

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 494, L.D. 697)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2252

7
8 H.P. 1599

House of Representatives, March 24, 1986

9 Reported by Representative Gwadosky from the Committee on State
10 Government and printed under Joint Rule 2. Original bill sponsored by
Representative MacBride of Presque Isle. Cosponsored by Speaker Martin of
Eagle Lake, Senator Sewall of Lincoln and President Pray of Penobscot.

11 EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-SIX
17

18 RESOLUTION, Proposing Amendments
19 to the Constitution of Maine
20 to Change the Reapportionment Procedures to
21 Reflect Changes in Legislative Procedures and
22 to Specify how the Reapportionment Commission
23 Should Operate.
24

25 Constitutional amendment. RESOLVED: Two thirds
26 of each branch of the Legislature concurring, that
27 the following amendments to the Constitution of Maine
28 be proposed:

29 Constitution, Article IV, Pt. 1, §2 is amended to
30 read:

31 Section 2. Number of Representatives; Biennial
32 terms; Division of the State into districts for House
33 of Representatives. The House of Representatives
34 shall consist of 151 members, to be elected by the
35 qualified electors, and hold their office 2 years
36 from the day next preceding the first Wednesday in

1 December following the general election. The Legis-
2 lature which convenes in 1983 and every 10th year
3 thereafter shall cause the State to be divided into
4 districts for the choice of one Representative for
5 each district. The number of Representatives shall
6 be divided into the number of inhabitants of the
7 State exclusive of foreigners not naturalized accord-
8 ing to the latest Federal Decennial Census or a State
9 Census previously ordered by the Legislature to coin-
10 cide with the Federal Decennial Census, to determine
11 a ~~median~~ mean population figure for each Representa-
12 tive District. Each Representative District shall be
13 formed of contiguous and compact territory and shall
14 cross political subdivision lines the least number of
15 times necessary to establish as nearly as practicable
16 equally populated districts. Whenever the population
17 of a municipality entitles it to more than one dis-
18 trict, all whole districts shall be drawn within mu-
19 nicipal boundaries. Any population remainder within
20 the municipality shall be included in a district
21 ~~drawn to cross the municipal boundary, provided that~~
22 ~~such population remainder of the municipality must be~~
23 ~~contiguous to another municipality or municipalities~~
24 ~~included in the district with contiguous territory~~
25 ~~and shall be kept intact.~~

26 Constitution, Article IV, Pt. 1, §3, first ¶ is
27 amended to read:

28 Section 3. The apportionment plan of the commis-
29 sion established under Article IV, Part Third, Sec-
30 tion 1-A shall be submitted to the Clerk of the House
31 no later than 90 120 calendar days after the conven-
32 ing of the Legislature in which apportionment is re-
33 quired. In the preparation of legislation implement-
34 ing the plan, the commission, following a unanimous
35 decision by commission members, may adjust errors and
36 inconsistencies in accordance with the standards set
37 forth in this Constitution, so long as substantive
38 changes are not made. The Legislature shall enact
39 the submitted plan of the commission or a plan of its
40 own by a vote of two thirds of the Members of each
41 House within 30 calendar days after the plan of the
42 commission is submitted. Such action shall be subject
43 to the Governor's approval as provided in Article IV,
44 Part Third, Section 2.

1 Constitution, Article IV, Pt. 2, §2, 2nd ¶ is
2 amended to read:

3 The apportionment plan of the commission estab-
4 lished under Article IV, Part Third, Section 1-A
5 shall be submitted to the Secretary of the Senate no
6 later than 90 120 calendar days after the convening
7 of the Legislature in which apportionment is re-
8 quired. In the preparation of legislation implement-
9 ing the plan, the commission, following a unanimous
10 decision by commission members, may adjust errors and
11 inconsistencies in accordance with the standards set
12 forth in this Constitution, so long as substantive
13 changes are not made. The Legislature shall enact
14 the submitted plan of the commission or a plan of its
15 own by a vote of two thirds of the Members of each
16 House, within 30 calendar days after the plan of the
17 commission is submitted. Such action shall be subject
18 to the Governor's approval as provided in Article IV,
19 Part Third, Section 2.

