

# MAINE STATE LEGISLATURE

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# 128th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2017

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Legislative Document

No. 1007

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H.P. 708

House of Representatives, March 14, 2017

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

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT  
Clerk

Presented by Representative SANDERSON of Chelsea.  
Cosponsored by Representatives: CASÁS of Rockport, KINNEY of Knox, PICKETT of  
Dixfield, Senator VOLK of Cumberland and Representatives: HARRINGTON of Sanford,  
MALABY of Hancock, SAMPSON of Alfred, SUTTON of Warren.

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 2020 for Senators and in 2022 for members of  
9 the House of Representatives, the election of Senators and members of the House of  
10 Representatives shall be on the Tuesday following the first Monday of November every 4  
11 years. The election of Governor shall be on the Tuesday following the first Monday of  
12 November every 4 years. The Legislature under proper enactment shall authorize and  
13 provide for voting by citizens of the State absent therefrom in the Armed Forces of the  
14 United States or of this State and for voting by other citizens absent or physically  
15 incapacitated for reasons deemed sufficient.

16           **Constitution, Art. IV, Pt. First, §2** is 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  
20 years from the day next preceding the first Wednesday in December following the  
21 general election until the election held in 2022, after which they hold their office 4 years  
22 from the day next preceding the first Wednesday in December following the general  
23 election. Beginning in 2022, a person may not serve more than 2 consecutive terms as a  
24 member of the House of Representatives. The Legislature which convenes in 2013, and  
25 also the Legislature which convenes in 2021 and every ~~4th~~ 12th year thereafter, shall  
26 cause the State to be divided into districts for the choice of one Representative for each  
27 district. The number of Representatives shall be divided into the number of inhabitants of  
28 the State exclusive of foreigners not naturalized according to the latest Federal Decennial  
29 Census or a State Census previously ordered by the Legislature to coincide with the  
30 Federal Decennial Census, to determine a mean population figure for each Representative  
31 District. Each Representative District shall be formed of contiguous and compact  
32 territory and shall cross political subdivision lines the least number of times necessary to  
33 establish as nearly as practicable equally populated districts. Whenever the population of  
34 a municipality entitles it to more than one district, all whole districts shall be drawn  
35 within municipal boundaries. Any population remainder within the municipality shall be  
36 included in a district with contiguous territory and shall be kept intact.

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

38           **Section 5. Election of Representatives; lists of votes delivered forthwith;**  
39 **lists of votes examined by Governor; summons of persons who appear to be**  
40 **elected; lists shall be laid before the House.** The meetings within this State for the  
41 choice of Representatives shall be warned in due course of law by qualified officials of  
42 the several towns and cities 7 days at least before the election, and the election officials of

1 the various towns and cities shall preside impartially at such meetings, receive the votes  
2 of all the qualified electors, sort, count and declare them in open meeting; and a list of the  
3 persons voted for shall be formed, with the number of votes for each person against that  
4 person's name. Cities and towns belonging to any Representative District shall hold their  
5 meetings at the same time in the respective cities and towns; and such meetings shall be  
6 notified, held and regulated, the votes received, sorted, counted and declared in the same  
7 manner. Fair copies of the lists of votes shall be attested by the municipal officers and  
8 the clerks of the cities and towns and the city and town clerks respectively shall cause the  
9 same to be delivered into the office of the Secretary of State forthwith. The Governor  
10 shall examine the returned copies of such lists and 7 days before the first Wednesday of  
11 December biennially until the election held in 2022 and quadrennially thereafter  
12 following the general election, shall issue a summons to such persons as shall appear to  
13 have been elected by a plurality of all votes returned, to attend and take their seats. All  
14 such lists shall be laid before the House of Representatives on the first Wednesday of  
15 December biennially until the election held in 2022 and quadrennially thereafter  
16 following the general election, and they shall finally determine who are elected.

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

18 **Section 1. Number of Senators; terms.** The Senate shall consist of an odd  
19 number of Senators, not less than 31 nor more than 35, elected ~~at the same time and for~~  
20 ~~the same term as Representatives~~ by the qualified electors of the districts into which the  
21 State shall be from time to time divided. Beginning in 2020, a person may not serve  
22 more than 2 consecutive terms as a member of the Senate.

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

24 **Section 5. Determination of Senators elected; procedure for filling**  
25 **vacancies.** The Senate shall, on said first Wednesday of December, biennially until the  
26 election held in 2020 and quadrennially thereafter determine who is elected by a plurality  
27 of votes to be Senator in each district. All vacancies in the Senate arising from death,  
28 resignation, removal from the State or like causes, and also vacancies, if any, which may  
29 occur because of the failure of any district to elect by a plurality of votes the Senator to  
30 which said district shall be entitled shall be filled by an immediate election in the  
31 unrepresented district. The Governor shall issue a proclamation therefor and therein fix  
32 the time of such election.

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

34 **Section 14. Vacancy, how supplied.** Whenever the office of Governor shall  
35 become vacant because of the death, resignation or removal of a Governor in office, or  
36 any other cause, the President of the Senate shall assume the office of Governor until  
37 another Governor shall be duly qualified. When the vacancy occurs more than 90 days  
38 preceding the date of the primary election for nominating candidates to be voted for at the  
39 ~~biennial~~ election next succeeding, the President of the Senate shall assume the office of  
40 Governor until the first Wednesday after the first Tuesday of January following the  
41 ~~biennial~~ election. At the ~~biennial~~ election, a Governor shall be elected to fill the  
42 unexpired term created by the vacancy. When the vacancy occurs less than 90 days

1 preceding the date of a primary election the President of the Senate shall fill the  
2 unexpired term.

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

4 **Section 6. Judges and registers of probate, election and tenure; vacancies.**

5 Judges and registers of probate shall be elected by the people of their respective counties,  
6 by a plurality of the votes given in, at the ~~biennial~~ election on the Tuesday following the  
7 first Monday of November, and shall hold their offices for 4 years, commencing on the  
8 first day of January next after their election. Vacancies occurring in said offices by death,  
9 resignation or otherwise, shall be filled by election in manner aforesaid at the November  
10 election, next after their occurrence; and in the meantime, the Governor may fill said  
11 vacancies by appointment, and the persons so appointed shall hold their offices until the  
12 first day of January next after the election aforesaid.

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

14 **Section 4. Elections on the first Wednesday after first Tuesday of**

15 **January may be adjourned from day to day.** In case the elections, required by this  
16 Constitution on the first Wednesday after the first Tuesday of January ~~biennially~~  
17 quadrennially, by the 2 Houses of the Legislature, shall not be completed on that day, the  
18 same may be adjourned from day to day, until completed, in the following order: The  
19 vacancies in the Senate shall first be filled; and the Governor shall then be elected, if  
20 there be no choice by the people.

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

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

34 ; and be it further

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

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

1 "Do you favor amending the Constitution of Maine to change the term of  
2 office for State Senators from 2 years to 4 years beginning in 2020 and  
3 members of the House of Representatives from 2 years to 4 years  
4 beginning in 2022 and to limit the number of consecutive terms State  
5 Senators and members of the House of Representatives may serve from 4  
6 terms to 2 terms?"

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 increase the length of  
21 the terms of State Senators from 2 years to 4 years beginning in 2020 and members of the  
22 House of Representatives from 2 years to 4 years beginning in 2022 and to limit the  
23 number of consecutive terms members of the State Senate and the House of  
24 Representatives may serve from 4 terms to 2 terms.