

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)

ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1599

H. P. 1116

House of Representatives, June 18, 1963

Reported by a Majority of the Committee on Constitutional Amendments and
Legislative Reapportionment. Printed under Joint Rules No. 10.

HARVEY R. PEASE, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-THREE

**RESOLVE, Proposing an Amendment to the Constitution Affecting the Election,
Powers and Apportionment of the House of Representatives.**

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 First, Section 2, amended. The last sentence of section 2 of Part First of Article IV of the Constitution is amended to read as follows:

'The number of Representatives shall, at the several periods of making such enumeration, be fixed and apportioned by the Legislature among the several counties, as near as may be, according to the number of inhabitants ~~having regard to the relative increase of population.~~

Constitution, Article IV, Part First, Section 2-A, additional. Part First of Article IV of the Constitution is amended by adding a new section 2-A, to read as follows:

'Section 2-A. The first apportionment under Article IV, Part First shall be made by the Legislature in the year of our Lord one thousand nine hundred and sixty-five. This section 2-A of this Article IV, Part First, need not be printed as part of the Constitution, and this section 2-A of this Article IV, Part First of the Constitution may hereafter be omitted in any printed copy of the Constitution or amendments thereto.'

Constitution, Article IV, Part First, Section 3, repealed and replaced. Section

3 of Part First of Article IV of the Constitution is repealed and the following enacted in place thereof:

'Section 3. Each county shall be entitled to that number of representatives which is in the same proportion to the total number as the number of inhabitants of the county bears to the number of inhabitants of the state, fractional excesses over whole numbers to be computed in favor of the counties having the larger fractional excesses. Apportionment of Representatives within each county shall be made by the Legislature into representative districts with consideration for equitable distribution of population and geographical contiguity. No voter shall vote for more than one Representative.

In the event that the Legislature shall fail to make an apportionment the Supreme Judicial Court shall, within sixty days following the end of the period in which the Legislature is required to act, but fails to do so, make the apportionment.'

Constitution, Article IV, Part First, Section 5, repealed and replaced. Section 5 of Part First of Article IV of the Constitution is repealed and the following enacted in place thereof:

'Section 5. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities seven days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against his name. Cities and towns belonging to any representative district shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes shall be attested by the city and town clerks, and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State not less than fifteen days after the day on which the election is held. The Governor and Council shall examine the returned copies of such lists and twenty days before the first Wednesday of January biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the first Wednesday of January biennially, and they shall finally determine who are elected.'

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 statewide election on the Tuesday following the first Monday of 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 election, powers and apportionment of the House of Representatives?”

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 count 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.