

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
107TH LEGISLATURE

HOUSE AMENDMENT " A " to H.P. 19, L.D. 27,  
RESOLUTION, Proposing an Amendment to the  
Constitution to Provide Single Member Districts  
for the House of Representatives.

Amend said Resolution by striking out all  
of the Title and inserting in place thereof  
the following:

'RESOLUTION, Proposing Amendments to the  
Constitution to Provide Single Member Districts  
for the House of Representatives, to Provide  
for Apportionment of the House and Senate and  
to Establish an Apportionment Commission to Plan  
for all Apportionments of the House and Senate.'

Further amend said Resolution by striking  
out everything after the first paragraph and  
before the Form of question and inserting in  
place thereof the following:

'Constitution, Art. IV, Pt. 1, §2, 2nd,  
3rd & 4th sentences are repealed and the  
following enacted in place thereof:

The Legislature which shall convene after the  
adoption of this amendment shall cause the  
multi-member districts of the House of  
Representatives to be divided into districts for  
the choice of one Representative for each  
district, dividing contiguous districts the least  
number of times necessary to establish as nearly  
as practicable equally populated districts.  
The Legislature which convenes in 1983 and  
every tenth year thereafter shall cause the State  
to be divided into districts for the choice of  
one Representative for each district. The  
number 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 or a State

Census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a median population figure for each Representative District. Each Representative District shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts shall be drawn within municipal boundaries. Any population remainder within the municipality shall be included in a district drawn to cross the municipal boundary, provided that such population remainder of the municipality must be contiguous to another municipality or municipalities included in the district.

Constitution, Art. IV, Pt. 1, §3 is repealed and the following enacted in place thereof:

Section 3. Apportionment plan of commission; by Supreme Judicial Court on failure to apportion. The apportionment plan of the commission established under Article IV, Part Third, Section 1-A shall be submitted to the Clerk of the House no later than ninety calendar days after the convening of the Legislature in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own by a vote of two-thirds of the Members of each House within thirty calendar days after the plan of the commission is submitted. Such action shall be subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

In the event that the Legislature shall fail to make an apportionment within one hundred and thirty calendar days after convening, the Supreme Judicial Court shall, within sixty days

following the period in which the Legislature is required to act, but fails to do so, make the apportionment. In making such apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first thirty days of the period in which the court is required to apportion.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall make the apportionment.

Constitution, Art. IV, Pt. 2, §2 is repealed and the following enacted in place thereof:

Section 2. Division of the State into Senatorial Districts; division by Supreme Judicial Court, when. The Legislature which shall convene in 1983 and every tenth year thereafter shall cause the State to be divided into districts for the choice of a Senator from each district, using the same method as provided in Article IV, Part First, Section 2 for apportionment of Representative Districts.

The apportionment plan of the commission established under Article IV, Part Third, Section 1-A shall be submitted to the Secretary of the Senate no later than ninety calendar days after the convening of the Legislature in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own by a vote of two-thirds of the Members of each House, within thirty calendar days after the plan of the commission is submitted. Such action shall be subject to the Governor's approval as provided in Article IV, Part Third, Section 2.

In the event that the Legislature shall fail to make an apportionment within one hundred and thirty days after convening, the Supreme Judicial Court shall, within sixty days following the period in which the Legislature is required to act but fails to do so, make the apportionment. In making such apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first thirty days of the period in which the court is required to apportion.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall make the apportionment.

Constitution, Art. IV, Pt. 3, §1-A is enacted to read:

Section 1-A. Legislature which is required to apportion to establish commission. A Legislature which is required to apportion the districts of the House of Representatives or the Senate, or both, under Article IV, Part First, Section 2, or Article IV, Part Second, Section 2, shall establish, within the first three calendar days after the convening of that Legislature, a commission to develop in accordance with the requirements of this Constitution, a plan for apportioning the House of Representatives, the Senate, or both.

The commission shall be composed of three members from the political party holding the largest number of seats in the House of Representatives, who shall be appointed by the Speaker; three members from the political party holding the majority of the remainder of the seats in the House of Representatives, who shall be appointed by the floor leader of that party

in the House; two members of the party holding the largest number of seats in the Senate, who shall be appointed by the President of the Senate; two members of the political party holding the majority of the remainder of the seats in the Senate, to be appointed by the floor leader of that party in the Senate; the chairperson of each of the two major political parties in the State or their designated representatives; and three members from the public generally, one to be selected by each group of members of the commission representing the same political party, and the third to be selected by the other two public members. The Speaker of the House shall be responsible for organizing the commission and shall be chairman pro tempore thereof until a permanent chairman is selected by the commission members from among their own number. No action shall be taken without a quorum of seven being present. The commission shall hold public hearings on any plan for apportionment prior to submitting such plan to the Legislature.

Public members of the commission shall receive compensation, as provided by law. All members of the commission shall be reimbursed for actual travel expenses incurred in carrying out the business of the commission. The Legislature which is required to apportion shall appropriate sufficient funds to compensate public members, to provide staff assistance to the commission, to provide travel expenses for all members and to provide for incidental expenses of the commission as needed to carry out its duties under this Constitution.'

Further amend said Resolution by striking out all of the 3rd paragraph from the end, before the Statement of Fact, and inserting in place thereof the following:

"Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for single member districts for the House of Representatives, to provide for apportionment of the House and Senate and to establish an apportionment commission to plan for all apportionments of the House and Senate?"

Statement of Fact

The purpose of this amendment is to provide for apportionment of the House of Representatives into single member districts, for the reapportionment of the House and Senate every ten years and for a reapportionment commission as a constitutional mechanism.

Filed by Mr. Cooney of Sabattus.

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

3/6/75

(Filing No. H-54)