

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

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J.S. McCarthy Company
Augusta, Maine
1999

subchapter bears the burden of proof as to ~~his~~ the applicant's qualification.

See title page for effective date.

CHAPTER 450

S.P. 217 - L.D. 639

An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 21-A MRSA §301, sub-§1, as amended by PL 1997, c. 436, §41, is further amended to read:

1. Primary election. A party qualifies to participate in a primary election if its designation was listed on the ~~general election ballot in the last preceding gubernatorial or presidential election ballot~~ of either of the 2 preceding general elections and if:

A. The party held municipal caucuses as prescribed by Article II in at least one municipality in each county in the State during ~~that the~~ the election year in which the designation was listed on the ballot and any interim election year and fulfills this same requirement during the year of the primary election;

B. The party held a state convention as prescribed by Article III during ~~that the~~ the election year in which the designation was listed on the ballot and any interim election year; and

C. Its candidate for Governor or for President polled at least 5% of the total vote cast in the State for Governor or President in ~~the last preceding gubernatorial or presidential election; and~~ either of the 2 preceding general elections.

~~D. Each state party committee must file a statement with the Secretary of State on or before March 20th certifying that the party has held the municipal caucuses required by paragraph A. The statement must be signed by the party chair or the chair's designated agent.~~

Each state party committee must file a statement with the Secretary of State on or before March 20th certifying that the party has held the municipal caucuses required by paragraph A. The statement must be signed by the party chair or the chair's designated agent.

Sec. 2. 21-A MRSA §302, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

A party whose designation was not listed on the general election ballot in the last preceding ~~gubernatorial or presidential~~ general election qualifies to participate in a primary election, if it meets the requirements of subsections 1, and 2 ~~and 3~~.

Sec. 3. 21-A MRSA §302, sub-§1, as amended by PL 1997, c. 436, §42, is further amended to read:

1. Declaration of intent. A voter or a group of voters ~~who are~~ not enrolled in a party qualified under section 301 must file a declaration of intent to form a party with the Secretary of State before 5 p.m. on the 180th day preceding ~~at the next~~ primary election. The declaration of intent must be on a form designed by the Secretary of State and must include:

A. The designation of the proposed party;

B. The name of a candidate for Governor or for President in the last preceding ~~gubernatorial or presidential~~ general election who was nominated by petition under subchapter II and who received 5% or more of the total vote cast in the State for Governor or for President in that election;

C. The signed consent of that candidate; and

D. The name, address, telephone number, if published, and signature of the voter or one of the group of voters who files the declaration of intent.

Sec. 4. 21-A MRSA §302, sub-§3, as amended by PL 1997, c. 436, §43, is further amended to read:

3. Municipal caucuses. ~~The proposed~~ A party that has qualified under subsections 1 and 2 to participate in a primary election must conduct municipal caucuses in at least one municipality in each of the 16 counties during that election year as prescribed in Article II. The chair of the municipal committee or a resident voter in the municipality must file a copy of the notice required by section 311, subsection 3, with the Secretary of State before 5 p.m. on March 20th.

Sec. 5. 21-A MRSA §302, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Convention. A party ~~which that~~ has qualified under subsections 1, and 2 ~~and 3~~ to participate in a primary election must, in that same year, conduct the municipal caucuses under subsection 3 and hold a state convention, as prescribed by Article III, in order to have the party designation of its candidates printed on the ballot in the general election of that year. The

voter or group of voters who ~~file~~ files the declaration of intent may perform the duties of the state committee under section 321, subsection 1; for the party's initial convention.

Sec. 6. 21-A MRSA §303, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

In addition to the procedure under section 302, a party whose designation was not listed on the general election ballot in the last preceding ~~gubernatorial or presidential~~ general election qualifies to participate in a primary election, if it meets the requirements of subsections 1, 2; and 3 and 4.

Sec. 7. 21-A MRSA §303, sub-§3, as amended by PL 1997, c. 581, §1, is further amended to read:

3. Petition. After the filing of the declaration described in subsection 1, the Secretary of State or the Secretary of State's designee shall review the declaration and determine the form of the petitions to be submitted to the voters. The voter or voters proposing to form the party shall print the petitions in the form approved by the Secretary of State and may then circulate the petitions. These petitions must be signed, verified and certified in the same manner as primary petitions under section 335, subsections 3, 4 and 7, except that voters not enrolled in any party may also sign the petitions. Each page of the petition must have a caption, in conspicuous type, that contains the designation of the proposed party followed by the words "Petition to participate in the primary election." The petitions must be filed in the office of the Secretary of State before 5 p.m. on the 180th day preceding a primary election and must contain the signatures and legal addresses of voters equal in number to at least 5% of the total vote cast in the State for Governor at ~~the last preceding gubernatorial election~~ either of the last 2 preceding gubernatorial elections. Petitions must be submitted to the appropriate municipal registrar for certification by 5 p.m. on the 10th day before the petition must be filed in the office of the Secretary of State or, if the 10th day is a Saturday, Sunday or legal holiday, by 5 p.m. on the next day that is not a Saturday, Sunday or a legal holiday. The registrar must complete the certification of the petitions and must return them to the circulators or their agents within 5 days of the date on which the petitions were submitted, Saturdays, Sundays and legal holidays excepted.

