

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

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

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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A. Alteration, defacement, mutilation or modification of a work of fine art resulting from the passage of time or the inherent nature of the materials, provided that the alteration, defacement, mutilation or modification is not the result of gross negligence in maintaining or protecting the work of fine art; or

B. In the case of a reproduction, a change that is an ordinary result of the medium of reproduction.

Conservation is not an alteration, defacement, mutilation or modification within the meaning of this section, unless the conservation work can be shown to be grossly negligent.

This section does not apply to work prepared under contract for advertising or trade use, unless the contract so provides.

This section only applies to works of fine art knowingly displayed in a place accessible to the public, published or reproduced in this State.

5. Relief. An artist aggrieved under subsection 2 or 3 or his personal representative shall have a cause of action for legal relief and injunctive relief as described in subsection 3. No action may be maintained to enforce any liability under this section unless brought within 3 years of the act complained of or one year after the artist or his personal representative discovered or reasonably should have discovered the act, whichever is longer.

Effective September 19, 1985.

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## CHAPTER 383

H.P. 274 - L.D. 344

### AN ACT to Amend the Election Laws.

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

Sec. 1. 21-A MRS §23, sub-§7, as enacted by PL 1985, c. 161, §6, is amended to read:

7. Ballots and other election materials. The clerk shall keep the ballots and other election materials listed in section 698 in his office for 2 22 months and incoming voting lists for 2 years, unless sooner released to the Secretary of State or required by the Secretary of State to be kept longer. Once released to the Secretary of State, they shall be kept by him until any appeal period bearing on the validity of the election has expired. Notwithstanding this subsection, ballots used for municipal elections conducted under this Title, referenda elections or special legislative elections shall be kept for 2 months.

Sec. 2. 21-A MRSA §129, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

When a voter's name is changed by marriage or other process of law, or when he moves ~~from one voting district to another~~ in within a municipality, the following provisions apply.

Sec. 3. 21-A MRSA §152, sub-§1, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

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

Sec. 4. 21-A MRSA §154, sub-§1, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

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

Sec. 5. 21-A MRSA §165, as enacted by PL 1985, c. 161, §6, is amended to read:

§165. Copies of list available

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



Sec. 6. 21-A MRSA §171, sub-§1, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

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

Sec. 7. 21-A MRSA §354, sub-§8, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 8. 21-A MRSA §354, sub-§8-A is enacted to read:

8-A. Filed with the Secretary of State. A nomination petition must be filed in the office of the Secretary of State by 5 p.m. on the date of the primary election in the election year in which it is to be used.

Sec. 9. 21-A MRSA §603, sub-§6, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 10. 21-A MRSA §630, sub-§2, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

B. In municipalities in which one or more voting places are inaccessible to handicapped voters and in which the office of the clerk is in a building which is accessible as defined in subsection 1, paragraph A, the municipal officers shall designate the office of the clerk as an alternative voting place for physically handicapped voters who reside in voting districts which do not have accessible voting places. In municipalities in which one or more voting places and the office of the clerk are inaccessible to physically handicapped voters and in which one or more voting place is accessible to these voters, the municipal officers shall designate one of these accessible voting places, as centrally located as possible, as the alternative voting place for physically handicapped voters who reside in voting districts which do not have accessible voting places. A physically handicapped voter who wishes to vote at the office of the clerk or at an alternative voting place must notify the clerk of the municipality at least 5 days 48 hours before the date of any election. This notice may be waived if an emergency exists. The clerk shall keep a list of the persons who give this notice.

Not later than 10 days before the date of any election, the clerk shall issue a public notice designating the location of the alternative accessible voting place. This notice is not required in any municipality in which all or no voting places are accessible to these persons.

When a physically handicapped voter votes at the office of the clerk or at an alternative voting place, he shall vote by absentee ballot and the method of voting shall be the same as in section 754. If an alternative voting place has been designated the clerk shall furnish a reasonable number of absentee ballots and return envelopes to the warden. When the clerk or the warden receives such a ballot, he shall follow, as far as applicable, the same procedure prescribed in subchapter IV for the clerk to follow in handling absentee ballots.

Sec. 11. 21-A MRSA §682, sub-§3, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place. It does not prohibit a person from passing out stickers at the voting place which are to be pasted on the ballot at a primary election. It does not prohibit a person, other than an election official, from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

Sec. 12. 21-A MRSA §695, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Separated into lots. In counting the ballots, the election clerks shall separate them into distinct lots. Each of these lots must consist of ~~100~~ 50 ballots, except for one lot, which may have less than ~~100~~ 50 ballots. They shall place with each lot a statement of the count in that lot and the names of the election ~~clerk~~ clerks who made the count. They shall wrap the statement of the count around the outside of each lot of ballots.

Sec. 13. 21-A MRSA §737, sub-§6, ¶A is enacted to read:

A. In the case of a recount requested by a write-in candidate who fails to receive the minimum number of votes required and who is the only candidate to appear at the recount, all ballots

shall be considered "disputed" if the candidate concludes that he has received a sufficient number of votes for election.

Sec. 14. 21-A MRSA §1017, sub-§2, ¶F, as enacted by PL 1985, c. 161, §6, is amended to read:

F. Unless further reports will be filed in relation to a later election in the same calendar year, the disposition of any surplus or deficit in excess of \$50 shown in the reports described in paragraph E shall be reported to the commission on the first day of each quarter of the State's fiscal year, until the surplus is disposed of or the deficit is liquidated. The first report is not required until the first day of the quarter beginning at least 90 days from the date of the election. The reports may either be filed in person with the commission on that date or postmarked by that time on that date. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

Sec. 15. 21-A MRSA §1036, sub-§2, ¶F, as enacted by PL 1985, c. 161, §6, is amended to read:

F. The disposition of any surplus or deficit in excess of \$50 shown in the reports described in paragraph E shall be reported to the commission on the first day of each quarter of this State's fiscal year, until the surplus is disposed of or the deficit is liquidated. The first report is not required until the first day of the quarter beginning at least 90 days from the date of the election. The reports must set forth any contributions for the purpose of liquidating the deficit, in the same manner as contributions are set forth in other reports required in this section.

Sec. 16. 30 MRSA §5356, sub-§2 is enacted to read:

2. Title 21-A, chapter 13, subchapter III, does not apply to municipal referenda campaigns.