



# 131st MAINE LEGISLATURE

## FIRST SPECIAL SESSION-2023

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Legislative Document

No. 1704

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H.P. 1093

House of Representatives, April 18, 2023

### **An Act Regarding Incarcerated Individuals and Legislative Apportionment**

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

A handwritten signature in black ink 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.