

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 697

6  
7 H.P. 494

House of Representatives, February 26, 1985

8 Reference to the Committee on State Government suggested and ordered  
9 printed.

10 EDWIN H. PERT, Clerk

Presented by Representative MacBride of Presque Isle.

11 Cosponsored by Speaker Martin of Eagle Lake, Senator Sewall of  
Lincoln and President Pray of Penobscot.

12 STATE OF MAINE  
13

14 IN THE YEAR OF OUR LORD  
15 NINETEEN HUNDRED AND EIGHTY-FIVE  
16

17 RESOLUTION, Proposing Amendments  
18 to the Constitution of Maine  
19 to Change the Reapportionment Procedures to  
20 Reflect Changes in Legislative Procedures and  
21 to Specify how the Reapportionment Commission  
22 should Operate.  
23

24 Constitutional amendment. RESOLVED: Two thirds  
25 of each branch of the Legislature concurring, that  
26 the following amendments to the Constitution of Maine  
27 be proposed:

28 Constitution, Art. IV, Pt. 1, §2 is amended to  
29 read:

30 Section 2. Number of Representatives; biennial  
31 terms; division of the State into districts for House  
32 of Representatives. The House of Representatives  
33 shall consist of 151 members, to be elected by the  
34 qualified electors, and hold their office 2 years  
35 from the day next preceding the first Wednesday in  
36 December following the general election. The Legis-

1 lature which convenes in 1983 and every tenth year  
2 thereafter shall cause the State to be divided into  
3 districts for the choice of one Representative for  
4 each district. The number of Representatives shall  
5 be divided into the number of inhabitants of the  
6 State exclusive of foreigners not naturalized accord-  
7 ing to the latest Federal Decennial Census or a State  
8 Census previously ordered by the Legislature to coin-  
9 cide with the Federal Decennial Census, to determine  
10 a median population figure for each Representative  
11 District. Each Representative District shall be  
12 formed of contiguous and compact territory and shall  
13 cross political subdivision lines the least number of  
14 times necessary to establish as nearly as practicable  
15 equally populated districts. Whenever the population  
16 of a municipality entitles it to more than one dis-  
17 trict, all whole districts shall be drawn within mu-  
18 nicipal boundaries. Any population remainder within  
19 the municipality shall be ~~included in a district~~  
20 ~~drawn to cross the municipal boundary, provided that~~  
21 ~~such population remainder of the municipality must be~~  
22 ~~contiguous to another municipality or municipalities~~  
23 ~~included in the district~~ districted with contiguous  
24 territory and shall be kept intact.

25 Constitution, Art. IV, Pt. 1, §3, first ¶ is  
26 amended to read:

27 The apportionment plan of the commission estab-  
28 lished under Article IV, Part Third, Section 1-A  
29 shall be submitted to the Clerk of the House no later  
30 than 90 120 calendar days after the convening of the  
31 Legislature in which apportionment is required. In  
32 the preparation of legislation implementing the plan,  
33 the commission may adjust errors and inconsistencies  
34 in accordance with the standards set forth in this  
35 Constitution, so long as substantive changes are not  
36 made. The Legislature shall enact the submitted plan  
37 of the commission or a plan of its own by a vote of  
38 two thirds of the members of each House within 30  
39 calendar days after the plan of the commission is  
40 submitted. Such action shall be subject to the Gov-  
41 ernor's approval as provided in Article IV, Part  
42 Third, Section 2.

43 Constitution, Art. IV, Pt. 2, §2, 2nd ¶ is  
44 amended to read:

1           The apportionment plan of the commission estab-  
2           lished under Article IV, Part Third, Section 1-A  
3           shall be submitted to the Secretary of the Senate no  
4           later than 90 120 calendar days after the convening  
5           of the Legislature in which apportionment is re-  
6           quired. In the preparation of legislation implement-  
7           ing the plan, the commission may adjust errors and  
8           inconsistencies in accordance with the standards set  
9           forth in this Constitution, so long as substantive  
10          changes are not made. The Legislature shall enact  
11          the submitted plan of the commission or a plan of its  
12          own by a vote of two thirds of the members of each  
13          House, within 30 calendar days after the plan of the  
14          commission is submitted. Such action shall be sub-  
15          ject to the Governor's approval as provided in Arti-  
16          cle IV, Part Third, Section 2.

