

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FOURTH LEGISLATURE

Legislative Document

No. 1588

H. P. 1256

House of Representatives, June 9, 1969

Reported by Mr. Rideout from Committee on State Government. Printed under Joint Rules No. 18.

BERTHA W. JOHNSON, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-NINE

RESOLVE, Proposing an Amendment to the Constitution Affecting the Apportionment of the House of Representatives.

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Constitution, Article IV, Part First, Sections 2 and 3, repealed and replaced. Sections 2 and 3 of Part First of Article IV of the Constitution are repealed and the following enacted in place thereof:

Section 2. The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors and hold their office two years from the date next preceding the biennial meeting of the Legislature. The Legislature shall, within every period of at most ten years and at least five, cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners, not naturalized. 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.

Section. 3. The apportionment of the Representatives shall be made and computed according to the following rules:

1. By dividing the total population of the State by one hundred and fifty-one and by dividing the population of each county by the quotient so obtained, disregarding, except as hereinafter in this section provided, the remainder, if any, after the process of division.

2. If the total number of Representatives assigned to all counties pursuant to subsection 1 is less than one hundred and fifty-one, additional Representatives shall be assigned to the counties, one to a county, having remainders in the computation under subsection 1 commencing with the county having the largest remainder and continuing with the other counties in the order of the magnitude of the respective remainders until the total number of Representatives assigned is one hundred and fifty-one.

3. Each city or town, within a county, having a number of inhabitants greater than the quotient obtained in subsection 1 shall be entitled to as many Representatives as the number of times the number of its inhabitants fully contains that quotient. Those cities and towns having remainders in the above computation shall be assigned additional Representatives one to a municipality, commencing with the city or town having the largest remainder and continuing to the one with the smallest remainder, provided that to qualify for additional Representatives under this rule, a city or town must have a remainder equalling at least two-thirds the quotient obtained under subsection 1, and provided further, that those cities and towns having remainders of less than two-thirds the quotient obtained under subsection 1 may be joined to contiguous towns or plantations not having enough inhabitants for a Representative to form a district with enough inhabitants for two or more Representatives, and the remaining cities, town and plantations within the county which have inhabitants in numbers less than the quotient shall be formed into Representative Class Districts in number equal to the remainder of county Representatives unallocated under the foregoing procedure by grouping whole cities, towns and plantations together giving consideration for geographical contiguity and whose total number of inhabitants equal, as near as may be, the quotient arrived at in subsection 1. Cities and towns entitled to two or more Representatives under the foregoing procedure 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 Representative, provided that all such cities and towns are so organized. 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.

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:

“Shall the Constitution be amended as proposed by a resolution of the Legislature Affecting the 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 review 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.