

MAINE STATE LEGISLATURE

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JMG
R. G. S.

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L.D. 1204

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Date: 6/13/17

(Filing No. H-494)

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VETERANS AND LEGAL AFFAIRS

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Reproduced and distributed under the direction of the Clerk of the House.

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STATE OF MAINE

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HOUSE OF REPRESENTATIVES

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128TH LEGISLATURE

8

FIRST REGULAR SESSION

9

COMMITTEE AMENDMENT "A" to H.P. 840, L.D. 1204, Bill, "An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities"

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Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

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Sec. 1. 21-A MRSA §753-B, sub-§5, as amended by PL 2011, c. 534, §20, is further amended to read:

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5. Alternate method of balloting by residents of certain licensed facilities. The municipal clerk shall designate one or more times during the 30-day period prior to an election during which the municipal clerk shall be present in each licensed nursing home subject to the provisions of Title 22, chapter 405; licensed residential care facility subject to the provisions of Title 22, chapter 1664; and assisted housing program subject to the provisions of Title 22, chapter 1664, in the municipality for the purpose of conducting absentee voting by residents of these facilities. The licensed residential care facilities or assisted housing programs referred to in this subsection are those that are licensed to have 6 or more beds. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. The clerk shall post a notice in the municipal office that absentee voting will be conducted as prescribed in this subsection. The clerk shall provide a notice to each licensed facility of the date and time when absentee voting will be conducted. The notice must state that the licensed facility is required to notify the contact person or persons, if any, for each resident that absentee voting will be conducted. Each licensed facility must provide notice, which may be in the form of an e-mail or an electronic newsletter, to the contact person or persons, if any, for each resident of the date and time when absentee voting will be conducted at the facility. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk.'

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COMMITTEE AMENDMENT

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SUMMARY

This amendment replaces the bill, which proposes to prohibit the issuance of absentee ballots at nursing and residential care facilities to certain residents who have granted another person power of attorney in the absence of consent of that person who has been granted power of attorney. The amendment instead requires that the municipal clerk post notice of the date and time when absentee voting will be conducted at a licensed facility and requires the licensed facility to notify the contact person or persons, if any, for each resident at the facility that absentee voting will be conducted.

FISCAL NOTE REQUIRED

(See attached)



128th MAINE LEGISLATURE

LD 1204

LR 685(02)

An Act Regarding Absentee Voting by Residents of Nursing Homes and Other Residential Care Facilities

Fiscal Note for Bill as Amended by Committee Amendment 'A' (H-494)

Committee: Veterans and Legal Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential State Mandate - Unfunded

State Mandates

Required Activity	Unit Affected	Local Cost
Requires clerks to provide to each licensed facility a notice of the date and time when absentee voting will be conducted.	Municipality	Insignificant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.