

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of H.P. 689, L.D.869)

3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 1736

9 H.P. 1307

House of Representatives, June 7, 1983

10 Reported by Representative Curtis from the Committee on Local and
11 County Government and printed under Joint Rule 2.

Original bill presented by Representative Diamond of Bangor.

12 Cosponsored by Representative McHenry of Madawaska, Representative
Brown of Gorham and Representative Bost of Orono.

EDWIN H. PERT, Clerk

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-THREE
18

19 AN ACT to Provide for Reapportionment of
20 County Commissioner Districts.
21

22 **Emergency preamble.** Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

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

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

30 Whereas, delaying the reapportionment of county
31 commissioner districts to the 1986 elections for
32 county commissioners would require using census data
33 which was more out of date and inaccurate than it
34 would be this year; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 30 MRSA §105-V is enacted to read:

10 §105-V. Apportionment of county commissioner dis-
11 tricts

12 1. County Reapportionment Commission estab-
13 lished. In 1983 and in 1992 and every 10th year
14 thereafter, a County Reapportionment Commission shall
15 be established in each county, as provided in this
16 section, to review the existing county commissioner
17 districts in their respective counties and, as neces-
18 sary, to reapportion those districts in each county
19 to establish as nearly as practicable equally popu-
20 lated districts.

21 The number of commissioners in each county shall be
22 divided into the number of inhabitants of the county,
23 exclusive of foreigners not naturalized, according to
24 the latest Federal Decennial Census or a State Census
25 previously ordered by the Legislature to coincide
26 with the Federal Decennial Census, to determine a
27 mean population figure for each county commissioner
28 district. Each county commissioner district shall be
29 formed of contiguous and compact territory and shall
30 cross political subdivision lines the least number of
31 times 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
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-
40 ipalities included in the district.

1 2. Membership of county reapportionment commis-
2 sions. The County Reapportionment Commission for
3 each county shall consist of 9 members who are resi-
4 dents of that county and who shall be appointed by
5 September 1, 1983, for the first reapportionment of
6 county commissioner districts and by September 1,
7 1992, for the 2nd reapportionment of county commis-
8 sioner districts and by September 1st every 10th year
9 thereafter for succeeding reapportionments of county
10 commissioner districts. The membership shall be com-
11 posed of:

12 A. The 3 county commissioners;

13 B. Up to 3 members chosen by the chairmen of the
14 2 major political parties in the county in such
15 a manner that each of the 2 major political par-
16 ties in the county has equal representation among
17 the total members of the commission appointed by
18 this paragraph and paragraph A. If any county
19 commissioner is from a political party other than
20 one of the 2 major political parties in the
21 county, the county chairman of that party shall
22 appoint a member or members to equal the number
23 of county commissioners from that party. If any
24 county commissioner is not a member of a polit-
25 ical party, the county chairmen of each of the 2
26 major political parties in the county shall
27 jointly appoint a member or members to equal the
28 number of county commissioners who are not mem-
29 bers of any political party. The person so
30 appointed shall not be enrolled in any political
31 party;

32 C. The county chairman of each of the 2 major
33 political parties in the county or their desig-
34 nated representatives; and

35 D. One member appointed jointly by the 2 members
36 appointed under paragraph C.

37 The member in each county appointed under paragraph D
38 shall serve as the chairman for that County Reappor-
39 tionment Commission. The chairman in each county
40 shall certify the names of the members of his County
41 Reapportionment Commission to the Secretary of State
42 by September 7th of the year in which the commission

1 is established. No action may be taken without a
2 quorum of 5 members being present.

3 For purposes of this subsection, the "2 major polit-
4 ical parties" in the county means the 2 political
5 parties with the largest number of enrolled voters in
6 the county.

7 3. Duties of the commission. Each County Reap-
8 portionment Commission shall review the existing
9 county commissioner districts in its county and
10 submit a plan to the Secretary of State for reappor-
11 tioning those districts before January 1st of the
12 following year. Each County Reapportionment Commis-
13 sion shall hold at least 2 public hearings in its
14 county on the reapportionment plan prior to taking
15 final action. All meetings of the County Reappor-
16 tionment Commissions shall be open to the public.
17 Any county which already meets the standards and
18 guidelines for equally populated districts, as estab-
19 lished by this section, the Constitution of Maine and
20 the United States Constitution, need not be reappor-
21 tioned. A report setting out the existing county
22 commissioner districts shall be submitted to the
23 Secretary of State before January 1st of the follow-
24 ing year. The report of each County Reapportionment
25 Commission shall also establish the terms of office
26 for the county commissioner in each new county com-
27 missioner district in accordance with subsection 7.

28 4. Duties of the Secretary of State. The Secre-
29 tary of State shall submit to the Legislature, by
30 January 15, 1984, and in 1993 and each 10th year
31 thereafter, one legislative document to reapportion
32 the county commissioner districts in the entire State
33 based on the plans submitted by the County Reappor-
34 tionment Commissions.

