

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 113

H.P. 95

House of Representatives, January 20, 2011

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Provide 4-year Terms and a Term Limit of 2 Terms for
Legislators**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative CEBRA of Naples.

Cosponsored by Representative BEAVERS of South Berwick, Senator THOMAS of Somerset and Representatives: GRAHAM of North Yarmouth, SARTY of Denmark, Senator: COLLINS of York.

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~~
6 ~~and 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 2012, 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**
15 **districts for House of Representatives.** The House of Representatives shall consist
16 of 151 members, to be elected by the qualified electors, and hold their office ~~2~~ 4 years
17 from the day next preceding the first Wednesday in December following the general
18 election. A person may not serve more than 2 consecutive terms in office. The
19 Legislature which convenes in 1983 and every 10th year thereafter shall cause the State to
20 be divided into districts for the choice of one Representative for each district. The
21 number of Representatives shall be divided into the number of inhabitants of the State
22 exclusive of foreigners not naturalized according to the latest Federal Decennial Census
23 or a State Census previously ordered by the Legislature to coincide with the Federal
24 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;**
33 **lists of votes examined by Governor; summons of persons who appear to be**
34 **elected; lists shall be laid before the House.** The meetings within this State for the
35 choice of Representatives shall be warned in due course of law by qualified officials of
36 the several towns and cities 7 days at least before the election, and the election officials of
37 the various towns and cities shall preside impartially at such meetings, receive the votes
38 of all 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~~ quadrennially following the general election, shall issue a summons
6 to such persons as shall appear to have been elected by a plurality of all votes returned, to
7 attend and take their seats. All such lists shall be laid before the House of
8 Representatives on the first Wednesday of December ~~biennially~~ quadrennially following
9 the general election, and they shall finally determine who are elected.

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

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

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

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

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

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

1 third regular session; and legislation presented to the Legislature by written petition of the
2 electors under the provisions of Article IV, Part Third, Section 18. The Legislature shall
3 enact appropriate statutory limits on the length of the first, second, third and fourth
4 ~~regular session and of the second regular session~~ sessions. The Legislature may convene
5 at such other times on the call of the President of the Senate and Speaker of the House,
6 with the consent of a majority of the Members of the Legislature of each political party,
7 all Members of the Legislature having been first polled. The Legislature, with the
8 exceptions hereinafter stated, shall have full power to make and establish all reasonable
9 laws and regulations for the defense and benefit of the people of this State, not repugnant
10 to this Constitution, nor to that of the United States.

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

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

24 **Constitution, Art. V, Pt. First, §3** is amended to read:

25 **Section 3. Election; votes to be returned to Secretary of State; Secretary**
26 **of State to lay lists before the Senate and House of Representatives; provision**
27 **in case of tie.** The meetings for election of Governor shall be notified, held and
28 regulated and votes shall be received, sorted, counted and declared and recorded, in the
29 same manner as those for Senators and Representatives. Copies of lists of votes shall be
30 sealed and returned to the secretary's office in the same manner ~~and at the same time~~ as
31 those for Senators. The Secretary of State for the time being shall, on the first
32 Wednesday after the first Tuesday of January then next, lay the lists returned to the
33 secretary's office before the Senate and House of Representatives to be by them
34 examined, together with the ballots cast if they so elect, and they shall determine the
35 number of votes duly cast for the office of Governor, and in case of a choice by plurality
36 of all of the votes returned they shall declare and publish the same. If there shall be a tie
37 between the 2 persons having the largest number of votes for Governor, the House of
38 Representatives and the Senate meeting in joint session, and each member of said bodies
39 having a single vote, shall elect one of said 2 persons having so received an equal number
40 of votes and the person so elected by the Senate and House of Representatives shall be
41 declared the Governor.

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

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

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

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

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

9 **Section 4. Elections on the first Wednesday after first Tuesday of**
10 **January may be adjourned from day to day.** In case the elections, required by this
11 Constitution on the first Wednesday after the first Tuesday of January ~~biennially~~
12 quadrennially, by the 2 Houses of the Legislature, shall not be completed on that day, the
13 same may be adjourned from day to day, until completed, in the following order: The
14 vacancies in the Senate shall first be filled; and the Governor shall then be elected, if
15 there be no choice by the people.

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

17 **Section 11. Attorney General.** The Attorney General shall be chosen biennially
18 at the first and third regular sessions of the Legislature by joint ballot of the Senators and
19 Representatives in convention. Vacancy in said office occurring when the Legislature is
20 not in session, may be filled by appointment by the Governor, subject to confirmation as
21 required by this Constitution for Justices of the Supreme Judicial Court.

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

23 **Section 4. Amendments to Constitution.** The Legislature, whenever $\frac{2}{3}$ of
24 both Houses shall deem it necessary, may propose amendments to this Constitution; and
25 when any amendments shall be so agreed upon, a resolution shall be passed and sent to
26 the selectmen of the several towns, and the assessors of the several plantations,
27 empowering and directing them to notify the inhabitants of their respective towns and
28 plantations, in the manner prescribed by law, at the next biennial meetings in the month
29 of November, or to meet in the manner prescribed by law for calling and holding biennial
30 meetings of said inhabitants for the election of the Governor or Senators and
31 Representatives, on the Tuesday following the first Monday of November following the
32 passage of said resolve, to give in their votes on the question, whether such amendment
33 shall be made; and if it shall appear that a majority of the inhabitants voting on the
34 question are in favor of such amendment, it shall become a part of this Constitution.

35 ; and be it further

36 **Constitutional referendum procedure; form of question; effective date.**
37 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
38 respective cities, towns and plantations to meet, in the manner prescribed by law for
39 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 for no more than 2 consecutive terms beginning in 2012 and to change the span of a
6 single Legislature from 2 to 4 years?"

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

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

19 **SUMMARY**

20 This resolution proposes to amend the Constitution of Maine to change the terms of
21 Senators and members of the House of Representatives to 4 years beginning with the
22 statewide election in 2012 and to correspondingly increase the span of a single
23 Legislature from 2 to 4 years. It also proposes a term limit of no more than 2 consecutive
24 terms.