

MAINE STATE LEGISLATURE

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N I N E T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1089

H. P. 771

House of Representatives, March 4, 1959

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Dumais of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-NINE

**RESOLVE, Proposing an Amendment to the Constitution Changing the
Tenure of Office of Legislators to Four-Year Terms.**

Constitutional amendment. Resolved: Two-thirds of each branch of the Legislature concurring, that the following amendments to the Constitution of this State be proposed:

Constitution, Article II, Section 4, amended. The first sentence of Section 4 of Article II of the Constitution, as amended by Articles LXXXIII and LXXXIV, is further amended to read as follows:

'The election of **Governor**, Senators and Representatives shall be on the Tuesday following the first Monday of November ~~biennially forever and the election of Governor shall be on the Tuesday following the first Monday of November~~ every four years.'

Constitution, Article IV, Part First, Section 2, amended. Section 2 of Part First of Article IV of the Constitution is amended to read as follows:

'**Section 2. Number and tenure of Representatives; census.** The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office ~~two~~ **four** years from the day next preceding the biennial meeting of the Legislature. The Legislature shall, within every period of at most ten years and at least five, cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized. The number of Representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties, as near as

may be, according to the number of inhabitants, having regard to the relative increase of population.'

Constitution, Article IV, Part First, Section 5, amended. The 4th, 5th and 6th sentences of Section 5 of Part First of Article IV of the Constitution are amended to read as follows :

'And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office thirty days at least before the first Wednesday of January ~~biennially~~ **every four years**. And the Governor and Council shall examine the returned copies of such lists, and also all lists of votes of citizens in the military service, returned to the secretary's office as provided in article second, section four, of this Constitution; and twenty days before the said first Wednesday of January ~~biennially~~ **every four years**, shall issue a summons to such persons as shall appear to be elected by a plurality of all votes returned, to attend and take their seats. But all such lists shall be laid before the House of Representatives on the first Wednesday of January ~~biennially~~ **every four years**, and they shall finally determine who are elected.'

Constitution, Article IV, Part Second, Section 4, amended. Section 4 of Part Second of Article IV of the Constitution is amended to read as follows :

'**Section 4. Determination of Senators elected; procedure when full number not elected.** The Senate shall, on the said first Wednesday of January, ~~biennially~~ **every four years**, determine who are elected by a plurality of votes to be Senators in each county; and in case the full number of Senators to be elected from each county shall not have been so elected, the members of the House of Representatives and such Senators, as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of Senators deficient, in every county, if there be so many voted for, elect by joint ballot the number of Senators required; but all vacancies in the Senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented county. The Governor shall issue his proclamation therefor and therein fix the time of such election.'

Effective date. Resolved: That the amendments herein proposed, if adopted, shall determine the term of office of Senators and Representatives to be elected at the general election in November 1962 as well as the terms of Senators and Representatives thereafter to be elected.

Form of question and date when amendments shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general or special state-wide election to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be :

“Shall the Constitution be amended as proposed by a resolution of the Legislature changing the tenure of office of legislators to four-year terms?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolve, accompanied by a copy thereof.