

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

Sec. 6. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

2002-03

**SECRETARY OF STATE,
DEPARTMENT OF**

Administration - Motor Vehicles

Positions - Legislative Count	(4,000)
Personal Services	\$66,024
All Other	32,300

Allocates funds for 2 Clerk Typist III positions, 2 Clerk Typist II positions and operating costs necessary to administer a driver's license suspension and reinstatement process.

**DEPARTMENT OF THE
SECRETARY OF STATE
TOTAL**

_____ \$98,324

Sec. 7. Effective date. That section of this Act that enacts the Maine Revised Statutes, Title 29-A, section 1601-A takes effect July 1, 2003. Those sections of this Act that amend Title 29-A, section 525, subsection 10; section 2486, subsection 1; section 2605, subsection 4; and section 2608, 3rd paragraph take effect January 1, 2003.

See title page for effective date, unless otherwise indicated.

CHAPTER 464

H.P. 211 - L.D. 246

An Act to Ensure Appropriate Audit Procedures

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

Sec. 1. 22 MRSA §13, sub-§5 is enacted to read:

5. Audit methods. When conducting audits pursuant to this section, the department may not engage a private vendor to conduct the audit or base any auditor's compensation on a percentage of the alleged overpayment amount. The department shall disclose to the public any mathematical algorithm used in performance of an audit.

Sec. 2. Effective date. This Act takes effect July 1, 2003.

Effective July 1, 2003.

CHAPTER 465

S.P. 553 - L.D. 1711

An Act to Amend the Maine Clean Election Laws

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

Sec. 1. 21-A MRSA §1019, sub-§2, as repealed and replaced by IB 1995, c. 1, §14, is amended to read:

2. Content. This report must contain an itemized account of each contribution or expenditure aggregating in excess of \$50 in any election, the date and purpose of each and the name of each payee or creditor. Total contributions or expenditures of less than \$500 in any election need not be itemized. The report must state whether the contribution or expenditure is in support of or in opposition to the candidate and must include, under penalty of perjury, as provided in Title 17-A, section 451, a statement under oath or affirmation whether the expenditure is made in cooperation, consultation or concert with, or at the request or suggestion of, any candidate or any authorized committee or agent of a candidate. ~~Any membership organization or corporation that makes a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate must report any expenditures aggregating in excess of \$50 for such a communication in any election, whether or not the communication is defined as an expenditure under section 1012, subsection 3, paragraph A.~~

Sec. 2. 21-A MRSA §1019-A is enacted to read:

§1019-A. Reports of membership communications

Any membership organization or corporation that makes a communication to its members or stockholders expressly advocating the election or defeat of a clearly identified candidate shall report any expenses related to such communications aggregating in excess of \$50 in any one candidate's election race, notwithstanding the fact that such communications are not expenditures under section 1012, subsection 3, paragraph A. Reports required by this section must be filed with the commission on forms prescribed and prepared by the commission and according to a reporting schedule that the commission shall establish by rule.

Sec. 3. 21-A MRSA §1122, sub-§§8 and 9, as enacted by IB 1995, c. 1, §17, are amended to read:

8. Qualifying period. "Qualifying period" means the following.

A. For a gubernatorial participating candidate, the qualifying period begins November 1st immediately preceding the election year and ends at 5:00 p.m. on ~~March 16th~~ April 15th of the election year unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year.

B. For State Senate or State House of Representatives participating candidates, the qualifying period begins January 1st of the election year and ends at 5:00 p.m. on ~~March 16th~~ April 15th of that election year unless the candidate is unenrolled, in which case the period ends at 5:00 p.m. on June 2nd of the election year.

9. Seed money contribution. "Seed money contribution" means a contribution of no more than \$100 per individual made to a candidate, including a contribution from the candidate or the candidate's family. To be eligible for certification, a candidate may collect and spend only seed money contributions subsequent to becoming a candidate as defined by section 1, subsection 5 and throughout the qualifying period. A candidate may not collect or spend seed money contributions after certification as a Maine Clean Election Act candidate. ~~The primary purpose of a seed money contribution is to enable a participating candidate to collect qualifying contributions.~~ A seed money contribution must be reported according to procedures developed by the commission.

Sec. 4. 21-A MRSA §1125, sub-§§3 and 7, as enacted by IB 1995, c. 1, §17, are amended to read:

3. Qualifying contributions. Participating candidates must obtain qualifying contributions during the qualifying period as follows:

A. For a gubernatorial candidate, at least 2,500 verified registered voters of this State must support the candidacy by providing a qualifying contribution to that candidate;

B. For a candidate for the State Senate, at least 150 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate; or

C. For a candidate for the State House of Representatives, at least 50 verified registered voters from the candidate's electoral division must support the candidacy by providing a qualifying contribution to that candidate.

A payment, gift or anything of value may not be given in exchange for a qualifying contribution. A candidate may pay the fee for a money order in the amount of \$5, which is a qualifying contribution, as long as the donor making the qualifying contribution pays the \$5 amount reflected on the money order. Any money order fees paid by a participating candidate must be paid for with seed money and reported in accordance with commission rules.

7. Timing of fund distribution. The commission shall distribute to certified candidates revenues from the fund in amounts determined under subsection 8 in the following manner.

