1 L.D. 494

2 Date: (Filing No. H-)

3 Reproduced and distributed under the direction of the Clerk of the House.

STATE OF MAINE

HOUSE OF REPRESENTATIVES

125TH LEGISLATURE

FIRST REGULAR SESSION

HOUSE AMENDMENT " " 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 120 calendar days after the convening of the Legislature 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 within 30 calendar days after the plan is submitted 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 within 120 calendar days of the convening of the session in which apportionment is required, 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.

HOUSE AMENDMENT

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

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

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

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

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

34   C. The commission shall submit its plan to the Clerk of the House of Representatives
35   no later than 120 calendar days after the commission is called together by the Speaker
36   of the House of Representatives under this subsection. The Clerk of the House of
37   Representatives shall submit to the Legislature, no later than January 15, 2022, and
38   every 10th year thereafter, one legislative document to reapportion the county
39   commissioner districts based on the plan submitted by the apportionment
40   commission. The Legislature must enact the submitted plan or a plan of its own in
41   regular or special session by a vote of 2/3 of the members of each House within 30
42   calendar days after the plan is submitted to it by the Clerk of the House of
43   Representatives. This action is subject to the Governor's approval, as provided in
44   Article IV, Part Third, Section 2.

HOUSE AMENDMENT

1   **2. Supreme Judicial Court.** If the Legislature fails to make an apportionment within
2 the 30 calendar days, the Supreme Judicial Court shall make the apportionment within 60
3 calendar days following the period in which the Legislature is required to act but fails to
4 do so. In making the apportionment, the Supreme Judicial Court shall consider plans and
5 briefs filed by the public with the court during the first 30 days of the period in which the
6 court is required to apportion.'

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

10   **SUMMARY**

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

13   **SPONSORED BY:** _____

14   **(Representative KESCHL)**

15   **TOWN: Belgrade**

HOUSE AMENDMENT