

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH
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ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

1984-85

EDUCATIONAL AND CULTURAL
SERVICES, DEPARTMENT OF

Maine State Library Bureau \$5,000

Any unexpended balance shall not lapse, but shall be carried forward from year to year to be expended for the same purposes.

Effective September 23, 1983.

CHAPTER 518

H.P. 689 - L.D. 869

AN ACT to Provide for Reapportionment of
County Commissioner Districts.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the county commissioner districts have not been reapportioned since they were created; and

Whereas, the county commissioner districts must be reapportioned this year in order to be established for the 1984 elections of county commissioners; and

Whereas, delaying the reapportionment of county commissioner districts to the 1986 elections for county commissioners would require using census data which was more out of date and inaccurate than it would be this year; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

30 MRSA §105-V is enacted to read:

§105-V. Apportionment of county commissioner districts

1. Redistricting, generally. In 1983 and every 10 years thereafter, the apportionment commission established pursuant to the Constitution of Maine, 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 shall be 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 being present.

The apportionment commission shall divide the number of commissioners in each county into the number of inhabitants of the county, exclusive of 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 shall be formed of contiguous and compact territory and shall 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 shall be drawn within the municipal boundaries. Any population remainder within the municipality shall be included in a district drawn to cross the municipal boundary, provided that the population remainder within the municipality shall be contiguous to another municipality or municipalities included in the district. Any county which already meets the standards and guidelines for equally populated districts, as established by this section, the Constitution of Maine and the Constitution of the United States, need not be reapportioned.

Interested parties from each county may submit redistricting plans to the commission for its consideration. Those plans shall 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.

The commission shall submit its plan to the Clerk of the House no later than 120 calendar days after the commission is called together by the Speaker of the

House of Representatives under this subsection. The Clerk of the House shall submit to the Legislature, no later than January 15, 1984, 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 shall 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. This action is subject to the Governor's approval, as provided in the Constitution of Maine, Article IV, Part Third, Section 2.

2. Supreme Judicial Court. In the event that the Legislature fails to make an apportionment within the 30 calendar days, the Supreme Judicial Court shall, within 60 calendar days following the period in which the Legislature is required to act, but fails to do so, make the apportionment. 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.

3. Effect of reapportionment on county commissioners' terms of office. Notwithstanding any other provision of law, whenever a county commissioner district has been reapportioned, the term of the county commissioner from that district shall expire at the next election immediately following the reapportionment of the county commissioner district. The term of office that the county commissioner representing the new county commissioner district shall be elected to at that election shall be determined by this subsection. The term of office for a county commissioner in a new district consisting of substantially the same area as the previous district shall be 4 years if the county commissioner in the previous district had served for only 2 years. The term of office for a county commissioner in a new district consisting of substantially the same area as the previous district shall be 2 years if the county commissioner in the previous district had served for 4 years. The apportionment commission in reapportioning a county commissioner district shall specify the term of office, as prescribed by this subsection, that the county commissioner representing that commissioner district shall be elected to. In subsequent elections, each county commissioner shall be elected to a 4-year term until the district is reapportioned under the provisions of this section. If any county commissioner district is not reapportioned, the term of office for that county commissioner district shall not expire under this subsection. That county commissioner's term of office shall be for the

normal 4-year term until such time as the county commissioner district is reapportioned.

4. Funding. Equal amounts of money shall be made available through the commission to the 2 major parties represented on the commission for the purpose of this apportionment. In addition, sufficient funds shall be made available to the chairman of the commission. The commission shall recommend to the Legislature if that body is in session, otherwise to the Legislative Council, an appropriation sufficient to cover the cost of reapportionment.

Emergency clause. In view of the emergency cited in the preamble, this Act shall effect when approved.

Effective June 28, 1983

CHAPTER 519

S.P. 612 - L.D. 1747

AN ACT to Create the Finance Authority
of Maine.

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

Sec. 1. 5 MRSA §7002, sub-§2, ¶K is enacted to read:

K. The director may provide financial and technical assistance to local development corporations to create community industrial buildings in industrial parks.

Sec. 2. 5 MRSA c. 361, sub-c. II is enacted to read:

SUBCHAPTER II

COMMUNITY INDUSTRIAL BUILDINGS PROGRAM

§7010. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Carrying costs. "Carrying costs" means reasonable costs incurred for the maintenance, pro-