

Apportionment Commission
Draft Minutes of Second Meeting [with updates]
July 7, 2021, 9:30 am

- 1) The second meeting of the Apportionment Commission was called to order by Commission Chair Donald Alexander at 9:30 am on July 7, 2021. It was determined that more than the required quorum of eight members was present. Members present included Senators Troy Jackson, Paul Davis, and Richard Bennett, Representatives Michelle Dunphy, Anne Perry, Michael Brennan, and Joshua Morris, and public members Josh Tardy, Bev Ulenhake, Matt Moonen, Joe Turcotte, and Chair Donald Alexander. Rep. Kathleen Dillingham also joined the meeting. In accordance with legislative policies, the meeting was held remotely.
- 2) On motion of Rep. Anne Perry, seconded by Josh Tardy, the Commission entered into Executive Session.

Executive Session: Data Security

The public portion of the meeting was convened at 10:00 am.

- 3) On motion of Rep. Anne Perry, seconded by Rep. Michelle Dunphy, the Commission approved the minutes of the Commission's May 27, 2021 meeting.
- 4) The Commission invited Assistant Attorney General Jonathon Bolton to provide a briefing on Legislative Leadership's Petition to the Maine Supreme Judicial Court, joined by the Commission, seeking an extension of the State Constitutional deadlines for action on reapportionment and clarification regarding the Commission's and the Legislature's capacity to perform their duties after the Constitutional deadlines. AAG Bolton offered a summary of the oral arguments that were held before the Court on June 30. AAG Bolton informed the Commission that the Court seemed to understand the question before them and that he was hopeful for a quick decision.

[On July 19, 2021, the Supreme Judicial Court issued its Order responding to the Petition. A memo has been circulated to the Commission regarding the time deadlines approved by the Court.]

5) The Commission discussed the reapportionment and map-making process and whether or not independent maps were created by past Commissions. Commissioners who had served on past Apportionment Commissions recalled that past Commissions had relied on the two separate caucus members, staffs, and consultants to create district maps, which were then presented to full Commission. Past Commissions have not enlisted outside independent consultants for Commission work independent of the caucus work. Commission members expressed that they were comfortable with Emery Younger of the Speaker's Office and AAG Jonathan Bolton continuing to assist the Commission by providing legal counsel and administrative support.

6) The Commission discussed past apportionment processes and best practices from the 2003 and 2013 reapportionments. A question was asked if past Commission files might be available, such as working papers or meeting minutes.

[A subsequent inquiry by Emery Younger to the Secretary of State's Office election staff, the State Archives, and the Law and Legislative Reference Library, indicated no paper or digital files of working papers, meeting minutes or programs from which maps were or could be developed. The 2011 divided Commission Report regarding the Congressional Districts, and the 2013 unanimous Commission Report that supported the 2013 reapportionment of the Senate, House, and County Commissioner Districts were obtained and have been provided to the Commission. Note: while the 2011 Commission Report was divided, the Legislature agreed upon reapportionment of the Congressional Districts without requiring action by the Supreme Judicial Court. The current Congressional Districts are established by 21-A M.R.S. § 1205, P.L. 2011, ch. 466, § 1 (effective Sept. 28, 2011).]

7) The Commission discussed whether any interim steps might be taken by the Commission before the 2020 Census data is received from the federal

government. Commission members determined that no Commission action was required or was possible until the data is received and the [then pending] Maine Supreme Court's decision is issued.

- 8) The Commission briefly discussed its administrative procedures. In consultation with the Legislature's Executive Director, office space will be secured in the Cross Building. Two rooms will be secured for the caucus work. A smaller space will be located for the Commission. [Subsequent meetings and room inspections facilitated by the Executive Director indicates that Cross Office Building Rooms 205 & 213 will be available for the caucus work, and the Office of the Committee on Inland Fisheries and Wildlife, part of Room 206, will be available for a Commission office.]
- 9) Chair Donald Alexander shared with the Commission that he had met with the Legislature's Finance Office and informed the Commission of the procedure for reimbursements for in person meeting attendance and approval of expenditures. The Commissioners indicated that they would prefer that requests for purchase orders, bill payments, and reimbursements for caucus expenditures and acquisition of necessary materials be filed through the Commission Chair, rather than directly with the Legislative Finance Office.
- 10) The Commission accepted written testimony from Kevin Lamoreau of Augusta
- 11) The Commission received written and oral testimony from John Brautigam on behalf of the League of Women Voters. The Chair requested further written materials from Mr. Brautigam related to his comments about process for counting of incarcerated individuals.
- 12) The next meeting of the Commission was scheduled for August 18, beginning at 9:30 am. Whether the meeting will be in person, or remote, or a hybrid of in person and remote, remained to be determined. Several Commissioners requested that the capacity be available for some

Commissioners to participate remotely because of the distances from their homes to meet in person in Augusta.

[The August 18 meeting will be a fully remote meeting, as authorized by a general legislative order for committee meetings. The Commission is geographically very diverse, and appropriately so, with members from upper Aroostook County to southern York County, North to South, and from eastern Washington County to Oxford County, East to West. Thus, the capacity to join meetings remotely will be important to assure full participation by Commission members in meetings, including in person meetings, in what will necessarily be a busy, time constrained schedule, once the Census Bureau data is received.]

13) There being no other business to come before the Commission, on the motion of Matt Moonen the Commission adjourned at 10:50 am.