

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 1111

H.P. 764

House of Representatives, March 1, 2005

**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Provide 4-year Terms for Senators and Representatives  
and To Increase Term Limits to 12 Years**

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Reference to the Committee on Legal and Veterans Affairs suggested and ordered printed.

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PARADIS of Frenchville.  
Cosponsored by Senator MAYO of Sagadahoc and  
Representatives: COLLINS of Wells, CUMMINGS of Portland, DAVIS of Falmouth,  
DUPLESSIE of Westbrook, HOTHAM of Dixfield, PILON of Saco, PINGREE of North  
Haven, Speaker RICHARDSON of Brunswick.

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~~  
10 ~~following the first Monday of November biennially forever and the~~  
election of Governor and, beginning with the general election  
12 held in 2008, the election of Senators and Representatives shall  
be on the Tuesday following the first Monday of November every 4  
14 years. The Legislature under proper enactment shall authorize  
and provide for voting by citizens of the State absent therefrom  
16 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.

18           **Constitution, Art. IV, Pt. First, §2** is amended to read:

20           **Section 2. Number of Representatives; terms; division of**  
the State into districts for House of Representatives. The House  
22 of Representatives shall consist of 151 members, to be elected by  
the qualified electors, and hold their office ~~2~~ 4 years from the  
24 day next preceding the first Wednesday in December following the  
general election. A member may not serve more than 3 consecutive  
26 terms as a member of the House of Representatives. The  
Legislature which convenes in 1983 and every 10th year thereafter  
28 shall cause the State to be divided into districts for the choice  
of one Representative for each district. The number of  
30 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, Pt. First, §5** is 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, Pt. Second, §1** is amended to read:

32           **Section 1. Number of Senators.** The Senate shall consist of  
33 an odd number of Senators, not less than 31 nor more than 35,  
34 elected at the same time and for the same term as Representatives  
35 by the qualified electors of the districts into which the State  
36 shall be from time to time divided. A Senator may not serve more  
37 than 3 consecutive terms.

38           **Constitution, Art. IV, Pt. Second, §5** is amended to read:

40           **Section 5. Determination of Senators elected; procedure for**  
41 **filling vacancies.** The Senate shall, on said first Wednesday of  
42 December, ~~biennially~~ following the general election, determine  
43 who is elected by a plurality of votes to be Senator in each  
44 district. All vacancies in the Senate arising from death,  
45 resignation, removal from the State or like causes, and also  
46 vacancies, if any, which may occur because of the failure of any  
47 district to elect by a plurality of votes the Senator to which  
48 said district shall be entitled shall be filled by an immediate

2 election in the unrepresented district. The Governor shall issue  
a proclamation therefor and therein fix the time of such election.

4 ; and be it further

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

16 "Do you favor amending the Constitution of Maine to change  
18 the term of office for State Senators and members of the  
House of Representatives from 2 years to 4 years and  
increasing term limits to 12 years beginning in 2008?"

20  
22 The legal voters of each city, town and plantation shall  
vote by ballot on this question and designate their choice by a  
24 cross or check mark placed within the corresponding square below  
the word "Yes" or "No." The ballots must be received, sorted,  
26 counted and declared in open ward, town and plantation meetings  
and returns made to the Secretary of State in the same manner as  
28 votes for members of the Legislature. The Governor shall review  
the returns and, if it appears that a majority of the legal votes  
30 are cast in favor of the amendment, the Governor shall proclaim  
that fact without delay and the amendment becomes part of the  
Constitution of Maine on January 1, 2008; and be it further

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

38  
40 **SUMMARY**

42 This constitutional resolution changes the terms of Senators  
and members of the House of Representatives to 4 years and  
44 increases term limits to 12 years beginning with the statewide  
election in 2008.