

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## SECOND REGULAR SESSION-1992

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Legislative Document

No. 2019

S.P. 820

In Senate, January 8, 1992

Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.  
Reference to the Committee on Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by Senator MILLS of Oxford

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STATE OF MAINE

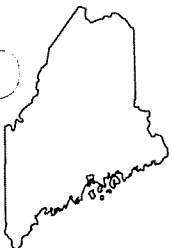
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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-TWO

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**An Act to Amend the Election Laws.**

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

2  
4       **Sec. 1. 21-A MRSA §103, sub-§8**, as enacted by PL 1991, c. 466, §3, is amended to read:

6           **8. Removal from office.** A member of the board may be removed from office by the municipal officers at any time during  
8 the member's term if the appropriate nominating authority nominates a replacement. The replacement nominee, if appointed  
10 by the municipal officers, shall serve out the remainder of the replaced member's term.

12       **Sec. 2. 21-A MRSA §165**, as amended by PL 1985, c. 383, §5, is further amended to read:

16       **§165. Copies of list available**

18           The registrar may require a deposit but shall furnish a certified copy of the voting list to any person within 10  
20 business days after a request and the payment of a reasonable price charge based on the cost for reproducing the voter list  
22 determined by the municipal officers. The fee charged accrues to the registrar unless the legislative body of the municipality  
24 votes otherwise. This copy of the voting list may be in a computer readable form, such as tapes or discs, if requested and  
26 technically feasible to produce. The registrar shall furnish a certified copy of the voting list to the clerk at no charge  
28 within 10 days after it is completed.

30       **Sec. 3. 21-A MRSA §303, sub-§§1 and 2**, as enacted by PL 1985, c. 161, §6, are amended to read:

32           **1. Declaration of intent.** ~~A voter or group of~~ Ten or more voters who are not enrolled in a party qualified under section  
34 301 must file a declaration of intent to form a party with the Secretary of State. The declaration of intent must be on a form  
36 designed by the Secretary of State and must include:

38           A. The designation of the proposed party; and

40           B. ~~The name--and--address~~ names, addresses and telephone  
42 numbers of the ~~voter--or--one--of--the--group--of~~ voters who file the declaration of intent.

44           **2. Enrollment of voters.** After filing the declaration of intent required in subsection 1 and the certification by the  
46 Secretary of State of the petitions filed under subsection 3, the ~~voter--or~~ voters proposing to form the party may then enroll  
48 voters in the proposed party under sections 141 to 145.

50

2           **Sec. 4. 21-A MRSA §606, sub-§3-A, ¶A** is enacted to read:

4           A. The clerk must notify the chairs of each political party  
6           of the municipality, in writing, of the time and place the  
8           test ballots will be tested as required in section 854.

10           **Sec. 5. 21-A MRSA §621, first ¶,** as enacted by PL 1985, c. 161,  
12           §6, is amended to read:

14           The warrants must be sent to the municipal clerk and the  
16           municipal officers of each municipality shall announce an  
18           election as follows.

20           **Sec. 6. 21-A MRSA §753, sub-§3-A,** as enacted by PL 1987, c.  
22           62, §2, is amended to read:

24           **3-A. Alternate method of balloting by residents of licensed**  
26           nursing homes, licensed boarding homes or certified congregate  
28           housing units. The municipal clerk shall designate one or more  
30           times during the 30-day period prior to an election during which  
32           the municipal clerk shall **must** be present in any licensed nursing  
34           home, as defined in Title 22, chapter 405; licensed boarding  
36           home, as defined in Title 22, chapter 1665; or certified  
38           congregate housing unit, as defined in Title 22, chapter 1457-A,  
40           for the purpose of absentee balloting by the residents of these  
42           homes or units.

44           Sections 681 and 682 apply relative to persons allowed at the  
46           voting place and the prohibition of influencing voters and  
48           political advertising while the clerk is conducting voting in  
              these facilities.

**Sec. 7. 21-A MRSA §759, sub-§7,** as enacted by PL 1991, c. 466,  
              §32, is amended to read:

**7. Processing before close of polls.** ~~If A notice is given~~  
              ~~following the procedure in section 621~~ signed by the municipal  
              officers must be posted at least 7 days before election day in  
              the same manner as posting the warrant under section 621, stating  
              that the clerk intends to begin ~~precess~~ processing absentee  
              ballots after 2:00 p.m. on election day, ~~the~~. The warden may  
              review the notes of the clerk on each return envelope and deposit  
              the absentee ballots into the ballot box before the close of the  
              polls. The clerk shall notify the chairs of each political party  
              of the municipality, in writing, of this procedure.

**Sec. 8. 21-A MRSA §901, sub-§4,** as enacted by PL 1985, c. 161,  
              §6, is amended to read:



- 2 1. Clarifies that the authority to appoint or remove  
4 members of the board of registration remains with the municipal  
6 officers and not with the nominating authority. The intent of  
8 the law was to require the consent of the nominating authority  
10 before the municipal officers could remove a board member  
12 nominated by a party;
- 14 2. Requires that 10 or more voters file a declaration of  
16 intent to form a new party instead of a voter. It also requires  
18 the names, addresses and telephone numbers of these individuals  
20 be on the declaration form;
- 22 3. Limits the price registrars may charge for reproducing a  
24 voter list to the cost of reproduction;
- 26 4. Amends the provisions regarding the formation of a new  
28 party by means of collecting signatures by requiring the  
30 submission of the signatures before voters can enroll in the  
32 party;
- 34 5. Requires the municipal clerks to notify the chairs of  
36 the political parties in their community when test ballots will  
38 be tested;
- 40 6. Requires the warrants to be sent to the municipal  
42 clerk. The municipal officers will announce the election in  
44 order to save the cost of an extra mailing;
- 46 7. Applies the same restrictions for political advertising  
48 when the clerk is voting persons at licensed nursing homes,  
50 licensed congregate housing and licensed boarding homes as apply  
at the polling place;
8. Clarifies the procedure for posting that absentee  
ballots will be processed after 2 p.m. on election day. It also  
requires that the municipal clerk notify the chairs of each  
political party in that community that absentee ballots will be  
processed after 2 p.m. on election day;
9. Provides a penalty for a circulator of an initiative or  
referendum petition who knowingly misrepresents the true meaning  
or intent of the petition or petition process;
10. Requires circulators of a petition to convey the true  
meaning of the intent of the referendum or initiative and of the  
petition process;
11. Makes a technical language change of "shall" to "must"  
and includes the proper manner of referring to the Maine  
Administrative Procedure Act; and

2           12. Requires a county charter commission to file their  
report 60 days before an election to give the Secretary of State  
4 sufficient time to print ballots.