"Enacted with Senate Amendment "A" as Resolves 1931, Chapter 133"

EIGHTY-FIFTH LEGISLATURE

Legislative Document **No. 1055**

S. P. 629 In Senate, April 1, 1931.

Reported by Senator Foster of Hancock from Committee on Reapportionment and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND THIRTY-ONE

RESOLVE, Proposing an Amendment to the Constitution, to Provide for the Number of Senators.

Resolved: Sec. 1. Amendment of Art. IV, Part 2, Sec. 1 of the Constitution. Section one of part two of article four of the Constitution as amended, is hereby further amended by striking out all of said section and inserting in place thereof the following:

'Sec. 1. The senate shall consist of the members to which the several counties are entitled, on the following basis of representation according to the Federal Census: each county having a population of thirty thousand inhabitants or less shall have one senator; each county having a population of more than thirty thousand inhabitants and less than sixty thousand inhabitants shall have two senators; each county having a population of more than sixty thousand inhabitants and less than one hundred and twenty thousand inhabitants shall have three senators; and each county having a population of more than one hundred and twenty thousand inhabitants shall have four senators. For the purpose of representation, foreigners not naturalized and Indians not taxed shall not be counted as inhabitants. The members of the senate shall be elected at the same time and for the same term as the representatives by the qualified electors of the counties which they shall respectively represent.'

Sec. 2. Repeal of Art. IV, Part 2, Sec. 2. Section two of part two of article four of the Constitution is hereby repealed.

Sec. 3. Amendment of Art. IV, Part 2, Sec. 5. Section five of part two of article four of the Constitution as amended is hereby further amended by striking out the word "district" wherever it occurs and inserting in place thereof the word 'county' so that said section, as amended, shall read as follows:

'Sec. 5. The senate shall, on the said first Wednesday of January, biennially, determine who are elected by a plurality of votes to be senators in each county; and in case the full number of senators to be elected from each county shall not have been so elected, the members of the house of represntatives and such senators, as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of senators deficient, in every county, if there be so many voted for, elect by joint ballot the number of senators required; but all vacancies in the senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented county. The governor shall issue his proclamation therefor and therein fix the time of such election.'

Sec. 4. Apportionment of the Senate in 86th and subsequent Legislatures. Under the provisions of this resolve, if adopted as an amendment to the Constitution, the apportionment of senators in the eighty-sixth legislature on the basis fixed herein made by the eighty-fifth legislature according to the Federal Census of nineteen thirty shall be and continue in force until the taking effect of a reapportionment on the basis fixed herein made by a subsequent legislature according to the next Federal Census.

Sec. 5. Form of question and date when amendment is to be voted on. The municipal officers of the cities and towns, and the assessors of the several plantations in this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators, at a special election to be called by the Governor to be held on the fourteenth day of September, nineteen hundred thirty-one, 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 providing for membership of the senate?" And the inhabitants of said cities, towns and plantations shall vote by ballot on said questions, those in favor of the amendment expressing it by the word "Yes" upon their ballots and those opposed to the amendment by the word "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 the 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, it shall thereupon become a part of the constitution, and the governor shall forthwith make known the fact by his proclamation.

Sec. 6. Secretary of state shall furnish ballots. 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.