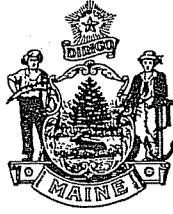


MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



STATE LAW LIBRARY
AUGUSTA, MAINE

124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 211

H.P. 176

House of Representatives, January 21, 2009

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Change the Schedule for Redistricting**

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative JONES of Mount Vernon.
Cosponsored by Senator RAYE of Washington and
Representatives: BICKFORD of Auburn, CAREY of Lewiston, NASS of Acton, TARDY of
Newport, TRINWARD of Waterville, VALENTINO of Saco, Senators: PLOWMAN of
Penobscot, SULLIVAN of York.

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

4 **Constitution, Art. IV, Pt. First, §2** is amended to read:

5 **Section 2. Number of Representatives; biennial terms; division of the State into**
6 **districts for House of Representatives.** The House of Representatives shall consist of
7 151 members, to be elected by the qualified electors, and hold their office 2 years from
8 the day next preceding the first Wednesday in December following the general election.
9 The Legislature which convenes in ~~1983~~ 2012 and every 10th year thereafter shall cause
10 the State to be divided into districts for the choice of one Representative for each district.
11 The number of Representatives shall be divided into the number of inhabitants of the
12 State exclusive of foreigners not naturalized according to the latest Federal Decennial
13 Census or a State Census previously ordered by the Legislature to coincide with the
14 Federal Decennial Census, to determine a mean population figure for each Representative
15 District. Each Representative District shall be formed of contiguous and compact
16 territory and shall cross political subdivision lines the least number of times necessary to
17 establish as nearly as practicable equally populated districts. Whenever the population of
18 a municipality entitles it to more than one district, all whole districts shall be drawn
19 within municipal boundaries. Any population remainder within the municipality shall be
20 included in a district with contiguous territory and shall be kept intact.

21 **Constitution, Art. IV, Pt. Second, §2** is amended to read:

22 **Section 2. Submission of reapportionment plan to Secretary of Senate;**
23 **Legislature's action on commission's plan; division of State into Senatorial Districts;**
24 **division by Supreme Judicial Court.** The Legislature which shall convene in the year
25 ~~1983~~ 2012 and every tenth year thereafter shall cause the State to be divided into districts
26 for the choice of a Senator from each district, using the same method as provided in
27 Article IV, Part First, Section 2 for apportionment of Representative Districts.

28 The apportionment plan of the commission established under Article IV, Part Third,
29 Section 1-A shall be submitted to the Secretary of the Senate no later than 120 calendar
30 days after the convening of the Legislature in which apportionment is required. In the
31 preparation of legislation implementing the plan, the commission, following a unanimous
32 decision by commission members, may adjust errors and inconsistencies in accordance
33 with the standards set forth in this Constitution, so long as substantive changes are not
34 made. The Legislature shall enact the submitted plan of the commission or a plan of its
35 own by a vote of 2/3 of the Members of each House, within 30 calendar days after the
36 plan of the commission is submitted. Such action shall be subject to the Governor's
37 approval as provided in Article IV, Part Third, Section 2.

38 In the event that the Legislature shall fail to make an apportionment within 130 days
39 after convening, the Supreme Judicial Court shall, within 60 days following the period in
40 which the Legislature is required to act but fails to do so, make the apportionment. In
41 making such apportionment, the Supreme Judicial Court shall take into consideration

1 plans and briefs filed by the public with the court during the first 30 days of the period in
2 which the court is required to apportion.

3 The Supreme Judicial Court shall have original jurisdiction to hear any challenge to
4 an apportionment law enacted by the Legislature, as registered by any citizen or group
5 thereof. If any challenge is sustained, the Supreme Judicial Court shall make the
6 apportionment.

7 ; and be it further

8 **Constitutional referendum procedure; form of question; effective date.**

9 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
10 respective cities, towns and plantations to meet, in the manner prescribed by law for
11 holding a statewide election, at a statewide election held in the month of November
12 following the passage of this resolution, to vote upon the ratification of the amendment
13 proposed in this resolution by voting upon the following question:

14 "Do you favor amending the Constitution of Maine to move the date of redistricting
15 for the congressional districts, Maine Legislature and counties from 2013 to 2012?"

16 The legal voters of each city, town and plantation shall vote by ballot on this question
17 and designate their choice by a cross or check mark placed within the corresponding
18 square below the word "Yes" or "No." The ballots must be received, sorted, counted and
19 declared in open ward, town and plantation meetings and returns made to the Secretary of
20 State in the same manner as votes for members of the Legislature. The Governor shall
21 review the returns. If it appears that a majority of the legal votes are cast in favor of the
22 amendment, the Governor shall proclaim that fact without delay and the amendment
23 becomes part of the Constitution of Maine on the date of the proclamation; and be it
24 further

25 **Secretary of State shall prepare ballots. Resolved:** That the Secretary of State
26 shall prepare and furnish to each city, town and plantation all ballots, returns and copies
27 of this resolution necessary to carry out the purposes of this referendum.

28 **SUMMARY**

29 This resolution proposes to amend the Constitution of Maine to move the date of
30 redistricting the congressional districts, Maine Legislature and counties from 2013 to
31 2012. The apportionment of the congressional districts and the counties are described in
32 the Maine Revised Statutes and follow the Constitution of Maine.

33