

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1158

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H.P. 823

House of Representatives, March 26, 2013

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**RESOLUTION, Proposing an Amendment to the Constitution of  
Maine To Increase the Length of Terms of Senators 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 VOLK of Scarborough.  
Cosponsored by Senator THOMAS of Somerset and  
Representatives: BERRY of Bowdoinham, CHASE of Wells, CLARK of Easton, DION of  
Portland, ESPLING of New Gloucester, EVANGELOS of Friendship, Speaker EVES of North  
Berwick, FARNSWORTH of Portland, GIDEON of Freeport, GILBERT of Jay, GRANT of  
Gardiner, HAMANN of South Portland, HOBBS of Saco, HUBBELL of Bar Harbor, KENT  
of Woolwich, KNIGHT of Livermore Falls, KUMIEGA of Deer Isle, LIBBY of Lewiston,  
LOCKMAN of Amherst, LUCHINI of Ellsworth, MacDONALD of Old Orchard Beach,  
MASON of Topsham, MASTRACCIO of Sanford, MONAGHAN-DERRIG of Cape  
Elizabeth, MORRISON of South Portland, NADEAU of Fort Kent, PEASE of Morrill,  
PEOPLES of Westbrook, POWERS of Naples, ROCHELO of Biddeford, RUSSELL of  
Portland, RYKERSON of Kittery, SCHNECK of Bangor, SHAW of Standish, SHORT of  
Pittsfield, SIROCKI of Scarborough, STANLEY of Medway, TIMBERLAKE of Turner,  
TREAT of Hallowell, TYLER of Windham, WALLACE of Dexter, WELSH of Rockport,  
WILLETTE of Mapleton, WILSON of Augusta, WINSOR of Norway, Senators: President  
ALFOND of Cumberland, COLLINS of York, CUSHING of Penobscot, PATRICK of Oxford,  
SHERMAN of Aroostook, THIBODEAU of Waldo, WOODBURY of Cumberland.

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 that, beginning with the general  
8 election held in 2014, the election of Senators must be held on the Tuesday following the  
9 first Monday of November every 4 years. The election of Governor shall be on the  
10 Tuesday following the first Monday of November every 4 years. The Legislature under  
11 proper enactment shall authorize and provide for voting by citizens of the State absent  
12 therefrom in the Armed Forces of the United States or of this State and for voting by  
13 other citizens absent or physically incapacitated for reasons deemed sufficient.

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

15           **Section 1. Number of Senators.** The Senate shall consist of an odd number of  
16 Senators, not less than 31 nor more than 35, elected ~~at the same time and for the same~~  
17 ~~term as Representatives~~ for 4-year terms by the qualified electors of the districts into  
18 which the State shall be from time to time divided.

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

20           **Section 5. Determination of Senators elected; procedure for filling**  
21 **vacancies.** The Senate shall, on said first Wednesday of December, biennially until the  
22 election held in 2014 and quadrennially thereafter determine who is elected by a plurality  
23 of votes to be Senator in each district. All vacancies in the Senate arising from death,  
24 resignation, removal from the State or like causes, and also vacancies, if any, which may  
25 occur because of the failure of any district to elect by a plurality of votes the Senator to  
26 which said district shall be entitled shall be filled by an immediate election in the  
27 unrepresented district. The Governor shall issue a proclamation therefor and therein fix  
28 the time of such election.

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

30           **Section 4. Amendments to Constitution.** The Legislature, whenever 2/3 of  
31 both Houses shall deem it necessary, may propose amendments to this Constitution; and  
32 when any amendments shall be so agreed upon, a resolution shall be passed and sent to  
33 the selectmen of the several towns, and the assessors of the several plantations,  
34 empowering and directing them to notify the inhabitants of their respective towns and  
35 plantations, in the manner prescribed by law, at the next biennial meetings in the month  
36 of November, or to meet in the manner prescribed by law for calling and holding ~~biennial~~  
37 meetings of said inhabitants for the election of Senators and Representatives, on the  
38 Tuesday following the first Monday of November following the passage of said resolve,  
39 to give in their votes on the question, whether such amendment shall be made; and if it

1 shall appear that a majority of the inhabitants voting on the question are in favor of such  
2 amendment, it shall become a part of this Constitution.

3 ; and be it further

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

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

10 "Do you favor amending the Constitution of Maine to change the term of  
11 office for State Senators from 2 years to 4 years, beginning with the  
12 Senators elected in 2014?"

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

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

25 **SUMMARY**

26 This constitutional resolution increases the length of the terms of State Senators from  
27 2 years to 4 years, beginning with the Senators elected in 2014.