

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

SECOND REGULAR SESSION-2002

Legislative Document

No. 1943

H.P. 1446

House of Representatives, December 20, 2001

An Act to Clarify Municipal Reapportionment Authority.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 17, 2001. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative SCHNEIDER of Durham.

Cosponsored by Representatives: BRUNO of Raymond, LABRECQUE of Gorham.

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

4 **Sec. 1. 30-A MRSA §2503, sub-§2,** as enacted by PL 1987, c.
5 737, Pt. A, §2 and Pt. C, §105 and amended by PL 1989, c. 6, c.
6 9, @2, and c. 104, Pt. C, @@8, 10, is further amended to read:

7
8 **2. Failure to enact ordinance.** The municipal legislative
9 body must enact the reapportionment ordinance within 18 months
10 after the official publication of the latest decennial census as
11 required by the United States Code, Title 13, Section 141,
12 paragraph (c) ~~+-provided-that.~~ The ordinance is must be enacted
13 at least 90 days before a regular municipal election occurring
14 within that 18-month period or the previous reapportionment
15 ordinance applies to that election. If the legislative body
16 fails to ~~de--se~~ enact an ordinance within 18 months after
17 publication of the census or at least 90 days before a regular
18 election occurring more than 18 months after publication of the
19 census, or at least 90 days before a regular election occurring
20 more than 18 months after publication of the census, all
21 municipal officers to be elected shall must be elected at large
22 and shall serve until their terms expire. Such at-large
23 elections shall continue until the legislative body enacts an
24 ordinance in accordance with subsection 1 at least 90 days before
25 a regular municipal election.

26 **Sec. 2. Retroactivity.** This Act applies retroactively to
27 January 1, 2001.

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30 **SUMMARY**

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32 This bill amends the law governing reapportionment of
33 municipal voting districts following completion of each census.
34 Current law requires a municipality to enact a reapportionment
35 ordinance within 18 months of the official release of census
36 data. This bill clarifies that when an ordinance is not adopted
37 at least 90 days before a regular election held within that
38 18-month period, the old apportionment ordinance is used for that
39 election. The bill also clarifies that if a municipality fails
40 to adopt a reapportionment ordinance within the 18-month period
41 or if it does so but not more than 90 days before an election
42 occurring after 18 months, municipal officers up for election are
elected and serve at large until a new ordinance is adopted.