

MAINE STATE LEGISLATURE

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131st MAINE LEGISLATURE

FIRST SPECIAL SESSION-2023

Legislative Document

No. 1704

H.P. 1093

House of Representatives, April 18, 2023

An Act Regarding Incarcerated Individuals and Legislative Apportionment

Reference to the Committee on Criminal Justice and Public Safety suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Speaker TALBOT ROSS of Portland.
Cosponsored by Representatives: PLUECKER of Warren, STOVER of Boothbay, Senator:
NANGLE of Cumberland.

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

2 **Sec. 1. 21-A MRSA §1208** is enacted to read:

3 **§1208. Incarcerated persons**

4 **1. Definition.** For the purposes of this section, "residence" has the same meaning as
5 described in section 112, subsection 1.

6 **2. Counting incarcerated persons for apportionment.** A person for whom the
7 Federal Decennial Census provides an address that is a place of incarceration in this State
8 must be counted for apportionment under this chapter as follows.

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

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

16 **3. Department of Corrections to provide data.** Notwithstanding any provision of
17 law respecting confidentiality to the contrary, the Department of Corrections shall provide
18 to the Legislative Apportionment Commission the preincarceration residence address and
19 other demographic data of persons who are incarcerated as of 12:01 a.m. on the date of the
20 most recent Federal Decennial Census. This data must include but is not limited to the last
21 known complete preincarceration street address of the person, the person's race, whether
22 the person is of Hispanic or Latino origin and whether the person is 18 years of age or
23 older. The department shall provide this data within 15 days of the first meeting of the
24 commission. The data provided by the department is not a public record and the
25 commission shall institute measures to safeguard its confidentiality and to ensure its
26 safekeeping upon conclusion of the commission's work.

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

29 **SUMMARY**

30 This bill provides that if records of the Department of Corrections show an incarcerated
31 person's residence address in this State immediately prior to incarceration, that address
32 must be considered that person's residence for purposes of apportionment of the State into
33 voting districts. If the records of the department do not show the person's residence address
34 immediately prior to incarceration, or show a residence address immediately prior to
35 incarceration not in this State, that person may not be counted for purposes of
36 apportionment. The bill requires the department to provide certain demographic data to
37 the Legislative Apportionment Commission.