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Date: (Filing No. H- )

**STATE AND LOCAL GOVERNMENT**

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

COMMITTEE AMENDMENT “ ” 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**

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)