

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1337

H. P. 1120

House of Representatives, March 17, 1981

On Motion of Representative Kany of Waterville, reconsidered reference and on Motion of Representative Kany of Waterville, referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Masterton of Cape Elizabeth.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT to Require Periodic Reapportioning of Districts for Election of Representatives to Congress.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 21 MRSA § 1571 is repealed.

Sec. 2. 21 MRSA § 1571-A is enacted to read:

§ 1571-A. Congressional districts

1. Composition. The districts for the election of Representatives to Congress are comprised as follows:

A. First district. The first district is composed of Cumberland, Kennebec, Knox, Lincoln, Sagadahoc, Waldo and York Counties. It is entitled to one Representative to Congress.

B. Second district. The 2nd district is composed of Androscoggin, Aroostook, Franklin, Hancock, Oxford, Penobscot, Piscataquis, Somerset and Washington Counties. It is entitled to one Representative to Congress.

2. Redistricting, generally. A Legislature which is required to apportion the districts of the Maine House of Representatives shall, at the same time, using the method set out in the Constitution of Maine, Article IV, Part Third, section 1-A, apportion the districts for the election of Representatives to Congress.

3. Redistricting, change in number of Congressional seats. Whenever, by notification under the United States Code, Title 2, section 2-A (b), there is a change in the number of Representatives to Congress, the Legislature, during the regular session convening after receipt of the notification or during a special session convened for that purpose, shall establish, within 3 calendar days of receipt, the commission described in the Constitution of Maine, Article IV, Part Third, section 1-A, for the purpose of reapportioning the State into a number of Congressional districts equal to the number of Representatives to Congress. In making such a reapportionment, the commission shall insure that each Congressional District is formed of contiguous and compact territory and crosses political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts.

The commission shall submit their plan to the Clerk of the House no later than 90 calendar days after being assigned their duties under this subsection. The Legislature shall enact the submitted plan of the commission or a plan of its own in regular or special sessions by a vote of 2/3 of the members of each House within 30 calendar days after the plan is submitted to the Clerk of the House. Such action is subject to the Governor's approval as provided in the Constitution of Maine, Article IV, Part Third, section 2.

4. Supreme Judicial Court. In the event that the Legislature shall fail to make an apportionment within 130 calendar days after convening, the Supreme Judicial Court shall, within 60 days following the period in which the Legislature is required to act, but fails to do so, make the apportionment. In making such apportionment, the Supreme Judicial Court shall take into consideration plans and briefs filed by the public with the court during the first 30 days of the period in which the court is required to apportion.

The Supreme Judicial Court shall have original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group thereof. If any challenge is sustained, the Supreme Judicial Court shall make the apportionment.

STATEMENT OF FACT

Currently, reapportionment of Congressional districts is done according to a nonstatutory procedure. This bill establishes a statutory procedure to require the Legislature to reapportion Congressional districts at the same time it reapportions districts of members of the Senate and House. It also includes a provision for Congressional reapportionment if the number of Congressmen is changed.