

MAINE STATE LEGISLATURE

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STATE AND LOCAL GOVERNMENT

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STATE OF MAINE

HOUSE OF REPRESENTATIVES

123RD LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1078, L.D. 1553, "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Legislative Terms to 4 Years"

Amend the resolution by striking out everything after the title and before the summary and inserting the following:

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

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

Section 4. Time of state election; absentee voting. The Until the general election held in 2014, the election of Senators and Representatives shall be on the Tuesday following the first Monday of November biennially ~~forever~~ and the election of Governor and, beginning with the general election held in 2014, the election of Senators and Representatives shall be on the Tuesday following the first Monday of November 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.

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

Section 2. Number of Representatives; terms; division of the State into districts for House of Representatives. The Until the general election held in 2014, the House of Representatives shall consist of 151 members, to be elected by the qualified electors, and hold their office 2 years from the day next preceding the first Wednesday in December following the general election. Beginning with the general election in 2014, members of the House of Representatives hold their office for 4 years from the day next preceding the first Wednesday in December following the general election. The Legislature which convenes in 1983 and every 10th year until 2014 and then every 12th year thereafter shall cause the State to be divided into districts for the choice of one Representative for each

COMMITTEE AMENDMENT

district. The number of Representatives shall be divided into the number of inhabitants of the State exclusive of foreigners not naturalized according to the latest Federal Decennial Census or a State Census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each Representative District. Each Representative District shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts shall be drawn within municipal boundaries. Any population remainder within the municipality shall be included in a district with contiguous territory and shall be kept intact.

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

Section 5. Election of Representatives; lists of votes delivered forthwith; lists of votes examined by Governor; summons of persons who appear to be elected; lists shall be laid before the House. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against that person's name. Cities and towns belonging to any Representative District shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the 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 copies of such lists and 7 days before the first Wednesday of December biennially until 2014, and then quadrennially following the general election in November 2014, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the first Wednesday of December biennially until 2014, and then quadrennially following the general election in November 2014, and they shall finally determine who are elected.

Constitution, Art. IV, Pt. Second, §2, first ¶ is amended to read:

Section 2. Submission of reapportionment plan to Secretary of Senate; Legislature's action on commission's plan; division of State into Senatorial Districts; division by Supreme Judicial Court. The Legislature which shall convene in the year ~~1983~~ 2013 and every ~~tenth~~ twelfth year thereafter shall cause the State 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 Districts.

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

Section 5. Determination of Senators elected; procedure for filling vacancies. ~~The~~ Until the general election held in 2014, the Senate shall, on said first Wednesday of December, biennially, and then quadrennially following the general election in November 2014, determine who is elected by a plurality of votes to be Senator in each

1 district. All vacancies in the Senate arising from death, resignation, removal from the
2 State or like causes, and also vacancies, if any, which may occur because of the failure of
3 any district to elect by a plurality of votes the Senator to which said district shall be
4 entitled shall be filled by an immediate election in the unrepresented district. The
5 Governor shall issue a proclamation therefor and therein fix the time of such election.

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

7 **Section 1. To meet annually; power of Legislature to convene itself at other**
8 **times; extent of legislative power.** The Legislature shall convene on the first
9 Wednesday of December following the general election in what shall be designated the
10 first regular session of the Legislature; and shall further convene on the first Wednesday
11 after the first Tuesday of January in the subsequent even-numbered year in what shall be
12 designated the second regular session of the Legislature; ~~provided, however, that the~~ until
13 2014; and following the general election in 2014 shall further convene on the first
14 Wednesday after the first Tuesday of January in the subsequent odd-numbered year in
15 what shall be designated the third regular session of the Legislature; and shall further
16 convene on the first Wednesday after the first Tuesday of January in the subsequent even-
17 numbered year in what shall be designated the fourth regular session of the Legislature.
18 The business of the second regular session of the Legislature shall be limited to budgetary
19 matters; legislation in the Governor's call; legislation of an emergency nature admitted by
20 the Legislature; legislation referred to committees for study and report by the Legislature
21 in the first regular session; and legislation presented to the Legislature by written petition
22 of the electors under the provisions of Article IV, Part Third, Section 18. Following the
23 general election in 2014, the fourth regular session of the Legislature is limited in the
24 same manner as the second regular session. The Legislature shall enact appropriate
25 statutory limits on the length of the first regular session and of the second regular session,
26 and following the general election in 2014, of the third regular session and of the fourth
27 regular session. The Legislature may convene at such other times on the call of the
28 President of the Senate and Speaker of the House, with the consent of a majority of the
29 Members of the Legislature of each political party, all Members of the Legislature having
30 been first polled. The Legislature, with the exceptions hereinafter stated, shall have full
31 power to make and establish all reasonable laws and regulations for the defense and
32 benefit of the people of this State, not repugnant to this Constitution, nor to that of the
33 United States.

