

MAINE STATE LEGISLATURE

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N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1422

H. P. 994

House of Representatives, March 27, 1957.

Referred to Committee on Constitutional Amendments. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Childs of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

RESOLVE, Proposing an Amendment to the Constitution to Reapportion the House of Representatives by the Superior Court if the Legislature Fails to Act.

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, Article IV, Part First, Section 2, amended. Section 2 of Part First of Article IV of the Constitution is hereby amended, by adding a new paragraph following the first paragraph, to read as follows:

'If the Legislature fails to reapportion the House of Representatives within the period prescribed by the Constitution and fails thereafter to make such reapportionment at the regular session next ensuing, then those five Justices of the Superior Court qualifying by longest term of service as such Justices shall, within ninety days from the adjournment of such session, apportion the Representatives in accordance with the Constitution. The Justices shall file their report with the Secretary of State, ninety days from such adjournment setting forth the basis of population adopted for Representatives by county, the number of Representatives assigned to each county and the apportionment within each county; whereupon, after thirty days from such filing date, the apportionment thus made shall become effective, subject to the same provisions of referendum as apply to acts of the Legislature.'

Form of question and date when amendment 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 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 at the next general or special state-wide election, 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 Reapportion the House of Representatives by the Superior Court if the Legislature Fails to Act?”

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 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 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.