

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

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Legislative Document

No. 1600

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H. P. 1117

House of Representatives, June 18, 1963

Reported by a Minority of the Committee on Constitutional Amendments and Legislative Reapportionment. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-THREE

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

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**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, Section 2, amended.** The last sentence of section 2 of Part First of Article IV of the Constitution is amended to read as follows:

'The number of Representatives shall, at the several periods of making such enumeration, be fixed and apportioned by the Legislature 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 2-A, additional.** Part First of Article IV of the Constitution is amended by adding a new section 2-A, to read as follows:

'Section 2-A. The first apportionment under Article IV, Part First shall be made by the one hundred and first Legislature in the year of our Lord one thousand nine hundred and sixty-four. This section 2-A of this Article IV, Part First, need not be printed as part of the Constitution, and this section 2-A of this Article IV, Part First, of the Constitution may hereafter be omitted in any printed copy of the Constitution or amendments thereto.'

**Constitution, Article IV, Part First, Section 3, repealed and replaced.** Section

3 of Part First of Article IV of the Constitution is repealed and the following enacted in place thereof :

Section 3. Apportionment of representatives within each county shall be made by dividing the total number of inhabitants in the county by the number of Representatives to which the county is entitled to determine a unit base number. Each city or town having a number of inhabitants greater than the unit base number shall be entitled to as many representatives as the number of times the number of its inhabitants fully contains the unit base number; and the remaining cities, town and plantations within the county which have inhabitants in numbers less than such unit base number shall be formed into representative class districts in number equal to the remainder of county representatives unallocated under the foregoing procedure by grouping whole cities, towns and plantations as equitably as possible with consideration for population and for geographical contiguity. Provided, however, that no such representative district shall contain fewer inhabitants than the largest fraction remaining to any city or town within such county after the allocating of one or more representatives under the foregoing procedure; and, provided further, that additional representatives, drawn from the remainder of county representatives unallocated under the foregoing procedure, shall be allocated to cities or towns having the largest fraction remaining after the allocation of one or more representatives under the foregoing procedure if such be necessary to insure that no such representative district contain fewer inhabitants than the largest fraction remaining to any city or town within such county after the allocating of one or more representatives under the foregoing procedure. Cities and towns entitled to two or more Representatives under the foregoing procedure may, by affirmative vote of two-thirds of both Houses of the Legislature, be organized into single member districts whereby each legally qualified elector therein is entitled to vote for only one Representative, provided that all such cities and towns are so organized.

In the event that the Legislature shall fail to make an apportionment the Supreme Judicial Court shall, within sixty days following the end of the period in which the Legislature is required to act, but fails to do so, make the apportionment.

Constitution, Article IV, Part First, Section 5, repealed and replaced. Section 5 of Part First of Article IV of the Constitution is repealed and the following enacted in place thereof :

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 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 city and town clerks, and the city

and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State not less than fifteen days after the day on which the 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.'

**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.