

# MAINE STATE LEGISLATURE

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1

L.D. 869

2

(Filing No. H-411 )

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
111TH LEGISLATURE  
FIRST REGULAR SESSION

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HOUSE AMENDMENT "A" to H.P. 689, L.D. 869,  
8 Bill, "AN ACT to Provide for Reapportionment of  
9 County Commissioner Districts."

10

Amend the bill by inserting before the enacting  
11 clause the following:

12

'Emergency preamble. Whereas, Acts of the Legis-  
13 lature do not become effective until 90 days after  
14 adjournment unless enacted as emergencies; and

15

Whereas, the county commissioner districts have  
16 not been reapportioned since they were created; and

17

Whereas, the county commissioner districts must  
18 be reapportioned this year in order to be established  
19 for the 1984 elections of county commissioners; and

20

Whereas, delaying the reapportionment of county  
21 commissioner districts to the 1986 elections for  
22 county commissioners would require using census data  
23 which was more out of date and inaccurate than it  
24 would be this year; and

25

Whereas, in the judgment of the Legislature,  
26 these facts create an emergency within the meaning of  
27 the Constitution of Maine and require the following  
28 legislation as immediately necessary for the preser-  
29 vation of the public peace, health and safety; now,  
30 therefore, '

31

Further amend the Bill in that part designated  
32 "§105-V." in subsection 1 in the first line (page 1,  
33 line 26 in L.D.) by striking out the underlined  
34 figure "1985" and inserting in its place the under-  
35 lined figure '1983'

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1 Further amend the Bill in that part designated  
2 "§105-V." in subsection 1 in the 5th line (page 1,  
3 line 30 in L.D.) by inserting after the underlined  
4 word "districts the following: 'and, as necessary,  
5 reapportion those districts in each county to estab-  
6 lish as nearly as practicable equally populated dis-  
7 tricts'

8 Further amend the Bill in that part designated  
9 "§105-V." in subsection 1 in the first paragraph,  
10 lines 5 to 8, by striking out all of the last under-  
11 lined sentence and inserting in its place the follow-  
12 ing: 'The Speaker of the House of Representatives  
13 shall be responsible for calling the commission  
14 together to review the county commissioner districts.  
15 No action may be taken by the commission without a  
16 quorum of 7 being present.'

17 Further amend the Bill in that part designated  
18 "§105-V." by striking out all of the 2nd underlined  
19 paragraph and inserting in its place the following:

20 'The apportionment commission shall divide the number  
21 of commissioners in each county into the number of  
22 inhabitants of the county, exclusive of foreigners  
23 not naturalized, according to the latest Federal  
24 Decennial Census or a state census previously ordered  
25 by the Legislature to coincide with the Federal  
26 Decennial Census, to determine a mean population  
27 figure for each county commissioner district. Each  
28 county commissioner district shall be formed of con-  
29 tiguous and compact territory and shall cross polit-  
30 ical subdivision lines the least number of times  
31 necessary to establish as nearly as practicable  
32 equally populated districts. Whenever the population  
33 of a municipality entitles it to more than one dis-  
34 trict, all whole districts shall be drawn within the  
35 municipal boundaries. Any population remainder  
36 within the municipality shall be included in a dis-  
37 trict drawn to cross the municipal boundary, provided  
38 that the population remainder within the municipality  
39 shall be contiguous to another municipality or munic-

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1 ipalities included in the district. Any county which  
2 already meets the standards and guidelines for  
3 equally populated districts, as established by this  
4 section, the Constitution of Maine and the Constitu-  
5 tion of the United States, need not be reappor-  
6 tioned.'