A. Within 3 days after certification, for candidates certified prior to ~~March 16th~~ 15th of the election year, revenues from the fund must be distributed as if the candidates are in an uncontested primary election.

B. Within 3 days after ~~March 16th of the election year, for primary election certified candidates certification, for all candidates certified between March 15th and April 15th of the election year,~~ revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested primary election, ~~reduced by any amounts previously distributed under paragraph A.~~

B-1. For candidates in contested primary elections receiving a distribution under paragraph A, additional revenues from the fund must be distributed within 3 days of March 15th of the election year.

C. Within 3 days after the primary election results are certified, for general election certified candidates, revenues from the fund must be distributed according to whether the candidate is in a contested or uncontested general election. ~~Funds may not be distributed for uncontested general elections.~~

Funds may be distributed to certified candidates under this section by any mechanism that is expeditious, ensures accountability and safeguards the integrity of the fund.

Sec. 5. 21-A MRSA §1125, sub-§8, ¶D, as enacted by IB 1995, c. 1, §17, is amended to read:

D. Revenues may not be distributed for For uncontested general elections, the amount of revenues to be distributed from the fund is 40% of the amount distributed to a participating candidate in a contested general election.

Sec. 6. 21-A MRSA §1125, sub-§10, as enacted by IB 1995, c. 1, §17, is amended to read:

10. Candidate not enrolled in a party. An unenrolled candidate certified by ~~March 16th~~ April 15th preceding the primary election is eligible for revenues from the fund in the same amounts and at the same time as an uncontested primary election candidate and a general election candidate as specified in subsections 7 and 8. For an unenrolled candidate not certified by ~~March 16th~~ April 15th at 5:00 p.m. the deadline for filing qualifying contributions is 5:00 p.m. on June 2nd preceding the general election. An unenrolled candidate certified after ~~March 16th~~ April 15th at 5:00 p.m. is eligible for revenues from the fund in the same amounts as a general election candidate, as specified in subsections 7 and 8.

Sec. 7. 21-A MRSA §1126, as enacted by IB 1995, c. 1, §17, is amended to read:

§1126. Commission to adopt rules

The commission shall adopt rules to ensure effective administration of this chapter. These rules must include but must not be limited to procedures for obtaining qualifying contributions, certification as a Maine Clean Election Act candidate, circumstances involving special elections, vacancies, recounts, withdrawals or replacements, collection of revenues for the fund, distribution of fund revenue to certified candidates, return of unspent fund disbursements, disposition of equipment purchased with clean election funds and compliance with the Maine Clean Election Act. Rules of the commission required by this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

See title page for effective date.

CHAPTER 466

H.P. 1353 - L.D. 1810

**An Act to Implement the
Recommendations of the Committee
to Study Access to Private and Public
Lands in Maine**

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

Sec. 1. 5 MRSA §6206, sub-§1, ¶E, as amended by PL 1999, c. 603, §4, is further amended to read:

E. On January 1, 1995 and on January 1st every ~~2 years thereafter~~ 1st of every odd-numbered year, report to the joint standing committee of the Legislature having jurisdiction over matters pertaining to state parks and public lands on expenditures from the Land for Maine's Future Fund and the Public Access to Maine Waters Fund and

revisions to the strategies and guidelines. This report must include a description of access to land and interest in land acquired during the report period. If an acquisition has been made that does not include guaranteed public vehicular access to the land acquired, the board must provide justification for that acquisition and a plan for continuing efforts to acquire guaranteed public access to the land.

Sec. 2. 5 MRSA §6207, sub-§3, as amended by PL 1993, c. 728, §10, is further amended to read:

3. Priorities. Whenever possible, the Land for Maine's Future Fund and the Public Access to Maine Waters Fund must be used for land acquisition projects when matching funds are available from cooperating entities, provided that the proposed acquisition meets all other criteria set forth in this chapter. For acquisitions funded by the Land for Maine's Future Fund, the board shall give priority to projects that conserve lands with multiple outstanding resource or recreation values or a single exceptional value, provide geographic representation and build upon or connect existing holdings.

When acquiring land or interest in land, the board shall examine public vehicular access rights to the land and, whenever possible and appropriate, acquire guaranteed public vehicular access as part of the acquisition.

Sec. 3. 12 MRSA §1812, first ¶, as enacted by PL 1997, c. 678, §13, is amended to read:

With the consent of the Governor and the commissioner, the director may acquire on behalf of the State land or any interests in land within this State, with or without improvements, by purchase, gift or eminent domain for purposes of holding and managing the same as parks or historic sites. When acquiring land or interest in land, the director shall examine options for obtaining public vehicular access rights to the land. If an acquisition is made that does not include guaranteed public vehicular access, the director shall describe the acquisition in the report required under section 1817 and the justification for that acquisition. The right of eminent domain may not be exercised to take any area or areas for any one park that singly or collectively exceed 200 acres, nor may it be exercised to take any developed or undeveloped mill site or water power privilege in whole or in part or any land used or useful in connection therewith or any land being used for an industrial enterprise.

Sec. 4. 12 MRSA §1817, sub-§7 is enacted to read:

7. Comprehensive outdoor recreation plan. Beginning January 1, 2003 and every 5 years thereafter, the director shall submit a state comprehensive