

Maine

The 22nd Amendment to the Constitution, which limits a person to being elected to the presidency two times, and sets additional eligibility conditions for presidents who succeed to the presidency, was voted out of Congress by a supermajority vote in both chambers. Between 1947 and 1951, the 22nd Amendment was ratified by 41 state legislatures and officially came into effect after 36 states ratified the amendment in February 1951. Since the history of the 22nd Amendment's passage and the intent of those who ratified it has become relevant again, this factsheet is part of a series covering each state's ratification process.

Maine's consideration of the 22nd Amendment:

- Maine's legislature voted to ratify the 22nd Amendment on [March 31, 1947](#), becoming the first state to do so.
- The joint resolution to ratify the proposed 22nd Amendment to the US Constitution was adopted by the [Maine Senate](#) and then passed by the [Maine House by a vote of 82 to 7](#).
- At the time of ratification, a Republican supermajority existed in both chambers of Maine's legislatures. The Maine House was [composed of](#) 126 Republicans, 24 Democrats, and 3 representatives with no listed party affiliation. The Maine Senate was [composed of](#) 30 Republicans and 3 Democrats.

Mr. McCLURE: Mr. Speaker and Members of the House: I do not like to argue with my colleagues. I voted with both of them on several occasions on good American measures. I realize the Democratic members of this House have some good measures. I do not think this is hasty legislation. I think we are too late: it should have happened long ago. I do not believe there are many members in this House but have read this and thought it over and know that we should have proposed this long ago. I think we should do it now and lead the country back into the right direction.

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amendment. I think too many of us have not considered it sufficiently to have formed our own personal opinions with relation to that amendment, but I do think we should have the time to properly consider this amendment and not insert it as an incidental piece of business on what is a slow legislative day. We do not have anywhere near approaching our normal attendance here today, and we are trying to push through something that affects the fundamental law of the country and something that will affect, perhaps, the ruler of this nation in time of crisis in the future by an ill-considered and hasty step that we take this afternoon.

If it is in order, Mr. Speaker, to table this resolution, I would like to move to do so at this time.

The SPEAKER: The gentleman from Waterville, Mr. Muskie, moves that this resolution be laid on the table. All those in favor will say aye; those opposed no.

A viva voce vote being taken, the motion to table did not prevail.

The SPEAKER: The Chair recognizes the gentleman from Bath, Mr. McClure.

Mr. McCLURE: Mr. Speaker and Members of the House: I do not like to argue with my colleagues. I voted with both of them on several occasions on good American measures. I realize the Democratic members of this House have some good measures. I do not think this is hasty legislation. I think we are too late: it should have happened long ago. I do not believe there are many members in this House but have read this and thought it over and know that we should have proposed this long ago. I think we should do it now and lead the country back into the right direction.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Sleeper.

Mr. SLEEPER: Mr. Speaker and Members of the House: In all due apologies to the two speakers who oppose the passage of this measure, and with all due apologies for the apparent haste of the organization in proposing the passage of this resolution. I think there is quite a lot of justice to the resolution. It seems like a political measure and it is a political measure. We could argue the thing a month and we would not change a vote here; but

will vote for it, and my two Democratic compatriots will vote against it. If we had a public hearing it would not change a vote here; but we do have a chance for once to be the first state to pass the resolution. I certainly hope the motion of the gentleman from Farmington, Mr. Mills, prevails.

The SPEAKER: The Chair recognizes the gentleman from Lewiston, Mr. Jalburt.

Mr. JALBERT: Mr. Speaker and Members of the House: In jest I might say to the gentleman from Rockland (Mr. Sleeper) who has just spoken: He need not have any fear about the resolution passing. (Laughter)

The SPEAKER: Is the House ready for the question? The question before the House is on the motion of the gentleman from Farmington, Mr. Mills, that the House adopt the Resolution.

Mr. MILLS: Mr. Speaker, I ask for a division.

