

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 440

H.P. 325

House of Representatives, January 27, 2005

**RESOLUTION, To Amend the Constitution of Maine To Change
the Number of Senators to 2 from Each County**

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 Senator DAVIS of Piscataquis and
Representatives: ANNIS of Dover-Foxcroft, CARR of Lincoln, McFADDEN of Dennysville,
SAVIELLO of Wilton, SHERMAN of Hodgdon, STEDMAN of Hartland, THOMAS of
Ripley, VAUGHAN of Durham.

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 Representatives shall be on the Tuesday
8 following the first Monday of November biennially ~~forever~~ except
10 as provided in this Section. Beginning with the general election
12 held in 2006, the election of Senators and the election--of
14 Governor shall be on the Tuesday following the first Monday of
16 November every 4 years, except that the term of a Senator from an
18 odd-numbered legislative district remains as a 2-year term until
20 2008, after which time the election of all Senators must be held
every 4 years. The Legislature under proper enactment shall
authorize and 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.

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

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

30 **Constitution, Art. IV, Pt. 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**
36 **State into Senatorial Districts; division by Supreme Judicial**
38 **Court.** The Legislature which shall convene in the year ~~1983~~ 2009
and ~~every 10th year thereafter~~ shall cause reapportion the State
40 ~~to be divided into districts for the choice of a Senator from~~
~~each district, using the same method as provided in Article IV,~~
~~Part First, Section 2 for apportionment of Representative~~
42 Districts so that the Senate districts coincide with the counties
of the State. The voters of each county shall vote for 2
Senators.

44 The apportionment plan of the commission established under
46 Article IV, Part Third, Section 1-A shall be submitted to the
Secretary of the Senate no later than 120 calendar days after the
48 convening of the Legislature in which apportionment is required.
In the preparation of legislation implementing the plan, the
50 commission, following a unanimous decision by commission members,
may adjust errors and inconsistencies in accordance with the
52 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 2006, 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 purposes of this referendum.

10
12 **SUMMARY**

14 This resolution amends the Constitution to reduce the size
of the Senate from no more than 35 members to 32 members. The
redrawing of district lines occurs during the regularly scheduled
16 redistricting following the decennial census. The redistricting
will be done in 2009.