7 Further amend the Bill in that part designated  
8 "§105-V." in subsection 1 in the 3rd paragraph in the  
9 5th line (page 2, line 11 in L.D.) by striking out  
10 the underlined words "appointment of the commission"  
11 and inserting in their place the following:  
12 'commission is called together by the Speaker of the  
13 House of Representatives under this subsection'

14 Further amend the Bill in that part designated  
15 "§105-V." in subsection 1 in the 4th paragraph, lines  
16 3 to 8, in the 3rd line (page 2, line 15 in L.D.) by  
17 striking out the underlined words "appointment of the  
18 commission" and inserting in their place the follow-  
19 ing: 'the commission is called together by the  
20 Speaker of the House of Representatives under this  
21 subsection'

22 Further amend the Bill in that part designated  
23 "§105-V" in subsection 1 in the 4th paragraph by  
24 striking out all of the 2nd sentence (page 2, lines  
25 15 to 20 in L.D.) and inserting in its place the fol-  
26 lowing: 'The Clerk of the House shall submit to the  
27 Legislature, no later than January 15, 1984, and  
28 every 10th year thereafter, one legislative document  
29 to reapportion the county commissioner districts  
30 based on the plan submitted by the apportionment com-  
31 mission. The Legislature shall enact the submitted  
32 plan in regular or special session by a vote of 2/3  
33 of the members of each House within 30 calendar days  
34 after the plan is submitted to it by the Clerk of the  
35 House.'

36 Further amend the Bill in that part designated  
37 "§105-V" in subsection 2 in the 2nd line (page 2,  
38 line 24 in L.D.) by inserting after the underlined

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1 word "within" the underlined word 'the'

2 Further amend the Bill in that part designated  
3 "§105-V" in subsection 2 in the 4th line (page 2,  
4 line 26 in L.D.) by inserting after the underlined  
5 figure "60" the underlined word 'calendar'

6 Further amend the Bill by inserting at the end  
7 before the statement of fact the following:

8 '3. Effect of reapportionment on county commis-  
9 sioners' terms of office. Notwithstanding any other  
10 provision of law, whenever a county commissioner dis-  
11 trict has been reapportioned, the term of the county  
12 commissioner from that district shall expire at the  
13 next election immediately following the reapportion-  
14 ment of the county commissioner district. The term  
15 of office that the county commissioner representing  
16 the new county commissioner district shall be elected  
17 to at that election shall be determined by this sub-  
18 section. The term of office for a county commis-  
19 sioner in a new district consisting of substantially  
20 the same area as the previous district shall be 4  
21 years if the county commissioner in the previous dis-  
22 trict had served for only 2 years. The term of  
23 office for a county commissioner in a new district  
24 consisting of substantially the same area as the pre-  
25 vious district shall be 2 years if the county commis-  
26 sioner in the previous district had served for 4  
27 years. The apportionment commission in reapportion-  
28 ing a county commissioner district shall specify the  
29 term of office, as prescribed by this subsection,  
30 that the county commissioner representing that com-  
31 missioner district shall be elected to. In subse-  
32 quent elections, each county commissioner shall be  
33 elected to a 4-year term until the district is reap-  
34 portioned under the provisions of this section. If  
35 any county commissioner district is not reapportioned,  
36 the term of office for that county commissioner dis-  
37 trict shall not expire under this subsection. That  
38 county commissioner's term of office shall be for the  
39 normal 4-year term until such time as the county com-

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1 missioner district is reapportioned.

2 Emergency clause. In view of the emergency cited  
3 in the preamble, this Act shall effect when approved.

4 STATEMENT OF FACT

5 The purposes of this amendment are:

- 6 1. To make this emergency legislation;
- 7 2. To provide for the apportionment commission  
8 to meet, when called together by the Speaker of the  
9 House, in 1983 so that the county commissioner dis-  
10 tricts may be reapportioned in 1984;
- 11 3. To elaborate on the procedures for commis-  
12 sioner district reapportionment so that they are  
13 similar to the reapportionment procedures established  
14 for reapportionment of the Legislature in the Consti-  
15 tution of Maine, Article IV, Part First, Section 2;  
16 Article IV, Part Second, Section 2; and Article IV,  
17 Part Third, Section 1-A; and
- 18 4. To add provisions concerning the terms of  
19 county commissioners after reapportionment so that  
20 the terms will remain staggered.

21

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Filed by Rep. Diamond of Bangor  
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