

MAINE STATE LEGISLATURE

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REPORT
to
SPECIAL SESSION
THE ONE HUNDRED AND SECOND LEGISLATURE

A P P O R T I O N M E N T O F T H E S E N A T E

by

Interim Joint Committee
102nd Legislature

January 1966

STATE OF MAINE

IN SENATE June 3, 1965

ORDERED, the House concurring, that there is created a Joint Interim Committee on Legislative Reapportionment consisting of 5 Senators, to be appointed by the President of the Senate, and 5 Representatives, to be appointed by the Speaker of the House of Representatives, to study the apportionment of the Senate for such changes and amendments as may appear to be necessary or desirable; and be it further

ORDERED, that the Committee shall report the results of its study to a special session of the 102nd Legislature or to the 103rd Legislature; and be it further

ORDERED, that the members of the Committee shall serve without compensation, but shall be reimbursed for their actual expenses incurred in the performance of their duties under this Order; such sums to be paid out of the Legislative Appropriation; and be it further

ORDERED, that there is appropriated to the Committee from the Legislative Appropriation the sum of \$1,000 to carry out the purposes of this Order.

Name: Harding

County: Aroostook

(S.P. #601)

Pursuant to the above Order, the following members were appointed by the President of the Senate - Senators Peter Bernard, James M. Cahill, Donald R. O'Leary, Floyd L. Harding, and Albert W. Hoffses - and the following members were appointed by the Speaker of the House - Representatives S. Glenn Starbird, Frank R. Glazier, Malcolm Fortier, Richard Stoutamyer, and Armas E. Wuori.

Senator Bernard and Representative Starbird were elected Chairman and Vice-Chairman, respectively, by the members of the committee. Public hearings and executive meetings were held during the interim and the committee has reported out a Bill by a nine to one majority to reapportion the Maine Senate. The following majority report is herewith submitted.

102nd Legislature
Joint Interim Committee
APPORTIONMENT OF THE SENATE

M A J O R I T Y R E P O R T

For each 2.7% of the population of the State which any county has, it shall be entitled to one Senator. In any event, any county will be entitled to a Senator if it has more than half of 2.7% of the State's population.

Under the plan, the Legislature may, by a 2/3 vote of both Houses, divide all the counties into Senatorial Districts, each district to contain 2.7% of the population of the State, or a major fraction thereof.

If the Legislature shall fail to make an apportionment under the plan, then the Maine Supreme Judicial Court, within sixty days following the end of the latest Federal Census, will make the apportionment.

According to the 1960 census, there would be a total of 38 Senators under the plan. Cumberland would gain three Senators, and Aroostook, Penobscot, and York would each gain one. Hancock and Washington would each lose a Senator. These changes would be effective, however, for the Legislature to be elected in 1969.

Erroneous reports in the press have stated that the Senate would double in number if the population of the State increased, but this, of course, is not so. It is theoretically possible under this plan for the Senate to have a maximum of 44 Senators, but the mathematical odds for this to occur makes it extremely unlikely.

At the public hearings held throughout the State, and indeed in debate during the regular session, it was stressed again and again how each county should be assured of one Senator to protect its interests on votes on the county budget and other matters unique to our county form of government. This plan achieves that end.

Also, the U.S. Supreme Court has established a standard that no plan can be acceptable that would permit less than 45% of the population to elect a majority of the Senate. The plan approaches almost the ideal in that the least number that could elect a majority would be 47.8% of the population of the State.

The Committee considered at some length the reapportionment proposal which Representative Richard Berry presented during the regular session and which was presented again verbatim to the interim committee by Senator Albert Hoffses. This plan was rejected by the Committee as it was by the legislature in regular session because it would mean the small counties would be deprived of a Senator with Districts going across county lines with as close to a 30,000 media population as possible. The Senate might be increased under the Berry plan to as many as 40, but if the population of Maine increased by 25% the plan would then have to be changed either to increase the number of Senators or the number of people in each Senatorial District.

It is believed by members of the Committee signing this majority report that the proposed plan and proposed legislation, copies of which are attached, keep within the traditions of Maine, are practical, and also comply with the dictates of the U.S. Supreme Court on reapportionment.

