

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

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Legislative Document

No. 1860

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H. P. 1354

House of Representatives, April 4, 1973

Speaker laid before the House. Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. Cooney of Sabattus.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-THREE

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**RESOLUTION, Proposing an Amendment to the Constitution to Provide Single Member Districts, Apportion and Reduce the Number of Legislators in the House of Representatives; Increase the Terms of Senators; Abolish the Executive Council and Reassign its Constitutional Powers; Provide for Annual Sessions of the Legislature; and Provide for Appointment of the Attorney General, Secretary of State and Treasurer by the Governor.**

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**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, Section 2, amended.** Section 2 of Part First of Article IV of the Constitution is amended to read as follows:

**Section 2. Number of Representatives.** The House of Representatives shall consist of ~~one hundred and fifty-one~~ **ninety-nine** members, to be elected by the qualified electors, and hold their office two years from the day next preceding the ~~biennial meeting~~ **annual meeting** of the Legislature following their election. ~~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. Each county shall be entitled to that number of Representatives which is in the same proportion to the total number of Representatives 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~~ The Legislature which shall convene after the adoption of this amendment shall cause the State to be divided into districts for the choice of one Representative for each district. The Legislature every tenth year thereafter shall do likewise. The number of Representatives to constitute the House of Representatives shall be divided into the number of inhabitants of the State exclusive of foreigners not naturalized, according to the latest Federal Decennial Census, to determine a median population figure for each House District. Each House District shall have a population equal to the median population figure as nearly as practicable. Whenever the population of a municipality entitles it to more than one district, the whole districts shall be drawn within the municipal boundaries. The population remainder within the municipality may be included in a district drawn to cross the municipal boundary, provided that this portion of the municipality may not be separated from the other municipality or municipalities in the district by another district. No district shall cross county boundaries unless population distribution requirements of this section clearly indicate such crossing.

Constitution, Article IV, Part First, Section 3, amended. The first paragraph of Section 3 of Part First of Article IV of the Constitution is repealed.

Constitution, Article IV, Part First, Section 5, amended. The 4th sentence of Section 5 of Part First of Article IV of the Constitution is amended to read as follows:

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.

Constitution, Article IV, Part Second, Section 1, amended. Section 1 of Part Second of Article IV of the Constitution, as last repealed and replaced by chapter 28 of the Resolves of 1969, is amended to read as follows:

Section 1. Number of Senators. The Senate shall consist of an odd number of Senators, not less than thirty-one nor more than thirty-five, elected ~~at the same time and for the same term as Representatives~~ for a term of four years by the qualified electors of the districts into which the State shall be from time to time divided. At the first biennial election following adoption of this amendment, Senators from odd numbered districts shall be elected for terms of four years and Senators from even numbered districts for terms of two years. At the next biennial election, Senators from even numbered districts shall be elected for terms of four years. Following these elections at the expiration of the term of a Senator his successor shall be elected for a term of four years.

Constitution, Article IV, Part Second, Section 4, amended. Section 4 of Part Second of Article IV of the Constitution, as repealed and replaced by chapter 87 of the Resolves of 1965, is amended to read as follows:

Section 4. Examination of lists; summons of persons who appear to be elected. The Governor ~~and Council~~ shall, as soon as may be, examine 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 in which a Senator is elected in that biennium to attend that day and take their seats.

**Constitution, Article IV, Part Second, Section 4-A, amended.** The first sentence of Section 4-A of Part Second of Article IV of the Constitution, as enacted by chapter 87 of the Resolves of 1965, is amended to read as follows:

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 in which a Senator is elected in that biennium.

**Constitution, Article IV, Part Third, Section 1, amended.** Section 1 of Part Third of Article IV of the Constitution, as amended by chapter 74 of the Resolves of 1969, is further amended to read as follows:

**Section 1. To meet annually.** The Legislature shall convene on the first Wednesday of January ~~biennially~~ annually and at such other times on the call of the President of the Senate and Speaker of the House, with the consent of a majority of the members of the Legislature of each political party, all members of the Legislature having been first polled and, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

**Constitution, Article V, Part First, Section 8, amended.** Section 8 of Part First of Article V of the Constitution is amended to read as follows:

**Section 8. To nominate officers.** He shall nominate, and, with the advice and consent of the ~~Council~~ Senate, appoint all judicial officers (except judges of probate) coroners and notaries public; ~~and he shall also nominate, and with the advice and consent of the Council, appoint~~ and all other civil and military officers, whose appointment is not by this Constitution, or shall not by law be otherwise provided for ~~except the land agent; and every such nomination shall be made seven days, at least, prior to such appointment.~~

**Constitution, Article V, Part First, Section 11, amended.** The first sentence of Section 11 of Part First of Article V of the Constitution is amended to read as follows:

He shall have power, ~~with the advice and consent of the Council, to remit~~ after conviction, all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be provided by law ~~relative to the manner of applying for pardons.~~

**Constitution, Article V, Part First, Section 13, amended.** Section 13 of Part First of Article V of the Constitution is amended by adding at the end a new sentence to read as follows:

The Governor may convene the Senate for the sole purpose of confirming his appointments.

