

# MAINE STATE LEGISLATURE

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September 19, 1963

Honorable Edwin R. Smith  
Bar Harbor  
Maine

Dear Ed:

Re: Advisory Committee on Reapportionment

You have asked the question: "Do the provisions of Chapter 75, Resolves of 1963, (A Resolve proposing an Amendment to the Constitution Affecting the Election Powers and Apportionment of the House of Representatives) require the 101st Legislature to apportion all representative districts in the State?"

If the constitutional amendment proposed by the resolve is accepted by the people, our answer is yes. The question, as you indicate, is moot unless this prior action takes place.

Article IV, Part First, Section 2-A, of the proposed constitutional change states in part that:

"The first apportionment under Art. IV, Part First, shall be made by the one hundred and first Legislature in the year of our Lord one thousand nine hundred and sixty four. . . ." (Underlining supplied).

Sections 2 and 3 of that Article set forth the manner in which the apportionment shall be made.

Section 2-A is a clear directive to the legislature to apportion the whole state by the formula cited in Section 3. There is nothing to indicate that only a partial section of the state or only a portion of the representative districts shall be apportioned.

Honorable Edwin R. Smith

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September 19, 1963

It may be that no change will occur in some districts under the amendment. However, all counties shall be apportioned by the 101st Legislature into representative districts.

Very truly yours,

Frank E. Hancock  
Attorney General

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