

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 1-452

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J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND ELEVENTH LEGISLATURE

1983

have until January 1, 1985, to comply with this section. Nothing in this section may prohibit municipalities from establishing controls on manufactured housing which are less restrictive than are permitted by this section.

Effective September 23, 1983.

CHAPTER 425

H.P. 197 - L.D. 241

AN ACT to Clarify the Election Laws.

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

Sec. 1. 21 MRSA §1, sub-§7-A is enacted to read:

7-A. Closed period. "Closed period" means that time period when the registrar shall accept only voter registration applications in person.

Sec. 2. 21 MRSA §102-A, sub-§7 is enacted to read:

7. Design of application. The Secretary of State shall design the application so that it may be mailed in the manner of a postcard.

Sec. 3. 21 MRSA §103-A, sub-§1, as reallocated by PL 1977, c. 696, §176, is amended to read:

1. Application. A person qualified to register as provided in section 241, subsections 1 to 3, who is outside the United States may register by filing a federal postcard application or an application designed by the Secretary of State and provided by the registrar, containing the following information:

A. First name, middle name or initial and last name, or first name or initial, middle name and last name;

B. Legal address, including street, street number, apartment number, town, county and zip code;

C. Mailing address;

D. Date of birth;

- E. Last domicile immediately prior to departure from the United States;
- F. Voting precinct or election district of such last domicile within the United States;
- G. Whether a citizen by birth or naturalization; if by naturalization, the date, place and court of naturalization;
- H. Notification that failure to complete the entire application may prevent registration;
- I. Passport or card of identity registration number;
- J. Signature;
- K. Certification that all information is correct, sworn before a diplomatic or consular official of the United States or before the master of a United States vessel of 1,000 tons or more;
- L. Date of application; and
- M. Date of registration.

Sec. 4. 21 MRSA §103, sub-§2 is enacted to read:

2. Absentee ballot request. If a person residing outside the United States uses a federal postcard application to register to vote, that application may also be used to request an absentee ballot.

Sec. 5. 21 MRSA §362, as repealed and replaced by PL 1975, c. 761, §15, is amended to read:

§362. Voting list

On request of the person or persons calling a the biennial municipal caucus, made to the registrar at least 5 business days in advance thereof, the registrar shall prepare, at the expense of the municipality, a certified copy of the voting list for use at the caucus. The secretary of the municipal committee shall obtain the copy from the registrar and that copy shall be retained by the municipal committee.

Sec. 6. 21 MRSA §443, as repealed and replaced by PL 1977, c. 425, §1, is amended to read:

§443. Qualification for state and county office

A candidate for the office of Presidential Elector or for any county office must be a resident of and a voter in the electoral division he seeks to

represent on the date established for filing primary petitions in the year he seeks election, and He must maintain this a voting residence in that electoral division during his term of office.

Sec. 7. 21 MRSA §492, as amended by PL 1977 c. 564, §98, is further amended to read:

§492. Qualification for state and county office

A candidate for the office of Presidential Elector or for any county office must be a resident of and a voter in the electoral division he seeks to represent on the date established for filing nomination petitions in the year he seeks election, and He must maintain this a voting residence in that electoral division during his term of office.

Sec. 8. 21 MRSA §701, sub-§2, ¶A, as amended by PL 1973, c. 160, §1, is further amended to read:

A. Instructions printed. The following instructions must be printed in bold type at the top of the ballot: "MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE LEFT OF THE NAME OF THE CANDIDATE FOR WHOM YOU WISH TO VOTE. FOLLOW DIRECTIONS AS TO THE NUMBER OF CANDIDATES TO BE NOMINATED FOR EACH OFFICE. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT OR PASTING A STICKER WITH HIS THE PERSON'S NAME AND MUNICIPALITY OF RESIDENCE ON IT IN THE PROPER BLANK SPACE, AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE LEFT. DO NOT ERASE NAMES." NAMES WRITTEN IN OR ON STICKERS MUST SHOW THE MUNICIPALITY OF RESIDENCE OF EACH WRITE-IN CANDIDATE.

