

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 720

H. P. 549

House of Representatives, January 27, 1965

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Cottrell of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

RESOLVE, Proposing an Amendment to the Constitution Relating to the Appointment, Election and Powers of the Senate.

Constitutional amendment. Resolved: Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

Constitution, Article IV, Part Second, Sections 1 to 5, repealed and replaced. Sections 1 to 5 of Part Second of Article IV of the Constitution are repealed and the following enacted in place thereof:

Section 1. Number of Senators. The Senate shall consist of thirty-four Senators to be elected at the same time and for the same term as the Representatives by the qualified electors of the districts which they shall respectively represent. For the purpose of electing Senators, there shall be thirty-four senatorial districts; each district shall be composed of not less than four and not more than six contiguous representative districts combined in such a manner as to form a compact senatorial district.

Section 2. Division. The Legislature, within ninety days from the adoption of this amendment and in the year of our Lord one thousand nine hundred seventy-one and in every tenth year thereafter, shall make the division of the State into senatorial districts required under this article. In the event that the Legislature shall fail to make a division, the Governor shall, within sixty days following the end of the period or year in which the Legislature is required to act but fails to do so, divide the State into such districts. The Governor may appoint qualified electors, in such number as may be fixed by law to assist him in making the division, and the division once made by him shall have the force and effect of law.

The Supreme Judicial Court, upon the petition of any five qualified electors, and in the exercise of exclusive jurisdiction, shall review the division thus made, either by the Legislature or the Governor, and shall make such changes in the same as shall be necessary to make it comply with this Constitution. If the Legislature and the Governor shall both fail to divide the State into districts within the times provided for each to act, then the Supreme Judicial Court shall upon the petition of any five qualified electors, make the required division.

Section 3. Election. The meetings within this State for the election of Senators shall be notified, held and regulated and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and such officials shall cause said lists to be delivered into the Secretary of State's office within fifteen days after the date on which the election is held.

Section 4. Examination of lists; summons of persons who appear to be elected. The Governor and Council shall, as soon as may be, examine the copies of such lists returned into the Secretary of State's office, and twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each senatorial district, to attend that day and take their seats.

Section 5. Determination of Senators elected; procedure when full number not elected. The Senate shall, on said first Wednesday of January, biennially, determine who is elected by a plurality of votes to be Senator in each district. All vacancies in the Senate arising from death, resignation, removal from the State or like causes, and also vacancies, if any, which may occur because of the failure of any district to elect by a plurality of votes the Senator to which said district shall be entitled shall be filled by an immediate election in the unrepresented district. The Governor shall issue a proclamation therefor and therein fix the time of such election.'

Form of question and date when amendment 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 the next general election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolve to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

"Shal the Constitution be amended as proposed by a resolution of the Legislature to Amend the Constitution Relating to the Appointment, Election and Powers of the 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 count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the Governor shall forthwith make known the fact by his proclamation, and the amendment 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.