20 Constitution, Article IV, Pt. 3, §1-A, 2nd ¶, 3rd
21 sentence is repealed and the following enacted in its
22 place:

23 No action shall ~~may~~ may be taken without a quorum of 7 8
24 being present.

25 Constitution, Article IV, Pt. 3, §1-A, 3rd ¶ is
26 amended to read:

27 Public members of the commission shall receive
28 ~~compensation,~~ as provided the same rate of per diem
29 that is paid to Legislators for every day's attend-
30 ance at special sessions of the Legislature as
31 defined by law. All members of the commission shall
32 be reimbursed for actual travel expenses incurred in
33 carrying out the business of the commission. The Leg-
34 islatre which is required to apportion shall ~~appre-~~
35 ~~ropriate sufficient funds to compensate public members,~~
36 ~~to provide staff assistance to the commission, to~~
37 ~~provide travel expenses for all members and to pre-~~
38 ~~vide for incidental expenses of the commission as~~
39 ~~needed to carry out its duties under this~~
40 ~~Constitution~~ establish a budget for the apportioning
41 commission within the state budget document in the
42 fiscal year previous to the fiscal year during which

1 the apportioning commission is required to convene
2 and shall appropriate sufficient funds for the com-
3 mission to satisfactorily perform its duties and
4 responsibilities. The budget shall include suffi-
5 cient funds to compensate the chairman of the commis-
6 sion and his staff. The remainder of the appropria-
7 tion shall be made available equally among the polit-
8 ical parties represented on the commission to provide
9 travel expenses, incidental expenses and compensation
10 for commission members and for partisan staff and op-
11 erations.

12 Constitutional referendum procedure; form of
13 question; effective date. Resolved: That the city
14 aldermen, town selectmen and plantation assessors of
15 this State shall notify the inhabitants of their re-
16 spective cities, towns and plantations to meet, in
17 the manner prescribed by law for holding a statewide
18 election, at the next general election in the month
19 of November following the passage of this resolution,
20 to vote upon the ratification of the amendments pro-
21 posed in this resolution by voting upon the following
22 question:

23 "Do you want to amend the Constitution of
24 Maine to improve the efficiency of the apportion-
25 ing commission and to specify how the commission
26 should operate?"

27 The legal voters of each city, town and planta-
28 tion shall vote by ballot on this question, and shall
29 designate their choice by a cross or check mark
30 placed within the corresponding square below the word
31 "Yes" or "No." The ballots shall be received,
32 sorted, counted and declared in open ward, town and
33 plantation meetings and returns made to the Secretary
34 of State in the same manner as votes for members of
35 the Legislature. The Governor shall review the re-
36 turns and, if it appears that a majority of the legal
37 voters are in favor of the amendments, the Governor
38 shall proclaim that fact without delay and the amend-
39 ments shall become part of the Constitution on the
40 date of the proclamation.

41 Secretary of State shall prepare ballots. Re-
42 solved: That the Secretary of State shall prepare
43 and furnish to each city, town and plantation all

1 ballots, returns and copies of this resolution neces-
2 sary to carry out the purposes of this referendum.

3 STATEMENT OF FACT

4 The purpose of this new draft is to provide addi-
5 tional safeguards with respect to changes proposed in
6 the Constitution of Maine for the operation of the
7 apportioning commission. This new draft:

8 1. Allows the commission to make nonsubstantive
9 corrections in the reapportionment plan presented to
10 the Legislature when the commission members are unan-
11 imous with respect to the proposed corrections;

12 2. Provides that 8 members of the 15-member com-
13 mission shall constitute a quorum. Currently, a quo-
14 rum consists of 7 members which means that one polit-
15 ical party with all its members present on the com-
16 mission can conduct official commission business in
17 the absence of all the members from the other politi-
18 cal party;

19 3. Requires the Legislature to establish a bud-
20 get for the apportioning commission in the fiscal
21 year prior to the fiscal year in which the commission
22 convenes; and

23 4. Provides that any public money made available
24 to the commission shall be made available equally to
25 all political parties represented on the commission.
26 The bill limited the money to 2 political parties
27 which intended to apply to the Democratic and Repub-
28 lican Parties. In the future, a 3rd or 4th political
29 party could be the major party or the ranking minori-
30 ty party represented in the House of Representatives
31 or Senate. Thus, 3 or 4 parties could be represented
32 on the commission.

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