

MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1824

H. P. 1720

House of Representatives, January 18, 1980

On Motion of Mrs. Kany of Waterville, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Masterton of Cape Elizabeth.

Cosponsor: Mr. Birt of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Bring into Conformance the Year in which the House and Senate shall be Apportioned.

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, Art. IV, Pt. 2nd, § 2, first sentence, as amended by CR 1977, c. 4, is further amended to read:

The Legislature which shall convene in 1984 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.

Constitutional referendum procedure; form of question; effective date. **Resolved:** That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November following passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Shall the Constitution of Maine be amended to bring into conformance the year in which the House and Senate shall be apportioned?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.

STATEMENT OF FACT

The purpose of this Constitutional Resolution is to bring into conformance the Senate and House apportionment dates at 1983 and every 10th year thereafter.

The Constitution now provides that the House shall be apportioned in 1983 and every tenth year thereafter, Article IV, Part First, Section 2. A constitutional amendment adopted in 1978 establishing the December convening of the Legislature also inadvertently changed the Senate apportionment date from 1983 to 1984 and every tenth year thereafter. This action contradicts the clear intent of the constitutional amendment adopted in 1975 which established an Apportionment Commission which shall plan for the apportionment of both Houses during the same year, 1983, and every tenth year thereafter. From a practical standpoint, the apportionment of both Houses ought to be done the same year, to avoid confusion and duplication of effort.