17                   Constitution, Art. IV, Pt. 3, §1-A, 2nd ¶ is  
18          amended to read:

19           The commission shall be composed of 3 members  
20          from the political party holding the largest number  
21          of seats in the House of Representatives, who shall  
22          be appointed by the Speaker; 3 members from the po-  
23          litical party holding the majority of the remainder  
24          of the seats in the House of Representatives, who  
25          shall be appointed by the floor leader of that party  
26          in the House; 2 members of the party holding the  
27          largest number of seats in the Senate, who shall be  
28          appointed by the President of the Senate; 2 members  
29          of the political party holding the majority of the  
30          remainder of the seats in the Senate to be appointed  
31          by the floor leader of that party in the Senate; the  
32          chairperson of each of the 2 major political parties  
33          in the State or their designated representatives; and  
34          3 members from the public generally, one to be se-  
35          lected by each group of members of the commission  
36          representing the same political party, and the third  
37          to be selected by the other 2 public members. The  
38          Speaker of the House shall be responsible for orga-  
39          nizing the commission and shall be chairman pro tem-  
40          pore thereof until a permanent chairman is selected  
41          by the commission members from among their own num-  
42          ber. The selection of the public members and the  
43          chairman shall occur no later than 30 calendar days  
44          after the appointment of the other members. If the  
45          commission fails to select a chairman within 30 days,

1 the Chief Justice of the Supreme Judicial Court shall  
2 appoint a chairman within 14 days after the commis-  
3 sion has failed to act. No action shall be taken  
4 without a quorum of 7 being present. The commission  
5 shall hold public hearings on any plan for apportion-  
6 ment prior to submitting such plan to the Legisla-  
7 ture.

8 Constitution, Art. IV, Pt. 3, §1-A, 3rd ¶ is  
9 amended to read:

10 Public members of the commission shall receive  
11 reasonable compensation, as provided by law which  
12 shall be determined by the commission in relation to  
13 judicial compensation. All members of the commission  
14 shall be reimbursed for actual travel expenses in-  
15 curring in carrying out the business of the commis-  
16 sion. The Legislature which is required to apportion  
17 shall appropriate sufficient funds to compensate pub-  
18 lic members, to provide staff assistance to the com-  
19 mission and to the chairman of the commission, to  
20 provide travel expenses for all members, and to pro-  
21 vide for incidental expenses of the commission as  
22 needed to carry out its duties under this Constitu-  
23 tion, and public money to be available equally be-  
24 tween the 2 political parties represented on the com-  
25 mission and for partisan staff and operations.

26 Constitutional referendum procedure; form of  
27 question; effective date. Resolved: That the city  
28 aldermen, town selectmen and plantation assessors of  
29 this State shall notify the inhabitants of their re-  
30 spective cities, towns and plantations to meet, in  
31 the manner prescribed by law for holding a statewide  
32 election, at a statewide election, on the Tuesday  
33 following the first Monday of November following the  
34 passage of this resolution, to vote upon the ratifi-  
35 cation of the amendments proposed in this resolution  
36 by voting upon the following question:

37 "Shall the Constitution of Maine be amended  
38 to reflect changes in Legislative procedures and  
39 to specify how the reapportionment commission  
40 should operate?"

1           The legal voters of each city, town and  
2 plantation shall vote by ballot on this question, and  
3 shall designate their choice by a cross or check mark  
4 placed within the corresponding square below the word  
5 "Yes" or "No." The ballots shall be received,  
6 sorted, counted and declared in open ward, town and  
7 plantation meetings and returns made to the Secretary  
8 of State in the same manner as votes for members of  
9 the Legislature. The Governor shall review the re-  
10 turns and, if it appears that a majority of the legal  
11 votes are in favor of the amendment, the Governor  
12 shall proclaim that fact without delay and the amend-  
13 ments shall become part of the Constitution on the  
14 date of the proclamation.

15           Secretary of State shall prepare ballots. Re-  
16 solved: That the Secretary of State shall prepare  
17 and furnish to each city, town and plantation all  
18 ballots, returns and copies of this resolution neces-  
19 sary to carry out the purposes of this referendum.

20           STATEMENT OF FACT

21           The purpose of this resolution is to make changes  
22 in the reapportionment provisions to coordinate with  
23 changes that have been made in the operating proce-  
24 dures of the Legislature and to make the Constitution  
25 of Maine more explicit as to how the reapportionment  
26 commission should operate.

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