

Kevin Lamoreau
Augusta, Maine

Testimony Neither For Nor Against LDs 1556 & 1884
(re: increasing # of Kennebec County Commissioners)

Senator Baldacci, Representative Salisbury and distinguished members of the Joint Standing Committee on State and Local Government,

I'm Kevin Lamoreau, a CAD data inputter and, of far more relevance here, an elections and election law enthusiast from Augusta, Maine.

I'm agnostic on the issue of sending a binding referendum to the voters of Kennebec County to increase the number of Kennebec County Commissioners. As a redistricting junkie, the concept is enticing to me, although I've noticed that the population of municipalities in Kennebec County and where the more populated municipalities are located makes for somewhat limited options if the number of county commissioner districts were increased to 5.

I do have a concern, however, that changing the county commissioner districts in any county before the next scheduled redistricting in 2031-2032 may violate the Maine Constitution. The Maine Constitution, Article IX, Section 25 begins, after the section title, with "County commissioner districts *must* be apportioned as follows" (emphasis added by me), and then begins, in a new paragraph, "Beginning in 2021 and every 10 years thereafter,...." I'm not a lawyer and can't say that this precludes a redraw of the district lines in some other year, but it does seem to suggest that redistricting should (or perhaps must) only be done on the schedule provided. The Maine Constitution could perhaps be amended to specifically allow for an earlier redraw in a specific county to facilitate a change in the number of commissioners in that county, but that language isn't in there now. (I guess I'll take this opportunity to say that there is some sloppiness in my opinion in this section (Art. IX, Sec. 25) of the Maine Constitution that should probably eventually be fixed, but that would be an issue for another time.)

There's nothing in that section or elsewhere in the Maine Constitution directly precluding at-large members (perhaps on an interim basis until the next regularly scheduled redistricting), although it is mentioned in Art. IX, Sec. 25 that "the apportionment commission shall divide the number of commissioners in each county into the number of inhabitants of the county [...] to determine a mean population figure for each county commissioner district." So, the population figure is calculated seemingly assuming that there is one commissioner from each district and no at-large members. But since there were only three commissioners in Kennebec County as of 2021 and 2022, and the districts were drawn (or renewed, in the case of Kennebec County) on that basis, one could argue that it's not violating the Maine Constitution to insert a couple at-large members in the county to serve until the next round of redistricting, when those members would be replaced by members of an additional two districts. That's not what the sponsors were asking for, but that's a potential idea for getting the number of

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Kennebec County Commissioners increased before the 2032 primary and general elections and swearing in of new commissioners in January 2033 without having an “extra-constitutional” redrawing of the existing commissioner districts before the next scheduled round of redistricting. Alternatively, you could forgo the at-large members and just delay the increase in the number of commissioners to the 2032 elections and January 2033 oaths of office.

I wasn't able to attend the public hearing on these bills this morning as I decided to only take the afternoon off work. I thank the two sponsors for putting this idea out there that has been interesting to think about, if nothing else. I hope my pointing out a potential constitutional issue and possible ways around it is helpful to the committee. Thank you for your consideration of these comments and for your work in this committee.

Sincerely,

Kevin Lamoreau,
Augusta, Maine

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