

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 1489

H.P. 1091

House of Representatives, April 4, 2019

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine Regarding the Election of Senators**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

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

ROBERT B. HUNT
Clerk

Presented by Representative HUTCHINS of Penobscot.
Cosponsored by Representatives: LOCKMAN of Bradley, LYFORD of Eddington, STEARNS
of Guilford.

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~~, except as provided in this section. Beginning with
8 the general election held in 2022, the election of Senators and the Governor shall be on
9 the Tuesday following the first Monday of November every 4 years. The Legislature
10 under proper enactment shall authorize and provide for voting by citizens of the State
11 absent therefrom in the Armed Forces of the United States or of this State and for voting
12 by other citizens absent or physically incapacitated for reasons deemed sufficient.

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

14 **Section 1. Number of Senators.** The Senate shall consist of an odd number of
15 Senators, not less than 31 nor more than 35, except that, on or after December 7, 2022,
16 the Senate shall consist of 32 Senators, elected at the same time and for the same term as
17 Representatives by the qualified electors of the districts into which the State shall be from
18 time to time divided except that beginning with the general election held in 2022,
19 Senators are elected as provided in Article II, Section 4.

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

21 **Section 2. Submission of reapportionment plan to Secretary of Senate;**
22 **Legislature's action on commission's plan; division of State into Senatorial**
23 **Districts; division by Supreme Judicial Court.** The Legislature which shall
24 convene in the year 2013, ~~and also the Legislature which shall convene in the year 2021~~
25 ~~and every tenth year thereafter,~~ shall cause the State to be divided into districts for the
26 choice of a Senator from each district, using the same method as provided in Article IV,
27 Part First, Section 2 for apportionment of Representative Districts, and the Legislature
28 which shall convene on January 5, 2022 shall reapportion the State so that the Senatorial
29 Districts coincide with the counties of the State, resulting in the voters of each county
30 having the right to vote for 2 Senators.

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

32 **Section 5. Determination of Senators elected; procedure for filling**
33 **vacancies.** The Senate shall, on said first Wednesday of December, biennially until the
34 general election held in 2022 and quadrennially thereafter determine who is elected by a
35 plurality of votes to be Senator in each district. All vacancies in the Senate arising from
36 death, resignation, removal from the State or like causes, and also vacancies, if any,
37 which may occur because of the failure of any district to elect by a plurality of votes the
38 Senator to which said district shall be entitled shall be filled by an immediate election in
39 the unrepresented district. The Governor shall issue a proclamation therefor and therein
40 fix the time of such election.

1 **Constitution, Art. IV, Pt. Third, §1-A, last indented ¶** is amended to read:

2 Public members of the commission shall receive the same rate of per diem that is paid
3 to Legislators for every day's attendance at special sessions of the Legislature as defined
4 by law. All members of the commission shall be reimbursed for actual travel expenses
5 incurred in carrying out the business of the commission. The Legislature which is
6 required to apportion shall establish a budget for the apportioning commission within the
7 state budget document in the fiscal year previous to the fiscal year during which the
8 apportioning commission is required to convene and shall appropriate sufficient funds for
9 the commission to satisfactorily perform its duties and responsibilities except that the
10 Legislature which is required to apportion and which convenes on January 5, 2022 is not
11 required to so establish a budget for the apportioning commission. The budget shall
12 include sufficient funds to compensate the chairperson of the commission and the
13 chairperson's staff. The remainder of the appropriation shall be made available equally
14 among the political parties represented on the commission to provide travel expenses,
15 incidental expenses and compensation for commission members and for partisan staff and
16 operations.

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

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

23 "Do you favor amending the Constitution of Maine to reduce the size of
24 the Senate from no more than 35 members to 32 members by
25 reapportioning senatorial districts to coincide with the counties of the
26 State and to increase the Senate term from 2 to 4 years, effective
27 December 7, 2022?"

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

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

39 **SUMMARY**

40 This resolution proposes to amend the Constitution of Maine to reduce the size of the
41 Senate from no more than 35 members to 32 members as a result of reapportioning to 2

- 1 Senators per county. The resolution also requires the redrawing of district lines in 2022.
- 2 The resolution increases the Senate term from 2 to 4 years.