

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1495

H. P. 1030

House of Representatives, March 29, 1963

Referred to Committee on Constitutional Amendments and Legislative Reapportionment. Sent up for concurrence and 1000 ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Smith of Bar Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

**RESOLVE, Proposing an Amendment to the Constitution Affecting the
Election, Powers and Apportionment of the House of Representatives.**

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Constitution, Article IV, Part First, Sections 2 to 8, repealed and replaced. Sections 2 to 8 of Part First of Article IV of the Constitution are repealed and the following enacted in place thereof:

Section 2. The House of Representatives shall consist of one hundred and fifty Representatives, to be elected by the qualified electors, for a term of two years from the first Tuesday of January in the year next following their election. For the purpose of electing Representatives, the State shall be divided into one hundred and fifty districts of compact territory following, insofar as possible, city, town and ward lines. Districts shall be determined according to population so that each district so far as practicable is of equal population with each other district, provided that the district having the largest population shall not exceed the district with the smallest population by more than twenty percent.

Military personnel, their families and students, not having a legal residence in a district, foreigners not naturalized and persons in mental hospitals and correctional institutions shall be excluded in determining the population of a district.

Section 3. The Legislature, within ninety days from the adoption of this amendment, and in the year of our Lord one thousand nine hundred and seventy-one and in every tenth year thereafter, shall make the division required under this article. In the event that the Legislature shall fail to make a division, the

Governor shall, within sixty days following the end of the period or year in which the Legislature is required to act, but fails to do so, divide the State into such districts. The Governor may appoint qualified electors, in such number as may be fixed by law, to assist him in making the division, and the division once made by him, shall have the force and effect of law.

The Supreme Judicial Court upon the petition of any five qualified electors, and in the exercise of exclusive jurisdiction, shall review the division thus made, either by the Legislature or the Governor, and shall make such changes in the same as shall be necessary to make it comply with this Constitution. If the Legislature and the Governor shall both fail to divide the State into districts within the times provided for each to act, then the Supreme Judicial Court shall, upon the petition of any five qualified electors, make the required division.

Section 4. No person shall be a member of the House of Representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty-one years, have been a resident of this State one year; and for the three months next preceding the time of his nomination shall have been, and, during the period for which he is elected, shall continue to be a resident of the district which he represents.

Section 5. 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 seven 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 his name. Cities and towns belonging to any class herein provided 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 city and town clerks, and the city and town clerks respectively shall cause the same to be delivered into the Secretary of State's office not less than fifteen days after the day on which election is held. The Governor and Council shall examine the returned copies of such lists and twenty days before the first Wednesday of January biennially, 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 January biennially, and they shall finally determine who are elected.

Section 6. Whenever the seat of a member shall be vacated by death, resignation or otherwise, the vacancy may be filled by a new election.

Section 7. The House of Representatives shall choose their speaker, clerk and other officers.

Section 8. The House of Representatives shall have the sole power of impeachment, provided that the trial of all persons impeached shall be conducted by the Senate.

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 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 a special statewide election on the Tuesday following the first Monday of November following the passage of this resolve, 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 affecting the election, powers and apportionment of the House of Representatives?”

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.