

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 489

H.P. 339

House of Representatives, February 14, 2013

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Increase the Lengths of Terms of Members of the
Legislature**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SCHNECK of Bangor.
Cosponsored by Representatives: COOPER of Yarmouth, DILL of Old Town, KNIGHT of
Livermore Falls, KORNFIELD of Bangor, LONGSTAFF of Waterville, SAUCIER of Presque
Isle, VEROW of Brewer, Senator: YOUNGBLOOD of Penobscot.

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 members of the House of Representatives shall be on the Tuesday following the first
7 Monday of November biennially ~~forever and the, except as provided in this section.~~
8 Beginning with the general election held in 2016, the election of Senators and members
9 of the House of Representatives shall be on the Tuesday following the first Monday of
10 November every 4 years. The election of Governor shall be on the Tuesday following the
11 first Monday of November every 4 years. The Legislature under proper enactment shall
12 authorize and provide for voting by citizens of the State absent therefrom in the Armed
13 Forces of the United States or of this State and for voting by other citizens absent or
14 physically incapacitated for reasons deemed sufficient.

15 **Constitution, Art. IV, Pt. First, §2,** as amended by CR 2011, c. 1, is further
16 amended to read:

17 **Section 2. Number of Representatives; 4-year terms; division of the State**
18 **into districts for House of Representatives.** The House of Representatives shall
19 consist of 151 members, to be elected by the qualified electors, and hold their office ~~2~~ 4
20 years from the day next preceding the first Wednesday in December following the
21 general election. The Legislature which convenes in 2013, and also the Legislature
22 which convenes in 2021 and every ~~10th~~ 12th year thereafter, shall cause the State to be
23 divided into districts for the choice of one Representative for each district. The number
24 of Representatives shall be divided into the number of inhabitants of the State exclusive
25 of foreigners not naturalized according to the latest Federal Decennial Census or a State
26 Census previously ordered by the Legislature to coincide with the Federal Decennial
27 Census, to determine a mean population figure for each Representative District. Each
28 Representative District shall be formed of contiguous and compact territory and shall
29 cross political subdivision lines the least number of times necessary to establish as nearly
30 as practicable equally populated districts. Whenever the population of a municipality
31 entitles it to more than one district, all whole districts shall be drawn within municipal
32 boundaries. Any population remainder within the municipality shall be included in a
33 district with contiguous territory and shall be kept intact.

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

35 **Section 5. Election of Representatives; lists of votes delivered forthwith;**
36 **lists of votes examined by Governor; summons of persons who appear to be**
37 **elected; lists shall be laid before the House.** The meetings within this State for the
38 choice of Representatives shall be warned in due course of law by qualified officials of
39 the several towns and cities 7 days at least before the election, and the election officials of
40 the various towns and cities shall preside impartially at such meetings, receive the votes
41 of all the qualified electors, sort, count and declare them in open meeting; and a list of the
42 persons voted for shall be formed, with the number of votes for each person against that

1 person's name. Cities and towns belonging to any Representative District shall hold their
2 meetings at the same time in the respective cities and towns; and such meetings shall be
3 notified, held and regulated, the votes received, sorted, counted and declared in the same
4 manner. Fair copies of the lists of votes shall be attested by the municipal officers and
5 the clerks of the cities and towns and the city and town clerks respectively shall cause the
6 same to be delivered into the office of the Secretary of State forthwith. The Governor
7 shall examine the returned copies of such lists and 7 days before the first Wednesday of
8 December ~~biennially~~ quadrennially following the general election, shall issue a summons
9 to such persons as shall appear to have been elected by a plurality of all votes returned, to
10 attend and take their seats. All such lists shall be laid before the House of
11 Representatives on the first Wednesday of December ~~biennially~~ quadrennially following
12 the general election, and they shall finally determine who are elected.

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

14 **Section 5. Determination of Senators elected; procedure for filling**
15 **vacancies.** The Senate shall, on said first Wednesday of December, biennially until the
16 election held in 2016 and quadrennially thereafter determine who is elected by a plurality
17 of votes to be Senator in each district. All vacancies in the Senate arising from death,
18 resignation, removal from the State or like causes, and also vacancies, if any, which may
19 occur because of the failure of any district to elect by a plurality of votes the Senator to
20 which said district shall be entitled shall be filled by an immediate election in the
21 unrepresented district. The Governor shall issue a proclamation therefor and therein fix
22 the time of such election.

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

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

35 **Constitution, Art. VI, §6** is amended to read:

36 **Section 6. Judges and registers of probate, election and tenure; vacancies.**
37 Judges and registers of probate shall be elected by the people of their respective counties,
38 by a plurality of the votes given in, at the ~~biennial~~ election on the Tuesday following the
39 first Monday of November, and shall hold their offices for 4 years, commencing on the
40 first day of January next after their election. Vacancies occurring in said offices by death,
41 resignation or otherwise, shall be filled by election in manner aforesaid at the November
42 election, next after their occurrence; and in the meantime, the Governor may fill said

1 vacancies by appointment, and the persons so appointed shall hold their offices until the
2 first day of January next after the election aforesaid.

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

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

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

12 **Section 4. Amendments to Constitution.** The Legislature, whenever 2/3 of
13 both Houses shall deem it necessary, may propose amendments to this Constitution; and
14 when any amendments shall be so agreed upon, a resolution shall be passed and sent to
15 the selectmen of the several towns, and the assessors of the several plantations,
16 empowering and directing them to notify the inhabitants of their respective towns and
17 plantations, in the manner prescribed by law, at the next ~~biennial~~
18 of November, or to meet in the manner prescribed by law for calling and holding ~~biennial~~
19 meetings of said inhabitants for the election of Senators and Representatives, on the
20 Tuesday following the first Monday of November following the passage of said resolve,
21 to give in their votes on the question, whether such amendment shall be made; and if it
22 shall appear that a majority of the inhabitants voting on the question are in favor of such
23 amendment, it shall become a part of this Constitution.

24 ; and be it further

25 **Constitutional referendum procedure; form of question; effective date.**

26 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
27 respective cities, towns and plantations to meet, in the manner prescribed by law for
28 holding a statewide election, at a statewide election held in the month of November
29 following the passage of this resolution, to vote upon the ratification of the amendment
30 proposed in this resolution by voting upon the following question:

31 "Do you favor amending the Constitution of Maine to change the term of
32 office for State Senators and members of the House of Representatives
33 from 2 years to 4 years beginning in 2016?"

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

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

4 **SUMMARY**

5 This resolution proposes to amend the Constitution of Maine to increase the length of
6 the terms of State Senators and members of the House of Representatives from 2 years to
7 4 years beginning in 2016.