

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 580

H. P. 1327

House of Representatives, February 12, 1935.

Referred to Committee on Judiciary and 500 copies ordered printed.
Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Mr. Lebel of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

**RESOLVE, Proposing an Amendment to the Constitution Changing the
Legislature to a One Body System.**

Constitutional amendment proposed to change the legislature to a one body system. Resolved: Two-thirds of the legislature concurring, that the following amendments to the constitution of this state be proposed:

Sec. 1. Legislature changed to a one body system. That sections 1, 2, and 3 of part first of article 4 of the constitution are hereby repealed, and the following enacted in place thereof:

Sec. 1. Commencing with the regular session of the legislature to be held in January, 1939, the legislative authority of the state shall be vested in a legislature consisting of one chamber, but the people reserve to themselves, power to propose laws and enact or reject the same at the polls independent of the legislature, and also reserve the power to approve or reject at the polls any act, bill, resolve, or resolution proposed by the legislature, and the style of the laws and acts shall be "be it enacted by the people of the state of Maine." All authority vested by the constitution or laws of the state in the senate, house of representatives or joint session thereof insofar as applicable, shall be, and hereby is, vested in said legis-

lature of one chamber. All provisions in the constitution and laws of the state relating to the legislature, the senate and house of representatives, joint sessions of the senate and house of representatives, senators or members of the house of representatives shall insofar as said provisions are applicable apply to, and mean said legislature of one chamber hereby created by the members of this legislature. All references to clerk of the house of representatives or secretary of the senate shall mean when applicable the clerk of the legislature of one chamber. All references to speaker of the house of representatives or president of the senate shall mean speaker of the legislature. Wherever any provisions of the constitution require the submission of any matter to, or action by, the house of representatives, the senate or joint session thereof, or the members of either body or both, they shall after January 1st, 1939 be construed to refer to the legislature herein provided for.'

'Sec. 2. The legislature shall consist of 75 members to be elected by the qualified electors and hold their office 2 years from the day next preceding the biennial meeting of the legislature. Each member shall receive a salary of \$1,000 for the sessions of 1939, 1941 and 1943, thereafter, the salaries to be fixed by statute, but said salaries shall not be increased more than 10% in any one biennium. The legislature within every period of at most 10 years, and at least 5, shall cause the number of inhabitants of the state to be ascertained, exclusive of foreigners not naturalized and Indians not taxed. The number of representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties, as near as may be, according to the number of inhabitants, having regard to the relative increase of population.'

'Sec. 3. Each town or city having 3000 inhabitants, may elect 1 legislator; each town or city having 7500 may elect 2; each town or city having 13,500 may elect 3; each town or city having 21,000 may elect 4; each town or city having 30,000 may elect 5; each town or city having 40,500 may elect 6; each town or city having 52,500 may elect 7; but no town or city shall ever be entitled to more than 7 legislators; except that in the event of the merger of towns or cities, the new town or city shall be allowed the combined representation of the former units; and towns and plantations duly organized, not having 3000 inhabitants, shall be classed as conveniently as may be into districts containing that number, and so as not to divide towns or cities, and each such district may elect 1 legislator; and when on this apportionment the number of legislators shall be 75, a different apportionment shall take place upon the above principle; and in

case the 3000 shall be too large or too small to apportion all the legislators to any county, it shall be so increased or diminished as to give the number of legislators according to the above rule and proportion; and whenever any town or towns, plantation or plantations not entitled to elect a legislator shall determine against the classifications with any other town or plantation, the legislature may, at each apportionment of legislators on the application of such town or plantation, authorize it to elect a legislator for such portion of time and such periods, as shall be equal to its portion of representation; and the rights of representation so established, shall not be altered until the next general apportionment.'

Sec. 2. Art. IV, amended. Sections 7 and 8 of part first, and all of part second of article 4 of the constitution are hereby repealed and the following is hereby enacted as section 7 of part first.

'**Sec. 7.** At the beginning of each regular session, the legislature shall elect from its membership a presiding officer, who shall be known as the speaker and who shall serve during the entire 2-year term, or at the pleasure of 2-3 the entire membership of the legislature. The speaker shall be elected by a 2-3 vote of the entire membership, but shall be chosen from the major minority party in the legislature. The speaker shall, within 10 days after his election, with the approval of 2-3 of the members present, appoint the various legislative committees, which shall in all cases consist of an equal number of members from each of the major political parties.'

Sec. 3. Constitution, art. IV, part 3, § 5, amended. Section 5 of part third of article IV is hereby amended to read as follows:

'**Sec. 5.** ~~Each house~~ **The legislature** shall keep a journal, and from time to time publish its proceedings, except such parts as in ~~their~~ **its** judgment may require secrecy; and the yeas and nays of the members ~~of either house~~ on any question, shall, at the ~~desire request~~ **request** of ~~one fifth of those present~~ **any one member**, be entered on the journal.'

Sec. 4. Constitution, art. V, part 2, § 1, amended. Section 1 of part second of article V of the constitution is hereby amended to read as follows:

'**Sec. 1.** There shall be a council, to consist of ~~seven persons~~, **6 United States** citizens ~~of the United States~~, **and residents of this state**, to advise the governor in the executive part of ~~the~~ government, whom the governor

shall have full power, at his discretion, to assemble; and he with a **majority** of the councillors, ~~or a majority of them~~ may from time to time, ~~hold and~~ keep a council, for ordering and directing the affairs of ~~the~~ state, according to law.'

Sec. 5. Constitution, art. IV, part 3, § 15, amended. Section 15 of part third of article IV of the constitution is hereby amended to read as follows:

'**Sec. 15.** The legislature shall by a 2-3 ~~concurrent~~ vote ~~of both branches~~, have ~~the~~ power to call constitutional conventions, for the purpose of amending this constitution.'

Sec. 6. Constitution, art. V, part 2, § 2, amended. Section 2 of part second of article V of the constitution, as amended, is hereby further amended to read as follows:

'**Sec. 2.** The councillors shall be chosen biennially, on the first Wednesday ~~of in~~ January, by ~~joint ballot of the senators and representatives in convention~~ a 2-3 vote of the entire membership; and vacancies, which shall afterwards happen, shall be filled in the same manner; but not more than ~~one~~ **two** councillors shall be elected from any district, prescribed for the election of ~~senators~~ **United States congressmen in this state; nor shall more than 3 councillors be elected from the same political party;** and they shall be privileged from arrest in the same manner as ~~senators and representatives~~ members of the legislature.'

Sec. 7. Constitution, art. IV, §§ 9, 12, repealed. Sections 9 and 12 of part third of article IV of the constitution are hereby repealed.

Sec. 8. Legislative districts to be created. At the regular session of the legislature held in the year 1937, the legislature shall, by law, divide the state into legislative districts. In the creation of such districts, any county that contains population sufficient to entitle it to 2 or more members shall be divided into separate and distinct legislative districts as nearly equal in population as may be and composed of contiguous and compact territory. After the creation of such districts, beginning in 1938 and every 2 years thereafter, 1 member of the legislature shall be elected from each such district.

Form of question and date when amendment shall be voted upon. Resolved: That the aldermen of cities, selectmen of towns and the assessors

of the several plantations of this state, are hereby 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, on the 2nd Monday in September following the passage of this resolve, to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

“Shall the constitution be amended as proposed by a resolution of the legislature to change the legislature to an 1 body system?”

And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the amendment voting “Yes” upon their ballots and those opposed to the amendment voting “No” upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return 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 count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the governor shall forthwith make known the fact by his proclamation and the amendment 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 resolve accompanied by a copy thereof.