

MAINE STATE LEGISLATURE

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3-10-19
R O F S

Date: 5-31-19

(Filing No. H-419)

MINORITY
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 55, L.D. 58, "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Extend the Terms of Legislators to 4 Years"

Amend the resolution by striking out the title and substituting the following:

'RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Terms of Legislators'

Amend the resolution by striking out everything after the title and inserting the following:

'Constitutional amendment. Resolved: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

Constitution, Art. II, §4 is amended to read:

Section 4. Time of state election; absentee voting. The election of Senators and members of the House of Representatives shall be on the Tuesday following the first Monday of November biennially ~~forever and the election of, except that beginning with the general election held in 2022, the election of Senators and members of the House of Representatives must be on the Tuesday following the first Monday of November every 2 or 4 years depending on the term served in accordance with Article IV.~~ The Governor shall be elected on the Tuesday following the first Monday of November every 4 years. The Legislature under proper enactment shall authorize and provide for voting by citizens of the State absent therefrom in the Armed Forces of the United States or of this State and for voting by other citizens absent or physically incapacitated for reasons deemed sufficient.

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

Section 2. Number of Representatives; terms; division of the State into districts for House of Representatives. The House of Representatives shall consist of 151 members, to be elected by the qualified electors, and hold their office 2 years from

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1 the day next preceding the first Wednesday in December following the general election,
2 except that beginning with the general election held in 2022, members of the House of
3 Representatives hold their office for either a 2-year or 4-year term from the day next
4 preceding the first Wednesday in December following the general election depending on
5 the term for which the members were elected. The Legislature which convenes in 2013,
6 and also the Legislature which convenes in 2021 and every 10th year thereafter, shall
7 cause the State to be divided into districts for the choice of one Representative for each
8 district. The number of Representatives shall be divided into the number of inhabitants of
9 the State exclusive of foreigners not naturalized according to the latest Federal Decennial
10 Census or a State Census previously ordered by the Legislature to coincide with the
11 Federal Decennial Census, to determine a mean population figure for each Representative
12 District. Each Representative District shall be formed of contiguous and compact
13 territory and shall cross political subdivision lines the least number of times necessary to
14 establish as nearly as practicable equally populated districts. Whenever the population of
15 a municipality entitles it to more than one district, all whole districts shall be drawn
16 within municipal boundaries. Any population remainder within the municipality shall be
17 included in a district with contiguous territory and shall be kept intact. Beginning with
18 the general election in 2022, the term of office for Representatives from 50 districts must
19 rotate every 10 years on a cycle of one 4-year term followed by one 2-year term followed
20 by one 4-year term, each of these districts referred to in this section as "a 4-2-4 district";
21 the term of office for a separate 50 districts must rotate every 10 years on a cycle of one
22 2-year term followed by two 4-year terms, each of these districts referred to in this
23 section as "a 2-4-4 district"; and the term of office for the other 51 districts must rotate
24 every 10 years on a cycle of two 4-year terms followed by one 2-year term, each of these
25 districts referred to in this section as "a 4-4-2 district." The Legislature that convenes in
26 2021 and every 10th year thereafter shall identify the cycle of terms for each district, and
27 each term cycle must be evenly distributed geographically throughout the State so that,
28 unless geographically impossible, a 4-2-4 district is contiguous to a 2-4-4 district that is
29 also contiguous to a 4-4-2 district.

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

31 **Section 5. Election of Representatives; lists of votes delivered forthwith;**
32 **lists of votes examined by Governor; summons of persons who appear to be**
33 **electd; lists shall be laid before the House.** The meetings within this State for the
34 choice of Representatives shall be warned in due course of law by qualified officials of
35 the several towns and cities 7 days at least before the election, and the election officials of
36 the various towns and cities shall preside impartially at such meetings, receive the votes
37 of all the qualified electors, sort, count and declare them in open meeting; and a list of the
38 persons voted for shall be formed, with the number of votes for each person against that
39 person's name. Cities and towns belonging to any Representative District shall hold their
40 meetings at the same time in the respective cities and towns; and such meetings shall be
41 notified, held and regulated, the votes received, sorted, counted and declared in the same
42 manner. Fair copies of the lists of votes shall be attested by the municipal officers and
43 the clerks of the cities and towns and the city and town clerks respectively shall cause the
44 same to be delivered into the office of the Secretary of State forthwith. The Governor
45 shall examine the returned copies of such lists and 7 days before the first Wednesday of
46 December biennially following the general election, shall issue a summons to such