35 5. Legislative action. The Legislature shall
36 enact the submitted plan by a vote of 2/3 of the mem-
37 bers of each House, within 30 calendar days after the
38 plan is submitted by the Secretary of State. This
39 action is subject to the Governor's approval, as pro-
40 vided in the Constitution of Maine, Article IV, Part
41 Third, Section 2.

1 6. Failure to enact the reapportionment plan.
2 In the event that the Legislature fails to enact the
3 apportionment plan from the Secretary of State within
4 30 calendar days, the Supreme Judicial Court shall,
5 within 30 calendar days in 1984 and within 60 calen-
6 dar days in 1993 and each 10th year thereafter, fol-
7 lowing the period in which the Legislature is re-
8 quired to act, but fails to do so, make the appor-
9 tionment. In making the apportionment, the Supreme
10 Judicial Court shall take into consideration the
11 plans submitted by the County Reapportionment Commis-
12 sions to reapportion the county commissioner dist-
13 tricts.

14 7. Effect of reapportionment on county commis-
15 sioners terms of office. Notwithstanding any other
16 provision of law, whenever the county commissioner
17 districts have been reapportioned, the terms of all
18 county commissioners shall expire at the next elec-
19 tion immediately following the reapportionment of the
20 county commissioner districts. The terms of office
21 of the county commissioners representing the new
22 county commissioner districts shall be determined by
23 this subsection. The term of office for a county
24 commissioner in a new district consisting of substan-
25 tially the same area as the previous district shall
26 be 4 years if the county commissioner in the previous
27 district had served for only a 2-year term. The term
28 of office for a county commissioner in a new district
29 consisting of substantially the same area as the pre-
30 vious district shall be 2 years if the county commis-
31 sioner in the previous district had served for a
32 4-year term. In subsequent elections, each county
33 commissioner shall serve a 4-year term until the dis-
34 trict is reapportioned under the provisions of this
35 section. If the county commissioner districts are
36 not reapportioned, the terms of office for each
37 county commissioner district shall not be altered by
38 this section. Each county commissioner's term of
39 office shall be for the normal 4-year term until such
40 time as the county commissioner districts are reap-
41 portioned.

42 8. Funding. All members of a County Reappor-
43 tionment Commission shall receive compensation for
44 all expenses reasonably incurred in carrying out
45 their duties under this section and shall be reim-

1 bursed for actual travel expenses incurred in carry-
2 ing out their duties under this section. Each county
3 shall set aside sufficient funds to compensate the
4 members of its commission, except the county commis-
5 sioners, who shall be compensated and reimbursed from
6 their own expense account; to provide staff assis-
7 tance to its commission; and to provide for inci-
8 dental expenses of its commission as needed to carry
9 out its duties under this section. The chairman of
10 each commission shall submit a list of expenses to
11 the county commissioners for payment.

12 9. State Planning Office to assist. The State
13 Planning Office shall provide census data and other
14 technical information, as necessary, to assist each
15 County Reapportionment Commission in carrying out its
16 functions.

17 10. Nomination petitions in 1984. Nothing in
18 this section may prohibit the circulation of a peti-
19 tion for nomination for county commissioner in 1984
20 prior to actual reapportionment.

21 **Emergency clause.** In view of the emergency
22 cited in the preamble, this Act shall take effect
23 when approved.

24 STATEMENT OF FACT

25 This new draft provides a method to reapportion
26 the county commissioner districts each 10 years,
27 based to a large extent on the constitutional re-
28 quirements for reapportioning the state legislative
29 districts. (See the Constitution of Maine, Article
30 IV, Part First, Section 2; Article IV, Part Second,
31 Section 2; and Article IV, Part Third, Section 1-A.)

32 This reapportionment proposal establishes a
33 bipartisan reapportionment commission for each
34 county. Each County Reapportionment Commission will
35 prepare a reapportionment plan and submit it to the
36 Secretary of State. The Secretary of State will pre-
37 pare one legislative document for submission to the
38 Legislature. If the Legislature fails to enact the
39 reapportionment plan, the Law Court will reapportion
40 the county commissioner districts.

1 This new draft is emergency legislation to pro-
2 vide for the reapportionment of the county commis-
3 sioner districts before the 1984 elections for county
4 commissioners. Thereafter, the reapportionment will
5 take place in 1993 and every 10th year thereafter to
6 allow sufficient time to prepare for the county com-
7 missioner elections in the even-numbered years. This
8 coincides with the reapportionment schedule for the
9 state legislative districts.

10 Since the terms of office of the county commis-
11 sioners are staggered, some county commissioners will
12 only serve a 2-year term, ending in the year of reap-
13 portionment. All county commissioner terms will
14 expire in the year of reapportionment to allow for
15 the election of county commissioners from the new
16 county commissioner districts. The terms of office
17 of the newly elected county commissioners will again
18 be staggered until the next reapportionment. This is
19 necessary so the county commissioners will be elected
20 from the appropriate county commissioner district.

21 The State Planning Office has been directed to
22 provide census data and other technical assistance to
23 each County Reapportionment Commission.

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