

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 919

H. P. 738

House of Representatives, March 5, 1975

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

EDWIN H. PERT, Clerk

Presented by Mr. Birt of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Single Member Districts in the House of Representatives; Reduction of the Number of Representatives and Reapportionment of the House of Representatives and the Senate in 1984; and to Establish an Apportionment Commission to Plan for All Apportionments of the House of Representatives and Senate.

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, Art. IV, Pt. 1, § 2 is repealed and the following enacted in place thereof:

Section 2. Number of Representatives; biennial terms. The House of Representatives shall consist until 1984 of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the first Wednesday after the first Tuesday in January following the general election. In the general election of 1984, and thereafter, the qualified electors shall elect one hundred and thirty-two members to the House of Representatives to hold office two years from the day next preceding the first Wednesday after the first Tuesday in January following the general election.

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 IV, Pt. 1, § 3 is repealed and the following enacted in place thereof:

Section 3. Apportionment within districts. The number of Representatives shall be fixed and apportioned by the Legislature as follows. The Legislature which shall convene in 1983 and every 10th year thereafter shall cause

the State to be divided into one hundred and thirty-two districts for the choice of one Representative from each district. The number of inhabitants of the State, as determined by the latest Federal Decennial Census, shall be divided by the number of Representatives to determine a median population figure for each Representative district. Each district shall be formed of contiguous and compact territory and shall cross political subdivision lines the least number of times reasonably necessary to establish equally populated districts as near as practicable. Representatives shall be apportioned to counties or combinations of counties, which shall be entitled to that number of Representatives which is in the same proportion to the total number of Representatives as the population of the county or combination of counties bears to the population of the State. In the development of this rational state plan, districts shall not cross these county arrangements. 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 the population of a municipality entitles it to more than one whole district, whole districts shall be drawn within the 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 in the district.

The apportionment plan of the commission established under Article IV, Part Third, section I-A shall be submitted to the Clerk of the House of Representatives on or before the date of convening the next regular session of the Legislature after the commission has been organized. The Legislature shall enact the submitted plan of the commission or a plan of its own within ninety calendar days after the convening of that Legislature. Such action shall be subject to the Governor's approval as provided in Article IV, Part Third, section 2. 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 law without legislative enactment or the Governor's approval 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.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to the apportionment law as registered by any citizen or group thereof. Its sole function shall be that of judicial review.

Constitution, Art. IV, Pt. 2, § 1 is amended to read:

Section 1. Number of Senators. The Senate shall consist until 1984 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 by the qualified electors of the districts into which the State shall be from time to time divided.

In the general election of 1984 and thereafter, the qualified electors shall elect thirty-three members for the Senate, at the same time and for the same term as Representatives, from the districts into which the State shall be from time to time divided.

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 thirty-three districts for the choice of a Senator from each district. Each district shall consist of four contiguous and compact Representative Districts.

The Apportionment Commission established in Article IV, Part Third, section I-A shall develop, in accordance with the requirements of this Constitution, a plan for apportioning the Senate. The apportionment plan of the commission shall be submitted to the Secretary of the Senate on or before the date of convening the next regular session of the Legislature after the commission has been organized. The Legislature shall enact the submitted plan of the commission or a plan of its own within ninety calendar days of the convening of the Legislature. Such action shall be subject to the Governor's approval, as provided in Article IV, Part Third, section 2.

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 which such apportionment plan is required by this Constitution, the apportionment plan which was submitted to that Legislature by the commission shall become law without legislative enactment or the Governor's approval and shall remain as such until such time as the Senate is next to be apportioned, and such apportionment becomes effective as law.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to the apportionment law as registered by any citizen or group thereof. Its sole function shall be that of judicial review.

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

Section 1-A. Apportionment Commission. There shall be established on or after the first day of January and before the fifteenth day of January of the year prior to each year in which the House of Representatives and the Senate are required to be apportioned, a commission to develop, in accordance with the requirements of this Constitution, a plan for apportioning the House of Representatives and the Senate. 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 of the House; 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; one member from the political party holding the largest number of seats in the Senate, who shall be appointed by the President of the Senate; one member from the political party holding the majority of the remainder of the seats in the Senate, who shall be appointed by the floor leader of that party in the Senate; and three

members from the public generally, two of whom shall be selected by the political parties, one each by the four members of the commission representing the same political party, and the third of whom shall be selected by the other two public members. The Speaker of the House shall be responsible for organizing the commission and to be 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.

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 to provide for single member districts in the House of Representatives; to provide for reduction of the number of Representatives and reapportionment of the House of Representatives and the Senate in 1984; and to establish an apportionment commission to plan for all apportionments of the House of Representatives and 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 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 intent of this resolution is reflected in the question.