

# MAINE STATE LEGISLATURE

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# 121st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2003

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Legislative Document

No. 562

H.P. 425

House of Representatives, February 6, 2003

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**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Elect 2 Senators from Each County**

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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 JOY of Crystal.

Cosponsored by Representatives: BERRY of Belmont, CARR of Lincoln, CLARK of Millinocket, GOODWIN of Pembroke, LEDWIN of Holden, SHERMAN of Hodgdon, VAUGHAN of Durham, Senator: STANLEY of Penobscot.

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 Representatives shall be on the Tuesday  
10 following the first Monday of November biennially ~~forever~~ except  
as provided in this Section. Beginning with the general  
12 elections held in 2004, the election of Senators and the election  
of Governor shall be on the Tuesday following the first Monday of  
14 November every 4 years, except that the term of a Senator from an  
odd-numbered legislative district remains as a 2-year term until  
16 2006, after which time the election must be held every 4 years.  
The Legislature under proper enactment shall authorize and  
18 provide for voting by citizens of the State absent therefrom in  
the Armed Forces of the United States or of this State and for  
20 voting by other citizens absent or physically incapacitated for  
reasons deemed sufficient.

22           **Constitution, Art. IV, Part Second, §1** is amended to read:

24           **Section 1. Number of Senators.** The Senate shall consist of  
~~an odd number of 32~~ 32 Senators, ~~not less than 31 nor more than 35,~~  
26 elected at the same time and for the same term as  
Representatives, except as provided in Article II, Section 4 by  
28 the qualified electors of the districts into which the State  
shall be from time to time divided.

30           **Constitution, Art. IV, Part Second, §2** is amended to read:

32           **Section 2. Submission of reapportionment plan to Secretary**  
34 **of Senate; Legislature's action on commission's plan; division of**  
**State into Senatorial Districts; division by Supreme Judicial**  
36 **Court.** The Legislature which shall convene in the year 1983 ~~and~~  
~~every 10th year thereafter~~ 2004 shall ~~cause~~ reapportion the State  
38 ~~to be divided into districts for the choice of a Senator from~~  
~~each district~~ in order that the Senate districts coincide with  
40 the counties of the State. The voters of each county shall vote  
for 2 Senators.

42           The apportionment plan of the commission established under  
44 Article IV, Part Third, Section 1-A shall be submitted to the  
Secretary of the Senate no later than 120 calendar days after the  
46 convening of the Legislature in which apportionment is required.  
In the preparation of legislation implementing the plan, the  
48 commission, following a unanimous decision by commission members,  
may adjust errors and inconsistencies in accordance with the  
50 standards set forth in this Constitution, so long as substantive

2 changes are not made. The Legislature shall enact the submitted  
4 plan of the commission or a plan of its own by a vote of 2/3 of  
6 the Members of each House, within 30 calendar days after the plan  
of the commission is submitted. Such action shall be subject to  
the Governor's approval as provided in Article IV, Part Third,  
Section 2.

8 In the event that the Legislature shall fail to make an  
10 apportionment within 130 days after convening, the Supreme  
12 Judicial Court shall, within 60 days following the period in  
14 which the Legislature is required to act but fails to do so, make  
16 the apportionment. In making such apportionment, the Supreme  
Judicial Court shall take into consideration plans and briefs  
filed by the public with the court during the first 30 days of  
the period in which the court is required to apportion.

18 The Supreme Judicial Court shall have original jurisdiction  
20 to hear any challenge to an apportionment law enacted by the  
22 Legislature, as registered by any citizen or group thereof. If  
any challenge is sustained, the Supreme Judicial Court shall make  
the apportionment.

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  
30 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  
32 proposed in this resolution by voting upon the following question:

34 "Do you favor amending the Constitution of Maine to reduce  
36 the size of the Senate from no more than 35 members to 32  
members, effective in the year 2004, and to reapportion  
38 Senatorial Districts to coincide with the counties of the  
State?"

40 The legal voters of each city, town and plantation shall  
42 vote by ballot on this question and designate their choice by a  
cross or check mark placed within the corresponding square below  
44 the word "Yes" or "No." The ballots must be received, sorted,  
counted and declared in open ward, town and plantation meetings  
46 and returns made to the Secretary of State in the same manner as  
votes for members of the Legislature. The Governor shall review  
48 the returns and, if it appears that a majority of the legal votes  
are cast in favor of the amendment, the Governor shall proclaim

2 that fact without delay and the amendment becomes part of the  
Constitution of Maine on the date of the proclamation; and be it  
further

4

6 **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  
8 necessary to carry out the purpose of this referendum.

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### SUMMARY

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14 This resolution proposes a constitutional amendment to  
reduce the size of the Senate from no more than 35 members to 32  
members, 2 Senators from each county. The redrawing of district  
16 lines occurs during the regularly scheduled redistricting  
following the decennial census. The redistricting will be done  
18 in 2004.