

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND THIRD LEGISLATURE

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**Legislative Document**

**No. 1500**

H. P. 1034

House of Representatives, March 8, 1967

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Danton of Old Orchard Beach.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SIXTY-SEVEN

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**RESOLVE, Proposing an Amendment to the Constitution Changing the Legislature to a One Body System.**

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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**Constitution, Article IV, Part First, Sections 1 - 3, repealed and replaced.** Sections 1 to 3 of Part First of Article IV of the Constitution are repealed and the following enacted in place thereof:

**Section 1. Legislative department.** Commencing with the regular session of the Legislature to be held in January, 1971, the legislative authority of the State shall be vested in a Legislature consisting of one chamber, but the people reserve to themselves power to propose laws and enact or reject the same at the polls independent of the Legislature, and reserve the power to approve or reject at the polls any Act, bill, resolve or resolution proposed by the Legislature, and the style of the laws and Acts shall be, "Be it enacted by the People of the State of Maine." All authority vested by the Constitution or laws of the State in the Senate, House of Representatives or joint session thereof insofar as applicable, shall be, and is, vested in said Legislature of one chamber. All provisions in the Constitution and laws of the State relating to the Legislature, the Senate and House of Representatives, joint sessions of the Senate and House of Representatives, Senators or Members of the House of Representatives shall, insofar as said provisions are applicable, apply to and mean said Legislature of one chamber hereby created. All references to Clerk of the House of Representatives or Secretary of the Senate shall mean when applicable the Clerk of the Legislature of one chamber. All references to Speaker of the House of Representatives or President of the Senate shall mean Speaker of the

Legislature. Wherever any provisions of the Constitution require the submission of any matter to, or action by, the House of Representatives, the Senate or joint session thereof, or the members of either body or both, they shall after January 1, 1971 be construed to refer to the Legislature herein provided for.

**Section 2. Number of Legislators.** The Legislature shall consist of ninety-six members, to be elected by the qualified electors and hold their office two 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 State to be ascertained, exclusive of foreigners not naturalized. The number of members to the Legislature 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 of the State and computed according to the following rules:

1. By dividing the total population of the State by ninety-six and by dividing the population of each county by the quotient so obtained, disregarding, except as hereinafter in this section provided, the remainder, if any, after the process of division.

2. If the total number of members assigned to all counties pursuant to subsection 1 is less than ninety-six, additional members shall be assigned to the counties, one to a county, having remainders in the computation under subsection 1 commencing with the county having the largest remainder and continuing with the other counties in the order of the magnitude of the respective remainders until the total number of members assigned is ninety-six.

In the event that the Legislature shall fail to make an appointment according to the Federal Census, 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.

**Section 3. Election of Speaker.** At the beginning of each regular session, the Legislature shall elect from its membership a presiding officer, who shall be known as the Speaker and who shall serve during the entire 2-year term, or at the pleasure of two-thirds the entire membership of the Legislature.

**Constitution, Article IV, Part First, Sections 7 and 8, repealed and replaced.** Sections 7 and 8 of Part First of Article IV of the Constitution are repealed and the following enacted in place thereof:

**Section 7. To choose own officers; power of impeachment.** The Legislature shall choose their clerk and other officers and have the power of impeachment.

**Constitution, Article IV, Part Second, repealed.** Part Second of Article IV of the Constitution is repealed.

**Constitution, Article IV, Part Third, Section 5, amended.** Section 5 of Part Third of Article IV of the Constitution is amended to read as follows:

**Section 5. Shall keep a journal; yeas and nays.** ~~Each House~~ The Legislature shall keep a journal, and from time to time publish its proceedings, except such parts as in ~~their~~ its judgment may require secrecy; and the yeas and nays of the Members of ~~either House~~ the Legislature on any question, shall, at the desire of one-fifth of those present, be entered on the journals.

**Constitution, Article IV, Part Third, Section 15, amended.** Section 15 of Part Third of Article IV of the Constitution is amended to read as follows:

**Section 15. Constitutional conventions.** The Legislature shall, by a two-thirds ~~concurrent~~ vote of both branches, have the power to call constitutional conventions, for the purpose of amending this Constitution.

**Constitution, Article V, Part Second, Section 2, amended.** Section 2 of Part Second of Article V of the Constitution is amended to read as follows:

**Section 2. Election! vacancies.** The Councillors shall be chosen biennially, on the first Wednesday of January, by ~~joint ballot of the Senators and Representatives in convention~~ a majority vote of the entire membership of the Legislature; and vacancies, which shall afterwards happen, shall be filled in the following manner: The Governor with the advice and consent of the Council shall appoint within thirty days from said vacancy a Councillor from the same district in which the vacancy occurred, and the oath of office shall be administered by the Governor; said Councillor shall hold office until the next convening of the Legislature; but not more than one Councillor shall be elected or appointed from any district ~~prescribed for the election of Senators;~~ they shall be privileged from arrest in the same manner as ~~Senators and Representatives~~ members of the Legislature.

**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 the next general election in the month of November of special state-wide 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 to Change the Legislature to a One Body System?”

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.