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1 persons as shall appear to have been elected by a plurality of all votes returned, to attend
2 and take their seats. All such lists shall be laid before the House of Representatives on
3 the first Wednesday of December biennially following the general election, and they shall
4 finally determine who are elected.

5 **Constitution, Art. IV, Pt. Second, §2** is amended by adding after the first
6 paragraph a new paragraph to read:

7 Beginning with the general election in 2022, the term of office for Senators from 11
8 districts must rotate every 10 years on a cycle of one 4-year term followed by one 2-year
9 term followed by one 4-year term, each of these districts referred to in this section as "a
10 4-2-4 district"; the term of office for a separate 11 districts must rotate every 10 years on
11 a cycle of one 2-year term followed by two 4-year terms, each of these districts referred
12 to in this section as "a 2-4-4 district"; and the term of office for all other districts must
13 rotate every 10 years on a cycle of two 4-year terms followed by one 2-year term, each of
14 these districts referred to in this section as "a 4-4-2 district." The Legislature that
15 convenes in 2021 and every 10th year thereafter shall identify the cycle of terms for each
16 district, and each term cycle must be evenly distributed geographically throughout the
17 State so that, unless geographically impossible, a 4-2-4 district is contiguous to a 2-4-4
18 district that is also contiguous to a 4-4-2 district.

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

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

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

35 "Do you favor amending the Constitution of Maine to change the term of
36 office for State Senate and Representative Districts to include two 4-year
37 terms and one 2-year term within every 10-year period beginning in
38 2022?"

39 The legal voters of each city, town and plantation shall vote by ballot on this question
40 and designate their choice by a cross or check mark placed within the corresponding
41 square below the word "Yes" or "No." The ballots must be received, sorted, counted and
42 declared in open ward, town and plantation meetings and returns made to the Secretary of
43 State in the same manner as votes for members of the Legislature. The Governor shall
44 review the returns. If it appears that a majority of the legal votes are cast in favor of the

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COMMITTEE AMENDMENT "A" to H.P. 55, L.D. 58

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amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution of Maine on the date of the proclamation.

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

SUMMARY

This amendment is the minority report of the committee. It increases the term of office for Representatives and Senators to include two 4-year terms and one 2-year term within a 10-year cycle starting with the general election in 2022. The House and Senate districts are divided as equally as possible into 3 groups with staggered terms within the 10-year cycle. The first group follows a cycle of one 4-year term followed by one 2-year term followed by one 4-year term. The 2nd group follows a cycle of one 2-year term followed by two 4-year terms. The 3rd group follows a cycle of two 4-year terms followed by one 2-year term.

FISCAL NOTE REQUIRED

(See attached)



129th MAINE LEGISLATURE

LD 58

LR 272(02)

RESOLUTION, Proposing an Amendment to the Constitution of Maine To Extend the Terms of Legislators to 4 Years

Fiscal Note for Bill as Amended by Committee Amendment *Aⁿ (H-419)*
Committee: State and Local Government
Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund
Future biennium savings - Other Special Revenue Funds

Referendum Costs

| Month/Year | Election Type | Question | Length |
|------------|---------------|------------|----------|
| Nov-19 | General | Referendum | Standard |

The Secretary of State's budget includes sufficient funds to accommodate one ballot of average length for the general election in November. If the number or size of the referendum questions requires production and delivery of a second ballot, an additional appropriation of \$107,250 may be required.

Fiscal Detail and Notes

Contingent on passage at referendum, increasing the term of office for Representatives and Senators from 2 to 4 years will decrease the number of future election cycles and associated candidates seeking funding through the Maine Clean Election Act, which would result in future biennium Other Special Revenue Funds savings.