

MAINE STATE LEGISLATURE

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122nd MAINE LEGISLATURE

FIRST REGULAR SESSION-2005

Legislative Document

No. 1112

H.P. 765

House of Representatives, March 1, 2005

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Legislative Term to 4 years

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JACKSON of Fort Kent.
Cosponsored by Senator MARTIN of Aroostook and
Representatives: BROWN of South Berwick, CANAVAN of Waterville, GERZOFISKY of
Brunswick, HOTHAM of Dixfield, PATRICK of Rumford, VALENTINO of Saco, Senators:
BRYANT of Oxford, GAGNON of Kennebec.

2 **Constitutional amendment. Resolved:** Two thirds of each
3 branch of the Legislature concurring, that the following
4 amendment to the Constitution of Maine be proposed:

5 **Constitution, Art. II, §4** is amended to read:

6
7 **Section 4. Time of state election; absentee voting.** The
8 election of Senators and members of the House of Representatives
9 shall be on the Tuesday following the first Monday of November
10 biennially ~~forever~~, except as provided in this section.
11 Beginning with the general elections held in 2006, the elections
12 of Senators, members of the House of Representatives and the
13 ~~election of~~ Governor shall be on the Tuesday following the first
14 Monday of November every 4 years. The Legislature under proper
15 enactment shall authorize and provide for voting by citizens of
16 the State absent therefrom in the Armed Forces of the United
17 States or of this State and for voting by other citizens absent
18 or physically incapacitated for reasons deemed sufficient.

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

20
21 **Section 2. Number of Representatives; 4-year terms;**
22 **division of the State into districts for House of**
23 **Representatives.** The House of Representatives shall consist of
24 151 members, to be elected by the qualified electors, and hold
25 their office 2 4 years from the day next preceding the first
26 Wednesday in December following the general election. The
27 Legislature which convenes in 1983 and every 10th year thereafter
28 shall cause the State to be divided into districts for the choice
29 of one Representative for each district. The number of
30 Representatives shall be divided into the number of inhabitants
31 of the State exclusive of foreigners not naturalized according to
32 the latest Federal Decennial Census or a State Census previously
33 ordered by the Legislature to coincide with the Federal Decennial
34 Census, to determine a mean population figure for each
35 Representative District. Each Representative District shall be
36 formed of contiguous and compact territory and shall cross
37 political subdivision lines the least number of times necessary
38 to establish as nearly as practicable equally populated
39 districts. Whenever the population of a municipality entitles it
40 to more than one district, all whole districts shall be drawn
41 within municipal boundaries. Any population remainder within the
42 municipality shall be included in a district with contiguous
43 territory and shall be kept intact.

44
45 **Constitution, Art. IV, Pt. First, §5,** is amended to read:

46
47 **Section 5. Election of Representatives; lists of votes**
48 **delivered forthwith; lists of votes examined by Governor; summons**
49 **of persons who appear to be elected; lists shall be laid before**
50

2 **the House.** The meetings within this State for the choice of
Representatives shall be warned in due course of law by qualified
4 officials of the several towns and cities 7 days at least before
the election, and the election officials of the various towns and
6 cities shall preside impartially at such meetings, receive the
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
formed, with the number of votes for each person against that
10 person's name. Cities and towns belonging to any Representative
District shall hold their meetings at the same time in the
12 respective cities and towns; and such meetings shall be notified,
held and regulated, the votes received, sorted, counted and
14 declared in the same manner. Fair copies of the lists of votes
shall be attested by the municipal officers and the clerks of the
16 cities and towns and the city and town clerks respectively shall
cause the same to be delivered into the office of the Secretary
of State forthwith. The Governor shall examine the returned
18 copies of such lists and 7 days before the first Wednesday of
December biennially following the general election, shall issue a
20 summons to such persons as shall appear to have been elected by a
plurality of all votes returned, to attend and take their seats.
22 All such lists shall be laid before the House of Representatives
on the first Wednesday of December biennially following the
24 general election, and they shall finally determine who are
elected.

26
28 **Constitution, Art. IV, Pt. Second, §5** is amended to read:

30 **Section 5. Determination of Senators elected; procedure for**
filling vacancies. The Senate shall, on said first Wednesday of
December, ~~--biennially following the general election~~, determine
32 who is elected by a plurality of votes to be Senator in each
district. All vacancies in the Senate arising from death,
34 resignation, removal from the State or like causes, and also
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
said district shall be entitled shall be filled by an immediate
38 election in the unrepresented district. The Governor shall issue
a proclamation therefor and therein fix the time of such election.

40
42 **Constitution, Art. IV, Pt. Third, §1** is amended to read:

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

2 of the Legislature; provided, however, that the business of the
3 second and fourth regular ~~session~~ 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 ~~session~~ sessions and of the second and fourth regular
13 ~~session~~ 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, Pt. Third, §18, sub-§1** is amended to read:

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

38 **Constitution, Art. V, Pt. Second, §1** is amended to read:

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

44 **Constitution, Art. V, Pt. Third, §1** is amended to read:

46 **Section 1. Election.** The Treasurer shall be chosen
47 biennially, at the first session and third regular sessions of
48

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

; and be it further

Constitutional referendum procedure; form of question; effective date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and 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 proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine as proposed by a resolution of the Legislature to change the term of office for State Legislators from 2 years to 4 years beginning in 2006?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes 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, 2006; and be it further

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 necessary to carry out the purposes of this referendum.

SUMMARY

This constitutional resolution changes Legislators' terms to 4 years in time for the general election in 2006. The Legislature would meet every year, but business in the 2nd year and 4th year would be restricted as it is presently in the 2nd year.