Sec. 9. 21 MRSA §702, sub-§2, ¶C, as amended by PL 1973, c. 160, §5, is further amended to read:

C. Further instructions. The following instructions must be printed in bold type at the top of the ballot: "MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE LEFT OF THE NOMINEE FOR WHOM YOU WISH TO VOTE. FOLLOW DIRECTIONS AS TO THE NUMBER OF NOMINEES TO BE ELECTED TO EACH OFFICE. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT AND THE PERSON'S MUNICIPALITY OF RESIDENCE IN THE PROPER BLANK SPACE AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE LEFT. DO NOT ERASE NAMES." NAMES WRITTEN IN MUST SHOW THE MUNICIPALITY OF RESIDENCE OF EACH WRITE-IN CANDIDATE.

Sec. 10. 21 MRSA §1033, as amended by PL 1973, c. 585, §12, is repealed.

Sec. 11. 21 MRSA §1045 is amended to read:

§1045. Challenge of right to vote

A voter who is challenged in a voting precinct where voting machines are used may not use the voting machine for casting his vote but must use an official absentee voting paper ballot.

Sec. 12. 21 MRSA §1048, sub-§3 is amended to read:

3. Counter totals preserved. The totals shown on the counters of a voting machine must be retained for 3 2 months after the election at which it is used.

A. Exception. If the occurrence of another election makes it imperative to remove the counter totals within 3 2 months after an election, the clerk shall have them photographed in his presence, and in the presence of the warden and an election clerk of a different party. The warden shall make a statement showing the number and counter totals of each machine as it is photographed. He shall sign the statement, have it attested and deliver it to the clerk who shall record it. As soon as the photographs are printed legibly, the clerk shall remove the totals, and retain the photographs for the balance of the 3-month 2-month period. If the machines were equipped with a device or devices which had produced a printed or photographed record of the vote shown on the candidate and question counters, the clerk shall remove the totals and retain the printed or photographed record for the balance of the 3-month 2-month period.

Sec. 13. 21 MRSA §1442-A, as enacted by PL 1977, c. 496, §35, is amended to read:

§1442-A: Candidacy by nomination petition

The nomination of a candidate or nominee, other than by party, to fill a vacancy shall be made by nomination petition. The nomination process shall be in the same manner as provided by chapter 17, except all petitions shall be filed by 5 p.m. on the latest date of established in the Governor's proclamation as provided in sections 1471, 1473, 1474, 1501, 1502, 1531, 1532 and 1533 for the meeting of the appropriate political committees to fill the vacancy or, where a special election is to be held, by 5 p.m. of the date specified in the proclamation for filing by party candidates for the special election.

Sec. 14. 21 MRSA §1444, first ¶ is amended to read:

A special election must be ~~notified~~ publicized and conducted as nearly as practicable like its regular counterpart.

Sec. 15. 21 MRSA §1472, first ¶ is amended to read:

If a person nominated for United States Senator, Representative to Congress or Governor at a ~~regular~~ primary election dies, withdraws or becomes disqualified at least 60 days before the general election, the Governor shall issue a proclamation.

Sec. 16. 21 MRSA §1473, first ¶ is amended to read:

If a person nominated for United States Senator, Representative to Congress or Governor at a ~~regular~~ primary election or by a political committee dies, withdraws or becomes disqualified less than 60 days before the general election, the Governor shall issue a proclamation.

Sec. 17. 21 MRSA §1474 is amended to read:

§1474. Certain nominees at any time

If a person nominated for an office, other than United States Senator, Representative to Congress or Governor, at a ~~regular~~ primary election or by a political committee dies, withdraws or becomes disqualified before the general election, the Governor shall issue a proclamation as provided in section 1473, and the procedure outlined in section 1442 must be followed.

Sec. 18. 21 MRSA §1578, sub-§1 is amended to read:

1. Registration and enrollment applications. The registrar shall keep registration, enrollment and changes of enrollment applications and requests in his office permanently, except that such records must be kept only 10 years for a voter whose name has been removed from the voting lists of the municipality under sections 171 and 172.