

# MAINE STATE LEGISLATURE

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# 124th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2009

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Legislative Document

No. 108

H.P. 92

House of Representatives, January 12, 2009

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**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Change the Terms for State Senators and Members of the  
House of Representatives to 4 Years**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative HOGAN of Old Orchard Beach.  
Cosponsored by Representative JOHNSON of Greenville, Senator GERZOFKY of  
Cumberland and Representatives: BROWNE of Vassalboro, CONNOR of Kennebunk,  
EBERLE of South Portland, MAZUREK of Rockland, PEOPLES of Westbrook.

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 members of the House of Representatives shall be on the Tuesday following the first  
7 Monday of November biennially ~~forever, except as provided in this section. Beginning~~  
8 with the general election held in 2012, the election of Senators, member of the House of  
9 Representatives and the election of Governor shall be on the Tuesday following the first  
10 Monday of November every 4 years. The Legislature under proper enactment shall  
11 authorize and provide for voting by citizens of the State absent therefrom in the Armed  
12 Forces of the United States or of this State and for voting by other citizens absent or  
13 physically incapacitated for reasons deemed sufficient.

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

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

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

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

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

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

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

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

20 **Section 1. To meet annually; power of Legislature to convene itself at other**  
21 **times; extent of legislative power.** The Legislature shall convene on the first  
22 Wednesday of December following the general election in what shall be designated the  
23 first regular session of the Legislature; and shall further convene on the first Wednesday  
24 after the first Tuesday of January in the subsequent ~~even-numbered year~~ 3 years in what  
25 shall be designated the ~~second, third and fourth regular session~~ sessions of the  
26 Legislature; provided, however, that the business of the ~~second and fourth regular session~~  
27 sessions of the Legislature shall be limited to budgetary matters; legislation in the  
28 Governor's call; legislation of an emergency nature admitted by the Legislature;  
29 legislation referred to committees for study and report by the Legislature in the first or  
30 third regular session as the case may be; and legislation presented to the Legislature by  
31 written petition of the electors under the provisions of Article IV, Part Third, Section 18.  
32 The Legislature shall enact appropriate statutory limits on the length of the first and third  
33 regular session sessions and of the ~~second and fourth regular session sessions~~. The  
34 Legislature may convene at such other times on the call of the President of the Senate and  
35 Speaker of the House, with the consent of a majority of the Members of the Legislature of  
36 each political party, all Members of the Legislature having been first polled. The  
37 Legislature, with the exceptions hereinafter stated, shall have full power to make and  
38 establish all reasonable laws and regulations for the defense and benefit of the people of  
39 this State, not repugnant to this Constitution, nor to that of the United States.

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

42 **1. Petition procedure.** The electors may propose to the Legislature for its  
43 consideration any bill, resolve or resolution, including bills to amend or repeal emergency

1 legislation but not an amendment of the State Constitution, by written petition addressed  
2 to the Legislature or to either branch thereof and filed in the office of the Secretary of  
3 State by the hour of 5:00 p.m., on or before the 50th day after the date of convening of the  
4 Legislature in first or third regular session or on or before the 25th day after the date of  
5 convening of the Legislature in second or fourth regular session except that the written  
6 petition may not be filed in the office of the Secretary of State later than 18 months after  
7 the date the petition form was furnished or approved by the Secretary of State. If the  
8 applicable deadline falls on a Saturday, Sunday, or legal holiday, the period runs until the  
9 hour of 5:00 p.m., of the next day which is not a Saturday, Sunday, or legal holiday.

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

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

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

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

18 ; and be it further

19 **Constitutional referendum procedure; form of question; effective date.**  
20 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their  
21 respective cities, towns and plantations to meet, in the manner prescribed by law for  
22 holding a statewide election, at a statewide election held in the month of November  
23 following the passage of this resolution, to vote upon the ratification of the amendment  
24 proposed in this resolution by voting upon the following question:

25 "Do you favor amending the Constitution of Maine to change the term of office for  
26 State Legislators from 2 years to 4 years beginning in 2012?"

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

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

1 **SUMMARY**

2 This constitutional resolution changes Legislators' terms to 4 years beginning with the  
3 general election in 2012. The Legislature would meet every year, but the business in the  
4 4th year would be restricted as it is presently in the 2nd year.

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