

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 804

H. P. 606

House of Representatives, February 12, 1973

Referred to the Committee on Constitutional State Reapportionment. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Birt of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

RESOLUTION, Proposing an Amendment to the Constitution Relative to Apportionment of the House of Representatives.

Constitutional amendments. 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Constitution, Article IV, Part Second, Section 2, repealed and replaced. Section 2 of Part Second of Article IV of the Constitution, as repealed and replaced by chapter 28 of the resolves of 1969, is repealed and the following enacted in place thereof:

Section 2. Number of Representatives. The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors and to hold their office two years from the day next preceding the biennial meeting of the Legislature.

Constitution, Article IV, Part Second, Section 3, repealed and replaced. Section 3 of Part Second of Article IV of the Constitution is repealed and the following enacted in place thereof:

Section 3. Division. The Legislature which shall convene in regular or special session after this amendment becomes effective shall cause the State to be divided into districts for the choice of Members of the House of Representatives. The Legislature which shall convene in 1983 and every tenth year thereafter shall do likewise. The number of inhabitants of the State shall be determined by the latest Federal Decennial Census. Each district shall as

nearly as practicable have a population equal to a unit base number, determined by dividing the population of the State by 151; shall be formed of contiguous and compact territory; and crossing political subdivision lines the least number of times reasonably necessary to establish equally populated districts. Whenever a municipality has population less than the unit base number, it shall be united with an adjoining municipality or municipalities or portions thereof to produce a district electing one representative. Whenever a municipality has population entitling it to one or more representatives, such areas of population in excess of the unit base number or multiple thereof shall be united with an adjoining municipality or municipalities or portions thereof to produce a district electing one representative. Whenever a municipality has population entitling it to two or more representatives, it may be divided into single-member districts by two-thirds vote of the Members of both Houses of the Legislature or it may be established as a multi-member district electing the number of representatives to which it is entitled.

Constitution, Article IV, Part Second, Section 3-A, additional. Part Second of Article IV of the Constitution is amended by adding a new section 3-A, to read as follows:

Section 3-A. Apportionment commission. There shall be established, on or after the first day of January and before the fifteenth of January of the year prior to each year in which the House of Representatives is required to be apportioned, a commission to develop, in accordance with the requirements of this Constitution, a plan for apportioning the House of Representatives. The commission shall be composed of two members from the majority political party in the House of Representatives, who shall be appointed by the Speaker; two members from the minority political party in the House, who shall be appointed by the Minority Floor Leader of the House; one member from the majority political party in the Senate, who shall be appointed by the President of the Senate; one member from the minority political party of the Senate, who shall be appointed by the Minority Floor Leader of the Senate; the Chairman of the two major political parties in the state or their designated representatives; and three members from the public generally, one of whom shall be appointed by each of the two four-member groups previously established, and the third public member shall be selected by the two public members. The Speaker of the House shall be responsible for organizing the commission and shall remain as a member and chairman pro tem thereof only until a permanent chairman is selected by the commission members from among their members. No action shall be taken without a quorum being present. Seven members shall constitute a quorum.

The apportionment plan of the commission, which may contain single or multi-member districts, shall be submitted to the Clerk of the House of Representatives on or before the date of convening of the next regular session of the Legislature after the commission has been organized. The Legislature shall act upon the submitted plan of the commission within ninety calendar days after the convening of that Legislature by either adopting said plan or one of its own. Such action shall be subject to the Governor's response, as provided in Article IV, Part Third, Section 2 of this Constitution.

In the event that an apportionment plan has not been enacted into law within one hundred calendar days after the convening of the Legislature in the year in which such apportionment is required by this Constitution, the apportionment plan which was submitted to that Legislature by the commission shall become immediately effective as law and shall remain as such until such time as the House of Representatives is next to be apportioned, and such apportionment becomes effective as law.

Constitution, Article IV, Part Second, Section 3-B, additional. Part Second of Article IV of the Constitution is amended by adding a new section 3-B, to read as follows :

Section 3-B. Judicial review. The Supreme Judicial Court shall receive in its original jurisdiction any challenge to the apportionment law as registered by a citizen with standing. Its sole function shall be that of judicial review.

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 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 resolution 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 Relative to 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 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 resolution, accompanied by a copy thereof.

STATEMENT OF FACT

The purpose of this resolution is reflected in the title.