34 **Constitution, Art. IV, Pt. Third, §18, sub §1**, as amended by CR 2005, c. 2, is
35 further amended to read:

36 **1. Petition procedure.** The electors may propose to the Legislature for its
37 consideration any bill, resolve or resolution, including bills to amend or repeal emergency
38 legislation but not an amendment of the State Constitution, by written petition addressed
39 to the Legislature or to either branch thereof and filed in the office of the Secretary of
40 State by the hour of 5:00 p.m., on or before the 50th day after the date of convening of the
41 Legislature in first regular session until 2014 and in first regular session or third regular
42 session following the general election in November 2014 or on or before the 25th day
43 after the date of convening of the Legislature in second regular session until 2014 and in
44 second regular session or fourth regular session following the general election in
45 November 2014, except that the written petition may not be filed in the office of the

1 Secretary of State later than 18 months after the date the petition form was furnished or
2 approved by the Secretary of State. If the applicable deadline falls on a Saturday,
3 Sunday, or legal holiday, the period runs until the hour of 5:00 p.m., of the next day
4 which is not a Saturday, Sunday, or legal holiday.

5 **Constitution, Art. V, Pt. First, §14, First ¶** is amended to read:

6 **Section 14. Vacancy, how supplied.** Whenever the office of Governor shall
7 become vacant because of the death, resignation or removal of a Governor in office, or
8 any other cause, the President of the Senate shall assume the office of Governor until
9 another Governor shall be duly qualified. When Until the general election held in 2014,
10 when the vacancy occurs more than 90 days preceding the date of the primary election for
11 nominating candidates to be voted for at the biennial election next succeeding, the
12 President of the Senate shall assume the office of Governor until the first Wednesday
13 after the first Tuesday of January following the biennial election. Following the general
14 election in November 2014, when a vacancy occurs more than 90 days preceding the date
15 of the primary election for nominating candidates to be voted for at the quadrennial
16 election next succeeding, the President of the Senate shall assume the office of Governor
17 until the first Wednesday after the first Tuesday of January following the quadrennial
18 election. At Until the general election held in 2014, at the biennial election, a Governor
19 shall be elected to fill the unexpired term created by the vacancy, and then quadrennially
20 following the general election in November 2014. When the vacancy occurs less than 90
21 days preceding the date of a primary election the President of the Senate shall fill the
22 unexpired term.

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

24 **Section 1. Election.** The Until the general election held in 2014, the Secretary of
25 State shall be chosen biennially at the first session. After the general election in
26 November 2014, the Secretary of State shall be chosen biennially at the first and third
27 sessions of the Legislature, by joint ballot of the Senators and Representatives in
28 convention.

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

30 **Section 1. Election.** The Treasurer shall be chosen biennially, at the first session
31 until 2014. After the general election in November 2014, the Treasurer shall be chosen
32 biennially at the first and third sessions of the Legislature, by joint ballot of the Senators,
33 and Representatives in convention.

34 **Constitution, Art. IX, §4** is amended to read:

35 **Section 4. Elections on the first Wednesday after first Tuesday of January may**
36 **be adjourned from day to day.** In case the elections, required by this Constitution on
37 the first Wednesday after the first Tuesday of January biennially until 2014, or
38 quadrennially after the general election held in 2014, by the 2 Houses of the Legislature,
39 shall not be completed on that day, the same may be adjourned from day to day, until
40 completed, in the following order: The vacancies in the Senate shall first be filled; and
41 the Governor shall then be elected, if there be no choice by the people.

42 **Constitution, Art. IX, §11** is amended to read:

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FISCAL NOTE REQUIRED
(See attached)



Approved: 06/08/07 *MAC*

123rd MAINE LEGISLATURE

LD 1553

LR 856(02)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Increase the Length of Legislative Terms to 4 Years

Fiscal Note for Bill as Amended by Committee Amendment "A"

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Referendum Costs	Month/Year	Election Type	Question	Length
	Nov-07	General	Referendum	Standard

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions increases the ballot length, an additional appropriation of \$8,000 or more may be required.