

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

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No. 1553

H.P. 1078

House of Representatives, March 20, 2007

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

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative VALENTINO of Saco.

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 election of Governor and, beginning with the general election~~
8 ~~held in 2008, the election of Senators and Representatives shall be on the Tuesday~~
9 following the first Monday of November every 4 years. The Legislature under proper
10 enactment shall authorize and provide for voting by citizens of the State absent therefrom
11 in the Armed Forces of the United States or of this State and for voting by other citizens
12 absent or physically incapacitated for reasons deemed sufficient.

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

14 **Section 2. Number of Representatives; terms; division of the State into districts**
15 **for House of Representatives.** The House of Representatives shall consist of 151
16 members, to be elected by the qualified electors, and hold their office ~~2~~ 4 years from the
17 day next preceding the first Wednesday in December following the general election. The
18 Legislature which convenes in 1983 and every ~~10th~~ 12th year thereafter shall cause the
19 State to be divided into districts for the choice of one Representative for each district.
20 The number of Representatives shall be divided into the number of inhabitants of the
21 State exclusive of foreigners not naturalized according to the latest Federal Decennial
22 Census or a State Census previously ordered by the Legislature to coincide with the
23 Federal Decennial Census, to determine a mean population figure for each Representative
24 District. Each Representative District shall be formed of contiguous and compact
25 territory and shall cross political subdivision lines the least number of times necessary to
26 establish as nearly as practicable equally populated districts. Whenever the population of
27 a municipality entitles it to more than one district, all whole districts shall be drawn
28 within municipal boundaries. Any population remainder within the municipality shall be
29 included in a district with contiguous territory and shall be kept intact.

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

31 **Section 5. Election of Representatives; lists of votes delivered forthwith; lists of**
32 **votes examined by Governor; summons of persons who appear to be elected; lists**
33 **shall be laid before the House.** The meetings within this State for the choice of
34 Representatives shall be warned in due course of law by qualified officials of the several
35 towns and cities 7 days at least before the election, and the election officials of the
36 various towns and cities shall preside impartially at such meetings, receive the votes of all
37 the qualified electors, sort, count and declare them in open meeting; and a list of the
38 persons voted for shall be formed, with the number of votes for each person against that
39 person's name. Cities and towns belonging to any Representative District shall hold their
40 meetings at the same time in the respective cities and towns; and such meetings shall be
41 notified, held and regulated, the votes received, sorted, counted and declared in the same
42 manner. Fair copies of the lists of votes shall be attested by the municipal officers and

1 the clerks of the cities and towns and the city and town clerks respectively shall cause the
2 same to be delivered into the office of the Secretary of State forthwith. The Governor
3 shall examine the returned copies of such lists and 7 days before the first Wednesday of
4 December ~~biennially~~ quadrennially following the general election, shall issue a summons
5 to such persons as shall appear to have been elected by a plurality of all votes returned, to
6 attend and take their seats. All such lists shall be laid before the House of
7 Representatives on the first Wednesday of December ~~biennially~~ quadrennially following
8 the general election, and they shall finally determine who are elected.

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

10 **Section 2. Submission of reapportionment plan to Secretary of Senate;**
11 **Legislature's action on commission's plan; division of State into Senatorial Districts;**
12 **division by Supreme Judicial Court.** The Legislature which shall convene in the year
13 1983 and every ~~tenth~~ twelfth year thereafter shall cause the State to be divided into
14 districts for the choice of a Senator from each district, using the same method as provided
15 in Article IV, Part First, Section 2 for apportionment of Representative Districts.

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

17 **Section 5. Determination of Senators elected; procedure for filling vacancies.**
18 The Senate shall, on said first Wednesday of December, ~~biennially~~ quadrennially
19 following the general election, determine who is elected by a plurality of votes to be
20 Senator in each district. All vacancies in the Senate arising from death, resignation,
21 removal from the State or like causes, and also vacancies, if any, which may occur
22 because of the failure of any district to elect by a plurality of votes the Senator to which
23 said district shall be entitled shall be filled by an immediate election in the unrepresented
24 district. The Governor shall issue a proclamation therefor and therein fix the time of such
25 election.

