

MAINE STATE LEGISLATURE

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Date 6/9/23 Majority

L D 1704
(Filing No H-446)

STATE AND LOCAL GOVERNMENT

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
131ST LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "A" to H P 1093, L D 1704, "An Act Regarding Incarcerated Individuals and Legislative Apportionment"

Amend the bill by striking out everything after the enacting clause and inserting the following

'Sec. 1. 21-A MRSA §1208 is enacted to read

§1208. Incarcerated persons

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings

A "Correctional facility" has the same meaning as in Title 34-A, section 1001, subsection 6

B "Residence" has the same meaning as described in section 112, subsection 1

2. Counting incarcerated persons for apportionment. A person whose usual residence is determined by the Federal Decennial Census to be a correctional facility in this State must be counted for apportionment under this chapter as follows

A If the records of the Department of Corrections show the person has a residence address in this State immediately prior to incarceration, that address must be considered that person's residence for purposes of apportionment under this chapter

B If the records of the Department of Corrections do not show the person's residence address immediately prior to incarceration, or show a residence address immediately prior to incarceration that is not within this State, that person may not be counted for apportionment under this chapter

3. Department of Corrections to provide data. Notwithstanding any provision of law respecting confidentiality to the contrary, the Department of Corrections shall provide to the Legislative Apportionment Commission, to the extent the department possesses or has access to the data, the preincarceration residence address and other demographic data of persons who are incarcerated in a correctional facility as of 12 01 a m on the date of the

COMMITTEE AMENDMENT

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1 most recent Federal Decennial Census This demographic data must include but is not
2 limited to the last known complete preincarceration street address of the person, the
3 person's race, age and gender and whether the person is a veteran The department shall
4 provide this data within 30 days of the first meeting of the commission The data provided
5 by the department is not a public record and the commission shall institute measures to
6 safeguard its confidentiality and to ensure its safekeeping upon conclusion of the
7 commission's work

8 **4. Construction.** This section may not be construed to affect the population count in
9 any geographical area for any purposes other than apportionment '

10 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
11 number to read consecutively

12 **SUMMARY**

13 This amendment, which is the majority report of the committee, limits the application
14 of the bill to correctional facilities under the jurisdiction of the Department of Corrections,
15 excluding county and municipal detention facilities and facilities used to house county
16 prisoners, including secure detention facilities and temporary holding resources, both as
17 defined in the Maine Revised Statutes, Title 15, section 3003, subsection 24-A and
18 subsection 26, respectively It requires the department to provide to the Legislative
19 Apportionment Commission certain data within 30 days of the first meeting of the
20 commission It changes the data the department must provide by removing the requirement
21 for information on whether the person is of Hispanic or Latino origin and whether the
22 person is 18 years of age or older and adding the requirement that the data include the
23 person's age and gender and whether the person is a veteran

24 **FISCAL NOTE REQUIRED**
25 (See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 1704

LR 869(02)

An Act Regarding Incarcerated Individuals and Legislative Apportionment

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-446)
Committee: State and Local Government
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Additional costs to the Department of Corrections to provide the required data on incarcerated persons to the Legislative Apportionment Commission can be absorbed within existing budgeted resources