LEGISLATIVE INTERIM COMMITTEE ON
APPORTIONMENT OF THE SENATE

Sen. Peter Bernard
Chairman

Rep. S. Glenn Starbird
Vice-Chairman

Sen. James M. Cahill

Rep. Frank R. Glazier

Sen. Donald O'Leary

Rep. Malcolm Fortier

Sen. Floyd L. Harding

Rep. Richard Stoutamyer

Rep. Armas E. Wuori

PROPOSED APPORTIONMENT PLAN
 Prepared by
 Interim Committee Studying Reapportionment

<u>COUNTY</u>	<u>POPULATION</u>	<u>RATIO</u>	<u>NUMBER OF SENATORS</u>
ANDROSCOGGIN	86,312	3.30	3
AROOSTOOK	106,064	4.05	4
CUMBERLAND	182,751	6.98	7
FRANKLIN	20,069	0.77	1
HANCOCK	32,293	1.23	1
KENNEBEC	89,150	3.40	3
KNOX	28,575	1.09	1
LINCOLN	18,497	0.71	1
OXFORD	44,345	1.69	2
PENOBSCOT	126,346	4.82	5
PISCATAQUIS	17,379	0.66	1
SAGADAHOC	22,793	0.87	1
SOMERSET	39,749	1.52	2
WALDO	22,632	0.86	1
WASHINGTON	32,908	1.26	1
YORK	99,402	3.79	<u>4</u>
			38

26,196 = 2.7 of the State population of 969.265

47.81% can elect a majority.

PROPOSED LEGISLATION
Prepared by
Interim Committee Studying Reapportionment

RESOLVE, Proposing an Amendment to the Constitution Affecting the apportionment of the State Senate.

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 Second, Section 1, repealed and replaced.

Section 1 of Part Second of Article IV of the Constitution is repealed and the following enacted in place thereof:

'Section 1. Number of Senators. The Senate shall consist of the members to which the several counties or districts are entitled on the following basis of representation: Each county having two and seven-tenths percent, or a major fraction thereof, of the number of inhabitants of the State shall be entitled to one Senator and shall be entitled to an additional Senator for each additional two and seven-tenths, or a major fraction thereof, of the number of inhabitants of the State. The number of inhabitants shall be according to the latest Federal Census.

The members of the Senate shall be elected at the same time and for the same term as the Representatives by the qualified electors of the counties or districts which they shall respectively represent.

Counties entitled to two or more Senators 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 Senator, provided that all such counties are so organized.

In the event the Legislature shall fail to make an apportionment, the Supreme Judicial Court, within sixty days following the end of the regular session of the Legislature following the latest Federal Census, shall make

the apportionment.'

Constitution, Article IV, Part Second, Section 1-A, additional. Part Second of Article IV of the Constitution is amended by adding a new section 1-A, as follows:

'Section 1-A. First apportionment. The first apportionment under Article IV, Part Second, shall be made by the One Hundred and Third Legislature in regular session. This section 1-A of this Article IV, Part Second, need not be printed as part of the Constitution, and this section 1-A of this Article IV, Part Second, of the Constitution may hereafter be omitted in any printed copy of the Constitution or amendments thereto.'

Constitution, Article IV, Part Second, Section 4, amended. Section 4 of Part Second of Article IV of the Constitution is amended to read as follows:

'Section 4. Determination of Senators elected; procedure when full number not elected. The Senate shall, on the said first Wednesday of January, biennially, determine who are elected by a plurality of votes to be Senators in each county or district. All vacancies in the Senate arising from death, resignation, removal from the Senate, or like causes, and also vacancies, if any, which may occur because of the failure of any county or district to elect by a plurality of votes the full number of Senators to which said county or district shall be entitled, shall be filled by an immediate election in the unrepresented county or district. The Governor shall issue a proclamation therefor and therein fix the time of such election.'

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 state-wide election on the Tuesday following the first Monday in 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 Apportionment of the Members of the State Senate?"

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 review 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.
