

# MAINE STATE LEGISLATURE

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R. OPS.

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
125TH LEGISLATURE  
FIRST REGULAR SESSION

HOUSE AMENDMENT "B" to H.P. 387, L.D. 494, "RESOLUTION, Proposing an Amendment to the Constitution of Maine To Change the Schedule for Redistricting"

Amend the resolution in that part designated "Constitution, Art. IV, Pt. Second, §2" by adding after Section 2 and before "; and be it further" the following:

'Constitution, Art. IX is amended by adding after Section 23 the following:

**Section 24. Reapportionment.** Congressional districts must be reapportioned as follows.

1. Procedure. Beginning in 2021 and every 10 years thereafter, when the Secretary of State has received notification of the number of congressional seats to which the State is entitled and the Federal Decennial Census population count is final, the Legislative Apportionment Commission, established every 10 years pursuant to Article IV, Part Third, Section 1-A, shall review the existing congressional districts. If the districts do not conform to Supreme Judicial Court guidelines, the commission shall reapportion the State into congressional districts.

In making such a reapportionment, the commission shall ensure that each congressional district is formed of compact and contiguous territory and crosses political subdivisions the least number of times necessary to establish districts as equally populated as possible. The commission shall submit its plan to the Clerk of the House of Representatives no later than June 1st of the year in which apportionment is required. The Legislature shall enact the submitted plan of the commission or a plan of its own in regular or special session by a vote of 2/3 of the members of each House by June 11th of the year in which apportionment is required to the Clerk of the House of Representatives. This action is subject to the Governor's approval, as provided in Article IV, Part Third, Section 2.

2. Court apportionment. If the Legislature fails to make an apportionment by June 11th, the Supreme Judicial Court shall make the apportionment within 60 days following the period in which the Legislature is required to act but fails to do so. In making the 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.

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3. Judicial review. The Supreme Judicial Court has original jurisdiction to hear any challenge to an apportionment law enacted by the Legislature, as registered by any citizen or group of citizens. If a challenge is sustained, the Supreme Judicial Court shall make the apportionment.

**Section 25. Apportionment of county commissioner districts.** County commissioner districts must be apportioned as follows.

**1. Redistricting, generally.** Beginning in 2021 and every 10 years thereafter, the apportionment commission established under Article IV, Part Third, Section 1-A shall review the existing county commissioner districts and, as necessary, reapportion those districts in each county to establish as nearly as practicable equally populated districts. The Speaker of the House of Representatives is responsible for calling the commission together to review the county commissioner districts. No action may be taken by the commission without a quorum of 7.

A. The apportionment commission shall divide the number of commissioners in each county into the number of inhabitants of the county, excluding foreigners not naturalized, according to the latest Federal Decennial Census or a state census previously ordered by the Legislature to coincide with the Federal Decennial Census, to determine a mean population figure for each county commissioner district. Each county commissioner district must be formed of contiguous and compact territory and must cross political subdivision lines the least number of times necessary to establish as nearly as practicable equally populated districts. Whenever the population of a municipality entitles it to more than one district, all whole districts must be drawn within the municipal boundaries. Any population remainder within the municipality must be included in a district drawn to cross the municipal boundary as long as the population remainder within the municipality is contiguous to another municipality or municipalities included in the district. Any county that already meets the standards and guidelines for equally populated districts, as established by this section, this Constitution and the Constitution of the United States, need not be reapportioned.

B. Interested parties from each county may submit redistricting plans for the commission to consider. Those plans must be submitted to the commission no later than 30 calendar days after the commission is called together by the Speaker of the House of Representatives under this subsection. The commission may hold public hearings on plans affecting each county.

C. The commission shall submit its plan to the Clerk of the House of Representatives no later than June 1st of the year in which apportionment is required. The Clerk of the House of Representatives shall submit to the Legislature, no later than January 15, 2022, and every 10th year thereafter, one legislative document to reapportion the county commissioner districts based on the plan submitted by the apportionment commission. The Legislature must enact the submitted plan or a plan of its own in regular or special session by a vote of 2/3 of the members of each House within 30 calendar days after the plan is submitted to it by the Clerk of the House of Representatives. This action is subject to the Governor's approval, as provided in Article IV, Part Third, Section 2.

**2. Supreme Judicial Court.** If the Legislature fails to make an apportionment within the 30 calendar days, the Supreme Judicial Court shall make the apportionment within 60

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HOUSE AMENDMENT "B" to H.P. 387, L.D. 494

1 calendar days following the period in which the Legislature is required to act but fails to  
2 do so. In making the apportionment, the Supreme Judicial Court shall consider plans and  
3 briefs filed by the public with the court during the first 30 days of the period in which the  
4 court is required to apportion.'

5 Amend the resolution in the question in the 2nd line (page 2, line 40 in L.D.) by  
6 inserting after the following: "Legislature" the following: ', congressional districts and  
7 county commissioner districts'

8 **SUMMARY**

9 This amendment includes in the constitutional resolution the reapportionment process  
10 for congressional districts and for county commissioner districts.

11 SPONSORED BY: Dennis F. Keschl

12 (Representative KESCHL)

13 TOWN: Belgrade