

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
102nd LEGISLATURE

HOUSE AMENDMENT "A" to S.P. 539, L.D. 1529, Resolve, Proposing an Amendment to the Constitution Affecting the Apportionment of the State Senate.

Amend said Resolve by striking out everything after the Title and inserting in place thereof the following:

"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Constitution, Article IV, Part Second, Sections 1 to 4, repealed and replaced. Sections 1 to 4 of Part Second of Article IV of the Constitution are repealed and the following enacted in place thereof: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 not less than 30 nor more than 40 Senators, elected at the same time and for the same term as Representatives by the qualified electors of the districts into which the State shall be from time to time divided.

Section 2. Division. The Legislature which shall convene after the adoption of this amendment shall cause the State to be divided into districts for the choice of Senators, and the Legislature, in the year of our Lord one thousand nine hundred and seventy-one, and every tenth year thereafter, shall do likewise. The districts shall conform, as near as may be, to county lines and be apportioned according to the number of inhabitants so that each district shall have as close to a median number of 30,000 inhabitants as possible, but in order to follow county and municipal boundaries the Legislature may deviate from this median figure so that the smallest district shall not have less than 27,000 inhabitants, and the largest district shall not have more than 33,000 inhabitants. The basis of computation of the number of inhabitants shall be the Federal Decennial Census.

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.

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.

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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, and at least 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 4-A. Determination of Senators elected; procedure for filling vacancies. 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 to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

Shall 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, within the time allotted by law, make known the fact by his proclamation, and the amendment shall become a part of the Constitution as provided in the Revised Statutes, 1964, Title 1, Section 351."

Filed by Mr. Berry of Cape Elizabeth.

Reproduced and distributed under the direction of the Clerk of the House.

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