"Enacted with House Amendment #496 as Resolves 1949, Chapter 211"

NINETY-FOURTH LEGISLATURE

Legislative Document **No. 882**

H. P. 1567 House of Representatives, February 17, 1949.

Reported from Committee on Constitutional Revision and referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED FORTY-NINE

RESOLVE Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Several Towns.

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, part first, § 3, amended. Section 3 of part first of Article IV of the constitution, as amended by Article XXXIX, is hereby repealed and the following enacted in place thereof:

'Sec. 3. Each county shall be entitled to that number of representatives which is in the same proportion to the total number as the number of inhabitants of the county bears to the number of inhabitants of the state, fractional excesses over whole numbers to be computed in favor of the smaller counties. No city or town shall ever be entitled to more than 7 representatives, except that in the event of merger of towns or cities, the new town or city shall be allowed the combined representation of the former units, which number if exceeding 7 shall thereupon and thereafter become the maximum number to which any city or town shall thereafter be entitled in later apportionments. Apportionment of representatives within each county shall be made by deducting from the number of inhabitants of the county

the number of inhabitants of such cities and towns as may be entitled to the maximum number of representatives permitted to any city or town by reason of the numerical proportion of its inhabitants to the inhabitants of the county and by deducting from the total number of representatives to which the county is entitled the number to which such cities and towns of maximum representation are entitled, the remaining inhabitants being entitled to the remaining representatives; and in the allocation of the remainder within the county each city or town having a number of inhabitants greater than a unit base number obtained by dividing such remaining inhabitants by such remaining representatives shall be entitled to as many representatives as the number of times the number of its inhabitants fully contains the unit base number of representation; and the remaining cities, towns and plantations within the county which have inhabitants in number less than such unit base number shall be formed into representative class districts in number equal to the remainder of county representatives unallocated under the foregoing procedure by grouping whole cities, towns and plantations as equitably as possible with consideration for population and for geographical contiguity.

Any city or town which has cause for complaint on account of an apportionment of representatives made by the legislature may petition for redress within 90 days after the effective date of such apportionment to the supreme judicial court in such a manner or proceeding as the legislature may provide; and upon proof satisfactory to said court that said apportionment is mathematically incorrect and erroneous on the basis of population statistics accepted by the legislature in its making, and if said court shall find said apportionment to be not in accordance with the above provision, it shall so declare in its findings and the next legislature shall correct the error.'

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 apportion the number of members of the house of representatives to the several towns?" 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, 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.