

MAINE STATE LEGISLATURE

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126th MAINE LEGISLATURE

FIRST REGULAR SESSION-2013

Legislative Document

No. 574

H.P. 393

House of Representatives, February 19, 2013

**An Act To Amend the Laws Governing Reapportionment To
Conform to the Constitution of Maine**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative LUCHINI of Ellsworth.
Cosponsored by Senator TUTTLE of York.

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

2 **Sec. 1. 21-A MRSA §1206, sub-§§1 and 2**, as enacted by PL 1993, c. 628, §2,
3 are amended to read:

4 **1. Procedure.** In ~~1993~~ 2021 and every 10 years thereafter, when the Secretary of
5 State has received notification of the number of congressional seats to which the State is
6 entitled and the Federal Decennial Census population count is final, the Legislative
7 Apportionment Commission, established every 10 years pursuant to the Constitution of
8 Maine, Article IV, Part Third, Section 1-A, shall review the existing congressional
9 districts. If the districts do not conform to Supreme Judicial Court guidelines, the
10 commission shall reapportion the State into congressional districts.

11 In making such a reapportionment, the commission shall ensure that each congressional
12 district is formed of compact and contiguous territory and crosses political subdivisions
13 the least number of times necessary to establish districts as equally populated as possible.
14 The commission shall submit its plan to the Clerk of the House of Representatives no
15 later than ~~120 calendar days after the convening of the Legislature~~ June 1st of the year in
16 which apportionment is required. The Legislature shall enact the submitted plan of the
17 commission or a plan of its own in regular or special session by a vote of 2/3 of the
18 members of each house ~~within 30 calendar days after the plan is submitted to the Clerk of~~
19 ~~the House of Representatives~~ by June 11th of the year in which apportionment is
20 required. This action is subject to the Governor's approval, as provided in the
21 Constitution of Maine, Article IV, Part Third, Section 2.

22 **2. Court apportionment.** If the Legislature fails to make an apportionment ~~within~~
23 ~~120 calendar days of the convening of the session~~ by June 11th of the year in which
24 apportionment is required, the Supreme Judicial Court shall make the apportionment
25 within 60 days following the period in which the Legislature is required to act but fails to
26 do so. In making the apportionment, the Supreme Judicial Court shall take into
27 consideration plans and briefs filed by the public with the court during the first 30 days of
28 the period in which the court is required to apportion.

29 **Sec. 2. 30-A MRSA §65, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt.
30 C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further
31 amended to read:

32 **1. Redistricting, generally.** In ~~1983~~ 2021 and every 10 years thereafter, the
33 apportionment commission established under the Constitution of Maine, Article IV, Part
34 Third, Section 1-A; shall review the existing county commissioner districts and, as
35 necessary, reapportion those districts in each county to establish as nearly as practicable
36 equally populated districts. The Speaker of the House is responsible for calling the
37 commission together to review the county commissioner districts. No action may be
38 taken by the commission without a quorum of 7.

39 A. The apportionment commission shall divide the number of commissioners in each
40 county into the number of inhabitants of the county, excluding foreigners not
41 naturalized, according to the latest Federal Decennial Census or a state census
42 previously ordered by the Legislature to coincide with the Federal Decennial Census,

1 to determine a mean population figure for each county commissioner district. Each
2 county commissioner district must be formed of contiguous and compact territory and
3 must cross political subdivision lines the least number of times necessary to establish
4 as nearly as practicable equally populated districts. Whenever the population of a
5 municipality entitles it to more than one district, all whole districts must be drawn
6 within the municipal boundaries. Any population remainder within the municipality
7 must be included in a district drawn to cross the municipal boundary, ~~provided that as~~
8 long as the population remainder within the municipality is contiguous to another
9 municipality or municipalities included in the district. Any county ~~which that~~ already
10 meets the standards and guidelines for equally populated districts, as established by
11 this section, the Constitution of Maine and the Constitution of the United States, need
12 not be reapportioned.

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

18 C. The commission shall submit its plan to the Clerk of the House no later than ~~20~~
19 ~~calendar days after the commission is called together by the Speaker of the House~~
20 ~~under this subsection~~ June 1st of the year in which reapportionment is required. The
21 Clerk of the House shall submit to the Legislature, no later than January 15, ~~1984~~
22 2022, and every 10th year thereafter, one legislative document to reapportion the
23 county commissioner districts based on the plan submitted by the apportionment
24 commission. The Legislature must enact the submitted plan or a plan of its own in
25 regular or special session by a vote of 2/3 of the members of each House within 30
26 calendar days after the plan is submitted to it by the Clerk of the House. This action
27 is subject to the Governor's approval, as provided in the Constitution of Maine,
28 Article IV, Part Third, Section 2.

29 **SUMMARY**

30 This bill conforms the statutory provisions of Maine law regarding reapportionment
31 of congressional districts and county commissioner districts to reflect the
32 reapportionment procedures specified in the Constitution of Maine.