

MAINE STATE LEGISLATURE

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April 6, 1993

Honorable John L. Martin, Speaker
Maine House of Representatives
State House Station #2
Augusta, ME 04333

Dear Speaker Martin:

I am writing in response to your inquiry of earlier this week concerning the number of days which the Legislature has under the Maine Constitution to act upon the plan, submitted on April 1, 1993, by the Reapportionment Commission for the decennial reapportionment of the Maine Legislature. For the reasons which follow, it is the Opinion of this Department that the Legislature has 30 calendar days after the submission of the plan either to enact the plan, or to enact a plan of its own.


The problem which your question presents was generated by identical 1986 amendments to Article IV, Part First, Section 3 (House of Representatives) and Article IV, Part Second, Section 1 (Senate) of the Maine Constitution. Prior to that time, the two sections in question provided that the Reapportionment Commission, established by Article IV, Part Third, Section 1-A of the Constitution, shall submit its plan for the reapportionment of the House of Representatives and the Senate each ten years no later than 90 calendar days after the convening of the Legislature in the year of apportionment. The Legislature was then directed either to enact the plan of the Commission or a plan of its own within 30 calendar days after the submission of the Commission's plan. The sections then provided that if the Legislature fails to make a reapportionment within 130 days after convening, the Supreme Judicial Court shall make the apportionment. In 1986, however, the time within which the Reapportionment Commission was required to submit its plan was extended to 120 days.

Me. const. amend. CLV (effective November 25, 1986). Thus, if the Commission took the full 120 days, under one reading of the amended provision, the Legislature would have only 10 days (130 less 120) to make the reapportionment, notwithstanding the fact that another provision of the sections specifies that the Legislature has 30 days to make the reapportionment.

In the Opinion of this Department, however, such a reading would not be consistent with the intention of the Legislature in making the 1986 amendments. Those amendments related only to the first paragraph of the two sections, which paragraphs contain the time limits for the Reapportionment Commission to submit the plan and the 30-day provision for the Legislature to either enact the plan or one of its own. The provision containing the 130-day limit is in a succeeding paragraph to the two sections, and was untouched by the 1986 amendments. The question thus is whether the Legislature, by amending only the period of time relating to the Reapportionment Commission, intended to reduce the time within which the Legislature must act, should the Reapportionment Commission use up the full amount of time allocated to it. In the view of this Department, since the Legislature did not alter the 30-day provision in the paragraph which it did amend, it could not be found to have eviscerated that provision through the operation of a paragraph which it did not amend.

I hope the foregoing answers your question. Please feel free to reinquire if further clarification is necessary.

Sincerely,


MICHAEL E. CARPENTER
Attorney General

MEC:sw

cc: Honorable Dennis L. Dutremble
President, Maine Senate