

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 495

S.P. 166

In Senate, January 28, 1997

**RESOLUTION, Proposing An Amendment to the Constitution of Maine  
to Alter the Requirements for Redistricting.**

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Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MICHAUD of Penobscot.

2           **Constitutional amendment. Resolved:** Two thirds of each  
branch of the Legislature concurring, that the following  
4 amendment to the Constitution of Maine be proposed:

6           **Constitution, Art. IV, Part First, §§2 and 3** are amended to read:

8           **Section 2. Number of Representatives; biennial terms;**  
**division of the State into districts for House of**  
10 **Representatives.** The House of Representatives shall consist of  
12 151 members, to be elected by the qualified electors, and hold  
their office 2 years from the day next preceding the first  
14 Wednesday in December following the general election. The  
Legislature which convenes in 1983 2003 and every 10th year  
16 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  
18 inhabitants of the State exclusive of foreigners not naturalized  
according to the latest Federal Decennial Census or a State  
20 Census previously ordered by the Legislature to coincide with the  
Federal Decennial Census, to determine a mean population figure  
22 for each Representative District. Each Representative District  
shall be formed of contiguous and compact territory and shall  
24 cross political subdivision lines the least number of times  
necessary to establish as nearly as practicable equally populated  
26 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  
28 municipality shall be included in a district with contiguous  
territory and shall be kept intact.

30           **Section 3. Submission of reapportionment plan to Clerk of**  
32 **House; House of Representatives' action on commission's plan.**  
The apportionment plan of the commission established under  
34 Article IV, Part Third, Section 1-A shall be submitted to the  
Clerk of the House no later than 120 calendar days after the  
36 convening of the Legislature in which apportionment is required.  
In the preparation of legislation implementing the plan, the  
38 commission, following a unanimous decision by commission members,  
may adjust errors and inconsistencies in accordance with the  
40 standards set forth in this Constitution, so long as substantive  
changes are not made. The Legislature House of Representatives  
42 shall enact the submitted plan of the commission or a plan of its  
own by a vote of 2/3 a majority of the Members of each ~~House~~ the  
44 House of Representatives within 30 calendar days after the plan  
of the commission is submitted. ~~Such action shall be subject to~~  
46 ~~the Governor's approval as provided in Article IV, Part Third,~~  
~~Section 2.~~

48           In the event that the Legislature House of Representatives

2 shall fail to make an apportionment within 130 calendar days  
4 after convening, the Supreme Judicial Court shall, within 60 days  
6 following the period in which the Legislature House of  
8 Representatives 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 30 days of  
the period in which the court is required to apportion.

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

16 **Constitution, Art. IV, Part Second, §2** is amended to read:

18 **Section 2. Submission of reapportionment plan to Secretary**  
20 **of Senate; Senate's action on commission's plan; division of**  
22 **State into Senatorial Districts; division by Supreme Judicial**  
24 **Court.** The Legislature which shall convene in the year 1983 2003  
and every 10th 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.

26 The apportionment plan of the commission established under  
28 Article IV, Part Third, Section 1-A shall be submitted to the  
30 Secretary of the Senate no later than 120 calendar days after the  
convening of the Legislature in which apportionment is required.  
32 In the preparation of legislation implementing the plan, the  
commission, following a unanimous decision by commission members,  
34 may adjust errors and inconsistencies in accordance with the  
standards set forth in this Constitution, so long as substantive  
changes are not made. The Legislature Senate shall enact the  
36 submitted plan of the commission or a plan of its own by a vote  
of ~~2/3~~ a majority of the Members of each ~~House~~ the Senate, within  
38 30 calendar days after the plan of the commission is submitted.  
~~Such action shall be subject to the Governor's approval as~~  
40 ~~provided in Article IV, Part Third, Section 2.~~

42 In the event that the Legislature Senate shall fail to make  
44 an apportionment within 130 days after convening, the Supreme  
Judicial Court shall, within 60 days following the period in  
46 which the Legislature Senate 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  
48 briefs filed by the public with the court during the first 30  
days of the period in which the court is required to apportion.

50

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

6  
8 ; and be it further

10 **Constitutional referendum procedure; form of question; effective  
date. Resolved:** That the municipal officers of this State shall  
notify the inhabitants of their respective cities, towns and  
12 plantations to meet, in the manner prescribed by law for holding  
a statewide election, at a statewide election, on the Tuesday  
14 following the first Monday of November following the passage of  
this resolution, to vote upon the ratification of the amendment  
16 proposed in this resolution by voting upon the following question:

18 "Do you favor amending the Constitution of Maine to require  
a majority of each House of the Legislature to separately  
20 reapportion the legislative districts and to remove the  
Governor from the reapportionment process beginning with the  
22 Legislature that convenes in 2003?"

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

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

40  
42 **SUMMARY**

44 This resolution proposes amending the Constitution of Maine  
to require that, beginning with the Legislature that convenes in  
46 2003, each House of the Legislature decide separately, by a  
majority vote, the legislative district apportionment plan.  
48 Current law requires a 2/3 majority of each House of the  
Legislature for approval of the plan. The resolution also  
50 eliminates the requirement that the Governor approve of the  
apportionment plan.