

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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No. 1238

H.P. 880

House of Representatives, March 8, 2007

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Legislators

Reference to the Committee on State and Local Government suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BROWNE of Vassalboro.
Cosponsored by Representative MUSE of Fryeburg, Senator SHERMAN of Aroostook and
Representatives: CLEARY of Houlton, MARLEY of Portland, SAMSON of Auburn,
SCHATZ of Blue Hill, SILSBY of Augusta, Senator: McCORMICK of Kennebec.

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

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

5 **Section 4. Time of state election; absentee voting.** The election of Senators and
6 Representatives shall be on the Tuesday following the first Monday of November
7 biennially forever and the, except that, beginning with the general election held in 2010,
8 the election of Senators and members of the House of Representatives from even-
9 numbered districts shall be held on the Tuesday following the first Monday of November
10 every 4 years and, beginning with the general election held in 2012, the election of
11 Senators and members of the House of Representatives from odd-numbered districts shall
12 be held on the Tuesday following the first Monday of November every 4 years. The
13 election of Governor shall be on the Tuesday following the first Monday of November
14 every 4 years. The Legislature under proper enactment shall authorize and provide for
15 voting by citizens of the State absent therefrom in the Armed Forces of the United States
16 or of this State and for voting by other citizens absent or physically incapacitated for
17 reasons deemed sufficient.

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

19 **Section 2. Number of Representatives; terms; division of the State into districts**
20 **for House of Representatives.** The House of Representatives shall consist of 151
21 members, to be elected by the qualified electors, and hold their office 2 years or, if
22 elected from an even-numbered district in or after 2010 or an odd-numbered district in or
23 after 2012, 4 years from the day next preceding the first Wednesday in December
24 following the general election at which the members were elected. A member may not
25 serve more than 2 consecutive terms as a member of the House of Representatives, except
26 that during the transition period from 2-year to 4-year terms a member may serve not
27 more than 10 years. The Legislature which convenes in 1983 and every 10th year
28 thereafter shall cause the State to be divided into districts for the choice of one
29 Representative for each district. The number of Representatives shall be divided into the
30 number of inhabitants of the State exclusive of foreigners not naturalized according to the
31 latest Federal Decennial Census or a State Census previously ordered by the Legislature
32 to coincide with the Federal Decennial Census, to determine a mean population figure for
33 each Representative District. Each Representative District shall be formed of contiguous
34 and compact territory and shall cross political subdivision lines the least number of times
35 necessary to establish as nearly as practicable equally populated districts. The district
36 number designations must be assigned to align as closely as possible with the geographic
37 districts having the same number designations before the reapportionment. The plan may
38 not curtail or reduce a 4-year term being served when the reapportionment takes effect,
39 but must provide for an orderly transition period. Whenever the population of a
40 municipality entitles it to more than one district, all whole districts shall be drawn within
41 municipal boundaries. Any population remainder within the municipality shall be
42 included in a district with contiguous territory and shall be kept intact.

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

1 **Section 5. Election of Representatives; lists of votes delivered forthwith; lists of**
2 **votes examined by Governor; summons of persons who appear to be elected; lists**
3 **shall be laid before the House.** The meetings within this State for the choice of
4 Representatives shall be warned in due course of law by qualified officials of the several
5 towns and cities 7 days at least before the election, and the election officials of the
6 various towns and cities shall preside impartially at such meetings, receive the votes of all
7 the qualified electors, sort, count and declare them in open meeting; and a list of the
8 persons voted for shall be formed, with the number of votes for each person against that
9 person's name. Cities and towns belonging to any Representative District shall hold their
10 meetings at the same time in the respective cities and towns; and such meetings shall be
11 notified, held and regulated, the votes received, sorted, counted and declared in the same
12 manner. Fair copies of the lists of votes shall be attested by the municipal officers and
13 the clerks of the cities and towns and the city and town clerks respectively shall cause the
14 same to be delivered into the office of the Secretary of State forthwith. The Governor
15 shall examine the returned copies of such lists and 7 days before the first Wednesday of
16 December ~~biennially~~ following the general election, shall issue a summons to such
17 persons as shall appear to have been elected by a plurality of all votes returned, to attend
18 and take their seats. All such lists shall be laid before the House of Representatives on the
19 first Wednesday of December ~~biennially~~ following the general election, and they shall
20 finally determine who are elected.

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

22 **Section 1. Number of Senators.** The Senate shall consist of an odd number of
23 Senators, not less than 31 nor more than 35, elected at the same time and for the same
24 term as Representatives by the qualified electors of the districts into which the State shall
25 be from time to time divided. A Senator may not serve more than 2 consecutive terms,
26 except that during the transition period from 2-year to 4-year terms a Senator may serve
27 not more than 10 years.

28 **Constitution, Art. IV, Pt. Second, §2** is amended to read:

29 **Section 2. Submission of reapportionment plan to Secretary of Senate;**
30 **Legislature's action on commission's plan; division of State into Senatorial Districts;**
31 **division by Supreme Judicial Court.** The Legislature which shall convene in the year
32 1983 and every tenth year thereafter shall cause the State to be divided into districts for
33 the choice of a Senator from each district, using the same method as provided in Article
34 IV, Part First, Section 2 for apportionment of Representative Districts. The district
35 number designations must be assigned to align as closely as possible with the geographic
36 districts having the same number designations before the reapportionment. The plan may
37 not curtail or reduce a 4-year term being served when the reapportionment takes effect,
38 but must provide for an orderly transition period.

39 ; and be it further

40 **Constitutional referendum procedure; form of question; effective date.**
41 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
42 respective cities, towns and plantations to meet, in the manner prescribed by law for
43 holding a statewide election, at a statewide election held in the month of November

1 following the passage of this resolution, to vote upon the ratification of the amendment
2 proposed in this resolution by voting upon the following question:

3 "Do you favor amending the Constitution of Maine to change the term of office for
4 State Senators and members of the House of Representatives from 2 years to 4 years,
5 to stagger those terms and to retain term limits of 8 years?"

6 The legal voters of each city, town and plantation shall vote by ballot on this question
7 and designate their choice by a cross or check mark placed within the corresponding
8 square below the word "Yes" or "No." The ballots must be received, sorted, counted and
9 declared in open ward, town and plantation meetings and returns made to the Secretary of
10 State in the same manner as votes for members of the Legislature. The Governor shall
11 review the returns. If it appears that a majority of the legal votes are cast in favor of the
12 amendment, the Governor shall proclaim that fact without delay and the amendment
13 becomes part of the Constitution of Maine on the date of the proclamation; and be it
14 further

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

18 **SUMMARY**

19 This constitutional resolution changes the terms of Senators and members of the
20 House of Representatives to 4 years. The bill would provide for staggered terms by
21 having half of the Senators and members of the House beginning 4-year terms in 2010
22 and the other half beginning in 2012. The bill also retains term limits of 8 years, except
23 that during the period of transition from 2-year to 4-year terms a limit of 10 years is
24 imposed. Under the bill, each Legislature would continue to consist of a 2-year cycle,
25 with a first regular session and a second regular session. In order to ensure that terms
26 remain staggered, a provision is added to require that districts retain like number
27 designations during 10-year reapportionments and that a reapportionment plan not curtail
28 or cut short a 4-year term before its expiration.