives unless, at the time of the nomination  
20 for placement on the primary, general or special election ballot,  
that person is a resident in the district which the candidate  
22 seeks to represent.

24                   ; and be it further

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

34                   "Do you favor amending the Constitution of Maine to prohibit  
36 full-time employees of the judicial or executive branch of  
the State from serving in the Legislature?"

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