Sec. 8. 21-A MRSA §303, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Municipal caucuses. ~~The proposed~~ A party that has qualified under subsections 1, 2 and 3 to participate in a primary election must conduct municipal caucuses in at least one municipality in each of the 16 counties during that election year as

prescribed in Article II. The ~~chairman~~ chair of the municipal committee or a resident voter in the municipality must file a copy of the notice required by section 311, subsection 3 with the Secretary of State, before 5 p.m. on April 15th.

Sec. 9. 21-A MRSA §303, sub-§5, as enacted by PL 1985, c. 161, §6, is amended to read:

5. Convention. A party ~~which that~~ has qualified under subsections 1, 2; and 3 and 4 to participate in a primary election must, in that same year, conduct the municipal caucuses under subsection 4 and hold a state convention as prescribed by Article III, in order to have the party designation of its candidates printed on the ballot in the general election of that year. The voter or group of voters who ~~file~~ files the declaration of intent may perform the duties of the state committee under section 321, subsection 1; for the party's initial convention.

Sec. 10. 21-A MRSA §304, as enacted by PL 1985, c. 161, §6, is amended to read:

§304. Disqualification of parties

~~A party which qualified under section 302 or 303 to participate in the last preceding primary and general elections is not qualified to participate in a subsequent primary election unless it meets the requirements of section 304 that does not meet the requirements of section 301 is not qualified to participate in a subsequent election.~~

Sec. 11. 21-A MRSA §307, sub-§§2 and 3, as enacted by PL 1985, c. 161, §6, are amended to read:

2. Use state name. Incorporate the name or an abbreviation of the name of the State; ~~and~~

3. Use established party's designation. Incorporate the designation or an abbreviation of the designation of a party ~~which that~~ is qualified to participate in a primary or general election under section 301; ~~and~~

Sec. 12. 21-A MRSA §307, sub-§4 is enacted to read:

4. Use independent designation. Consist of the word "independent" without another descriptive word or words. The designation "independent," without another descriptive word or words, is reserved for use by candidates that are not enrolled in any qualified or proposed party.

Sec. 13. 21-A MRSA §312, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§312. Voting list

The chair or secretary of the municipal committee or the person or persons calling a biennial municipal caucus may request from the municipal registrar at no charge a certified copy of the voting list for use by the municipal committee once each biennial election cycle beginning January 1st in an election year. Upon receipt of a request, the registrar has 5 business days to prepare and provide the certified copy of the voting list to the requester.

Sec. 14. 21-A MRSA §503, sub-§2, as repealed and replaced by PL 1995, c. 459, §33, is amended to read:

2. Representation of parties. The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.

B. The municipal officers shall appoint at least one election clerk nominated by the municipal committee of a qualified minor party represented on the last general election ballot for each voting place at the committee's request.

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A student election clerk may not assist a voter unless the voter specifically requests assistance from the student election clerk.

All nominations for election clerks must be submitted to the municipal officers no later than April 1st of each general election year. If a municipal committee of a major party fails to submit a list of nominees to serve as election clerks, the municipal officers may appoint registered voters enrolled in that party to serve as election clerks.

If the municipal officers are unable to appoint a sufficient number of election clerks as set forth in paragraphs A, B and C, they may appoint any other

registered voter, as long as the balance between major political parties is maintained.

See title page for effective date.

CHAPTER 451

H.P. 1518 - L.D. 2166

**An Act to Enhance Communications
Between the Department of
Corrections, the Judiciary and Law
Enforcement Agencies**

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, an interagency task force is in the process of preparing a uniform offense table to be used in computerized record-keeping systems by a number of state agencies; and

Whereas, the preparation of that table has revealed a number of instances when one statutory element contains multiple criminal offenses or civil violations; and

Whereas, the revision of the Maine Revised Statutes to create a strict one-to-one relationship between a unique statutory citation and each criminal offense or civil violation will increase efficiency and accuracy in law enforcement and judicial administration; and

Whereas, the revision requires the participation of many governmental agencies and people involved in the criminal justice system; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 16 MRSA §631, sub-§§4-A and 4-B are enacted to read:

4-A. Conditions of release information. Status and conditions of release of those persons on probation or parole or admitted to bail;

4-B. Protective order information. Information pertaining to conditions of protection, protected persons and the subjects of protection from abuse orders;