The SPEAKER: All those in favor of the adoption of the Resolution will please rise and remain standing until counted and the monitors have made and returned the count.

A division of the House was had. The SPEAKER: Eighty-two having voted in the affirmative and seven in the negative, the resolution has been adopted.

Orders

On motion by Mr. Burton of Milo, it was ORDERED, that Mr. MacPherson of Easton be excused from attendance because of business on Monday, Tuesday and Wednesday of this week; also that Mr. Dufour of St. Agatha, be excused from attendance all of this week.

On motion by Mr. DeSanctis of Madison, it was ORDERED, that Mr. Bowker of Portland be excused from attendance this week because of business.

On motion by Mr. Brewer of Presque Isle, it was ORDERED, that there be printed 500 additional copies of H. P. 1590, L. D. 1243, An Act Imposing Miscellaneous Taxes.

On motion by Mr. Clements of Belfast, it was ORDERED, that Rev. James Hayes of Belfast, be invited to

- During the ratification process, [Republican](#) Representative J. Horace McClure [said](#) of the process, "I do not think this is hasty legislation. I think we are too late: it should have happened long ago. I do not believe there are many members in this House but have read this and thought it over and know that we should have proposed this long ago."

Cases involving the 22nd Amendment in Maine:

- A December 2023 [decision by the Maine Secretary of State](#) Shenna Bellows found that Donald Trump's primary petition was invalid based on Section 3 of the 14th Amendment barring oath-breaking insurrectionists from holding public office. Another challenger contested Trump's candidacy under the 22nd Amendment due to Trump's claims that he won the 2020 election, citing his ineligibility to be elected for a third term. The Secretary found that "as a general matter the Secretary of State has authority to keep unqualified candidates off the primary election ballot" including based on the 22nd Amendment but rejected the challenger's argument as the claim must be linked to actual election to the presidency, rather than the candidate's subjective belief.
- Maine's election laws grant the Secretary of State the authority to "review the accuracy of a candidate's declaration that they meet the qualifications of the office they seek." The Secretary is authorized to limit primary ballot access to qualified candidates only. *See e.g., Christie v. Bellows*, No. AP-23-42, 2023 Me. Super. LEXIS 17, at *30-31 (Dec. 21, 2023) (rejecting a candidate from the primary ballot for the U.S. presidency because he failed to meet the required signature threshold); *Carey v. Sec'y of State*, No. CV-2022-09, 2022 Me. Super. LEXIS 11, at *2-3 (May 10, 2022) (rejecting a candidate from the primary ballot of a District Attorney election because he failed to certify that his law license was active and that he was a member of a political party)
- While the 22nd Amendment is not explicitly named as one of the qualifications the Secretary must review conformity with, [Secretary Bellows' decision](#) acknowledged that the amendment "plainly still applies." The decision explained how "[t]he Twenty-Second Amendment provides that '[n]o person shall be elected to the office of the President more than twice.' U.S. Const. Amend. XXII, § 1. Secretary Bellows rejected the Petitioner's challenge, clarifying that "[a]pplication of the term limit turns on whether an individual has *actually been elected President twice*, not on beliefs or assertions about that fact. *Cf. Nader v. Butz*, 398 F. Supp. 390, 397 (D.D.C. 1975) ('Having been elected to [the presidency] twice, [Richard Nixon] is precluded from serving again.')."
- The Bellows decision stated explicitly: "Mr. Trump did not win the 2020 election. In fact, there appears to be no dispute between any of the parties that President Biden prevailed over Mr. Trump. Therefore, given that Mr. Trump has only won a single election for President, he is not barred from being elected to the same office again under the Twenty-Second Amendment." (pg. 15-16)

- Secretary Bellows later [withdrew](#) her decision regarding Trump's disqualification under Section 3 of the 14th Amendment based on the Supreme Court's decision in *Trump v. Anderson*, but her analysis regarding the applicability of the 22nd Amendment to presidential candidates was undisturbed by the Supreme Court and should remain applicable under Maine law.