**Constitution, Article V, Part Second, Sections 1-4, repealed.** Sections 1 to 4 of Part Second of Article V of the Constitution are repealed.

**Constitution, Article V, Part Third, Section 1, repealed and replaced.** Section 1 of Part Third of Article V of the Constitution is repealed and the following enacted in place thereof:

**Section 1. Appointment.** The Secretary of State shall be appointed by the Governor to serve at the pleasure of the Governor during his term of office and until his successor is appointed and qualified.

**Constitution, Article V, Part Third, Section 3, amended.** Section 3 of Part Third of Article V of the Constitution is amended to read as follows:

**Section 3. Attend the Governor.** He shall attend the Governor ~~and Council~~, Senate and House of Representatives, in person or by his deputies as they shall respectively require.

**Constitution, Article V, Part Third, Section 4, amended.** Section 4 of Part Third of Article V of the Constitution is amended to read as follows:

**Section 4. Records of executive and legislative departments.** He shall carefully keep and preserve the records of all the official acts and proceedings of the Governor ~~and Council~~, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

**Constitution, Article V, Part Fourth, Section 1, repealed and replaced.** Section 1 of Part Fourth of Article V of the Constitution is repealed and the following enacted in place thereof:

**1. Appointment.** The Treasurer shall be appointed by the Governor to serve at the pleasure of the Governor during his term of office and until his successor is appointed and qualified.

**Constitution, Article VI, Section 6, amended.** The 2nd sentence of Section 6 of Article VI of the Constitution is amended to read as follows:

Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid at the November election, next after their occurrence; and in the meantime, the Governor ~~with the advice and consent of the Council~~ may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January next after the election aforesaid.

**Constitution, Article IX, Section 1, amended.** The last paragraph of Section 1 of Article IX of the Constitution is amended to read as follows:

The oaths or affirmations shall be taken and subscribed by the Governor ~~and Councillors~~ before the presiding officer of the Senate, in the presence of both Houses of the Legislature, and by the Senators and Representatives before the Governor and Council, and by the residue of said officers before such persons as shall be prescribed by the Legislature; and whenever the Gover-

~~nor of any Councillor~~ shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any Justice of the Supreme Judicial Court and provided further that, if the Governor shall be unable to appear and administer the oath to the Senators and Representatives, such oaths shall be administered by the Chief Justice of the Supreme Judicial Court or in his absence, by the Senior Associate Justice of said Supreme Judicial Court present at the State Capitol on the first day of the term for which said Senators and Representatives shall have been elected.

**Constitution, Article IX, Section 4, amended.** Section 4 of Article IX of the Constitution is amended to read as follows:

**Section 4. Elections on the first Wednesday of January may be adjourned from day to day.** And in case the elections, required by this Constitution on the first Wednesday of January biennially, by the two Houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order: The vacancies in the Senate shall first be filled; the Governor shall then be elected, if there be no choice by the people; ~~and afterwards the two Houses shall elect a Council.~~

**Constitution, Article IX, Section 5, amended.** The first sentence of Section 5 of Article IX of the Constitution is amended to read as follows:

Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor ~~with the advice of the Council~~ on the address of both branches of the Legislature.

**Constitution, Article IX, Section 6, amended.** Section 6 of Article IX of the Constitution is amended to read as follows:

**Section 6. Tenure of office.** The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the Governor ~~and Council.~~

**Constitution, Article IX, Section 10, amended.** The last paragraph of Section 10 of Article IX of the Constitution is amended to read as follows:

Whenever the Governor ~~and Council~~ upon complaint, due notice and hearing shall find that a sheriff is not faithfully or efficiently performing any duty imposed upon him by law, the Governor may remove such sheriff from office ~~and with the advice and consent of the Council~~ appoint another sheriff in his place for the remainder of the term for which such removed sheriff was elected. All vacancies in the office of sheriff, other than those caused by removal in the manner aforesaid shall be filled in the same manner as is provided in the case of judges and registers of probate.

**Constitution, Article IX, Section 11, repealed and replaced.** Section 11 of Article IX of the Constitution is repealed and the following enacted in place thereof:

**Section 11. Appointment.** The Attorney General shall be appointed by the Governor to serve at the pleasure of the Governor during his term of office and until his successor is appointed and qualified.

**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 resolution 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 provide single member districts, apportion and reduce the number of Legislators in the House of Representatives; increase the terms of Senators; abolish the Executive Council and reassign its Constitutional powers; provide for annual sessions of the Legislature; and provide for appointment of the Attorney General, Secretary of State and Treasurer by the Governor?”

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 resolution, accompanied by a copy thereof.

### STATEMENT OF FACT

The purpose of this resolution is reflected in the title.