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

27 **Section 1. To meet annually; power of Legislature to convene itself at other**
28 **times; extent of legislative power.** The Legislature shall convene on the first
29 Wednesday of December following the general election in what shall be designated the
30 first regular session of the Legislature; ~~and~~ shall further convene on the first Wednesday
31 after the first Tuesday of January in the subsequent even-numbered year in what shall be
32 designated the second regular session of the Legislature; ~~provided, however, that the shall~~
33 further convene on the first Wednesday after the first Tuesday of January in the
34 subsequent odd-numbered year in what shall be designated the third regular session of the
35 Legislature; and shall further convene on the first Wednesday after the first Tuesday of
36 January in the subsequent even-numbered year in what shall be designated the fourth
37 regular session of the Legislature. The business of the second and fourth regular session
38 sessions of the Legislature shall be limited to budgetary matters; legislation in the
39 Governor's call; legislation of an emergency nature admitted by the Legislature;
40 legislation referred to committees for study and report by the Legislature in the first or
41 third regular session; and legislation presented to the Legislature by written petition of the
42 electors under the provisions of Article IV, Part Third, Section 18. The Legislature shall
43 enact appropriate statutory limits on the length of the first, second, third and fourth

1 regular ~~session and of the second regular session~~ sessions. The Legislature may convene
2 at such other times on the call of the President of the Senate and Speaker of the House,
3 with the consent of a majority of the Members of the Legislature of each political party,
4 all Members of the Legislature having been first polled. The Legislature, with the
5 exceptions hereinafter stated, shall have full power to make and establish all reasonable
6 laws and regulations for the defense and benefit of the people of this State, not repugnant
7 to this Constitution, nor to that of the United States.

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

10 **1. Petition procedure.** The electors may propose to the Legislature for its
11 consideration any bill, resolve or resolution, including bills to amend or repeal emergency
12 legislation but not an amendment of the State Constitution, by written petition addressed
13 to the Legislature or to either branch thereof and filed in the office of the Secretary of
14 State by the hour of 5:00 p.m., on or before the 50th day after the date of convening of the
15 Legislature in first or third regular session or on or before the 25th day after the date of
16 convening of the Legislature in second or fourth regular session, except that the written
17 petition may not be filed in the office of the Secretary of State later than 18 months after
18 the date the petition form was furnished or approved by the Secretary of State. If the
19 applicable deadline falls on a Saturday, Sunday, or legal holiday, the period runs until the
20 hour of 5:00 p.m., of the next day which is not a Saturday, Sunday, or legal holiday.

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

22 **Section 14. Vacancy, how supplied.** Whenever the office of Governor shall
23 become vacant because of the death, resignation or removal of a Governor in office, or
24 any other cause, the President of the Senate shall assume the office of Governor until
25 another Governor shall be duly qualified. When the vacancy occurs more than 90 days
26 preceding the date of the primary election for nominating candidates to be voted for at the
27 biennial quadrennial general election next succeeding, the President of the Senate shall
28 assume the office of Governor until the first Wednesday after the first Tuesday of January
29 following the biennial quadrennial general election. At the biennial quadrennial general
30 election, a Governor shall be elected to fill the unexpired term created by the vacancy.
31 When the vacancy occurs less than 90 days preceding the date of a primary election the
32 President of the Senate shall fill the unexpired term.

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

34 **Section 1. Election.** The Secretary of State shall be chosen biennially at the first
35 session and third sessions of the Legislature, by joint ballot of the Senators and
36 Representatives in convention.

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

38 **Section 1. Election.** The Treasurer shall be chosen biennially, at the first ~~session~~
39 and third sessions of the Legislature, by joint ballot of the Senators, and Representatives
40 in convention.

SUMMARY

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This constitutional resolution changes the terms of Senators and members of the House of Representatives to 4 years beginning with the statewide election in 2008, correspondingly increases the span of a single Legislature from 2 to 4 years and increases from 10 to 12 years the reapportionment cycle to coincide with the 4-year legislative cycle.