

# MAINE STATE LEGISLATURE

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# 122nd MAINE LEGISLATURE

## FIRST REGULAR SESSION-2005

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Legislative Document

No. 461

H.P. 339

House of Representatives, January 27, 2005

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### **RESOLUTION, Proposing an Amendment to the Constitution of Maine To Reduce the Size of the Legislature**

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative FAIRCLOTH of Bangor.  
Cosponsored by Representative RICHARDSON of Skowhegan, Senator DOW of Lincoln.

2           **Constitutional amendment. Resolved:** Two thirds of each  
branch of the Legislature concurring, that the following  
4           amendments to the Constitution of Maine be proposed:

6           **Constitution, Art. IV, Part First, §2** is amended to read:

8           **Section 2. Number of Representatives; biennial terms;**  
9           **division of the State into districts for House of**  
10           **Representatives.** The House of Representatives shall consist of  
11           151 members, except that, for the Legislature that convenes in  
12           2007 and thereafter, the House of Representatives shall consist  
13           of 99 members, to be elected by the qualified electors, and hold  
14           their office 2 years from the day next preceding the first  
15           Wednesday in December following the general election. The  
16           Legislature which convenes in 1983 2005 and every 10th year  
17           thereafter shall cause the State to be divided into districts for  
18           the choice of one Representative for each district, using the  
19           same method as provided in Article IV, Part Second, Section 2 for  
20           apportionment of Senatorial Districts, except that each  
21           Senatorial District must be divided into 3 Representative  
22           Districts. The number of Representatives shall be divided into  
23           the number of inhabitants of the State exclusive of foreigners  
24           not naturalized according to the latest Federal Decennial Census  
25           or a State Census previously ordered by the Legislature to  
26           coincide with the Federal Decennial Census, to determine a mean  
27           population figure for each Representative District. Each  
28           Representative District shall be formed of contiguous and compact  
29           territory and shall cross political subdivision lines the least  
30           number of times necessary to establish as nearly as practicable  
31           equally populated districts. Whenever the population of a  
32           municipality entitles it to more than one district, all whole  
33           districts shall be drawn within municipal boundaries. Any  
34           population remainder within the municipality shall be included in  
35           a district with contiguous territory and shall be kept intact.

36           **Constitution, Art. IV, Part Second, §1** is amended to read:

37           **Section 1. Number of Senators.** The Senate shall consist of  
38           an odd number of Senators, not less than 31 nor more than 35,  
39           except that, for the Legislature that convenes in 2007 and  
40           thereafter, the Senate shall consist of 33 members, elected at  
41           the same time and for the same term as Representatives by the  
42           qualified electors of the districts into which the State shall be  
43           from time to time divided.

44           **Constitution, Art. IV, Part Second, §2, first ¶** is amended to read:

45           **Section 2. Submission of reapportionment plan to Secretary**  
46           **of Senate; Legislature's action on commission's plan; division of**

2 **State into Senatorial Districts; division by Supreme Judicial**  
3 **Court.** The Legislature which shall convene in the year 1983 2005  
4 and every 10th year thereafter shall cause the State to be  
5 divided into districts for the choice of a Senator from each  
6 district, ~~using the same method as provided in Article IV, Part~~  
7 ~~First, Section 2 for apportionment of Representative Districts.~~  
8 The number of Senators must be divided into the number of  
9 inhabitants of the State, exclusive of foreigners not naturalized  
10 according to the latest Federal Decennial Census or a State  
11 Census previously ordered by the Legislature to coincide with the  
12 Federal Decennial Census, to determine a mean population figure  
13 for each Senatorial District. Each Senatorial District must be  
14 formed of contiguous and compact territory and must cross  
15 political subdivision lines the least number of times necessary  
16 to establish as nearly as practicable equally populated  
17 districts. Whenever the population of a municipality entitles it  
18 to more than one district, all whole districts must be drawn  
19 within municipal boundaries. Any population remainder within the  
20 municipality must be included in a district with contiguous  
21 territory and must be kept intact.

22 ; and be it further

24 **Constitutional referendum procedure; form of question; effective**  
25 **date. Resolved:** That the municipal officers of this State shall  
26 notify the inhabitants of their respective cities, towns and  
27 plantations to meet, in the manner prescribed by law for holding  
28 a statewide election, at a statewide election, on the Tuesday  
29 following the first Monday of November following the passage of  
30 this resolution, to vote upon the ratification of the amendment  
31 proposed in this resolution by voting upon the following question:

32 "Do you favor amending the Constitution of Maine to reduce  
33 the size of the House of Representatives from 151 members to  
34 99 members and to limit the size of the Senate from no more  
35 than 35 members to 33 members, effective in the year 2007?"

36  
37  
38 The legal voters of each city, town and plantation shall  
39 vote by ballot on this question and designate their choice by a  
40 cross or check mark placed within the corresponding square below  
41 the word "Yes" or "No." The ballots must be received, sorted,  
42 counted and declared in open ward, town and plantation meetings  
43 and returns made to the Secretary of State in the same manner as  
44 votes for members of the Legislature. The Governor shall review  
45 the returns and, if it appears that a majority of the legal votes  
46 are cast in favor of the amendment, the Governor shall proclaim  
47 that fact without delay and the amendment becomes part of the  
48 Constitution of Maine on the date of the proclamation; and be it  
further

2           **Secretary of State shall prepare ballots. Resolved:** That the  
3 Secretary of State shall prepare and furnish to each city, town  
4 and plantation all ballots, returns and copies of this resolution  
5 necessary to carry out the purposes of this referendum.  
6

8                                   **SUMMARY**

10           This resolution proposes a constitutional amendment to  
11 reduce the size of the House of Representatives from 151 members  
12 to 99 members and the size of the Senate from no more than 35  
13 members to 33 members. The redistricting will be done in 2006  
14 during the Second Regular Session of the 122nd Legislature and  
15 the reduction in the size of each legislative body takes effect  
16 in 2007.

18           The savings from the reduction in the size of the  
Legislature is appropriated in a companion bill.