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RESOLUTION, Proposing an Amendment to the Constitution of Maine To Provide 4-year Terms for Legislators

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 Representatives shall be on the Tuesday following the first Monday of November biennially ~~forever and the, except that, beginning with the general election held in 2010, the election of Senators and members of the House of Representatives from even-numbered districts shall be held on the Tuesday following the first Monday of November every 4 years and, beginning with the general election held in 2012, the election of Senators and members of the House of Representatives from odd-numbered districts shall be held on the Tuesday following the first Monday of November every 4 years.~~ The election of Governor shall be 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 or, if elected from an even-numbered district in or after 2010 or an odd-numbered district in or after 2012, 4 years from the day next preceding the first Wednesday in December following the general election at which the members were elected. A member may not serve more than 2 consecutive terms as a member of the House of Representatives, except that during the transition period from 2-year to 4-year terms a member may serve not more than 10 years. The Legislature which convenes in 1983 and every 10th year thereafter shall cause the State to be divided into districts for the choice of one Representative for each district. The number of Representatives shall be divided into the number of inhabitants of the State exclusive of foreigners not naturalized according to the latest Federal Decennial Census or a State Census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each Representative District. Each Representative District shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. The district number designations must be assigned to align as closely as possible with the geographic districts having the same number designations before the reapportionment. The plan may not curtail or reduce a 4-year term being served when the reapportionment takes effect, but must provide for an orderly transition period. Whenever the population of a municipality

entitles it to more than one district, all whole districts shall be drawn within municipal boundaries. Any population remainder within the municipality shall be included in a district with contiguous territory and shall be kept intact.

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

Section 5. Election of Representatives; lists of votes delivered forthwith; lists of votes examined by Governor; summons of persons who appear to be elected; lists shall be laid before the House. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against that person's name. Cities and towns belonging to any Representative District shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State forthwith. The Governor shall examine the returned copies of such lists and 7 days before the first Wednesday of December biennially following the general election, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the first Wednesday of December biennially following the general election, and they shall finally determine who are elected.

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

Section 1. Number of Senators. The Senate shall consist of an odd number of Senators, not less than 31 nor more than 35, elected at the same time and for the same term as Representatives by the qualified electors of the districts into which the State shall be from time to time divided. A Senator may not serve more than 2 consecutive terms, except that during the transition period from 2-year to 4-year terms a Senator may serve not more than 10 years.

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

Section 2. Submission of reapportionment plan to Secretary of Senate; Legislature's action on commission's plan; division of State into Senatorial Districts; division by Supreme Judicial Court. The Legislature which shall convene in the year 1983 and every tenth year thereafter shall cause the State to be divided into districts for the choice of a Senator from each district, using the same method as provided in Article IV, Part First, Section 2 for apportionment of Representative Districts. The district number designations must be assigned to align as closely as possible with the geographic districts having the same number designations before the reapportionment. The plan may not curtail or reduce a 4-year term being served when the reapportionment takes effect, but must provide for an orderly transition period.

; and be it further

Constitutional referendum procedure; form of question; effective date.

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

“Do you favor amending the Constitution of Maine to change the term of office for State Senators and members of the House of Representatives from 2 years to 4 years, to stagger those terms and to retain term limits of 8 years?”

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

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 constitutional resolution changes the terms of Senators and members of the House of Representatives to 4 years. The bill would provide for staggered terms by having half of the Senators and members of the House beginning 4-year terms in 2010 and the other half beginning in 2012. The bill also retains term limits of 8 years, except that during the period of transition from 2-year to 4-year terms a limit of 10 years is imposed. Under the bill, each Legislature would continue to consist of a 2-year cycle, with a first regular session and a second regular session. In order to ensure that terms remain staggered, a provision is added to require that districts retain like number designations during 10-year reapportionments and that a reapportionment plan not curtail or cut short a 4-year term before its expiration.