

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

Any municipality that the Division of Community Services finds to be in violation of the standards adopted by the division pursuant to this section, may be prohibited from acting as a local program operator or administrator of the fuel assistance program.

Effective July 16, 1986.

CHAPTER 614

H.P. 1284 - L.D. 1801

AN ACT to Clarify and Make Corrections in the Election Laws.

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

Sec. 1. 21 MRSA §1571-B, sub-§5, as amended by PL 1985, c. 116 and c. 425, is repealed.

Sec. 2. 21-A MRSA §1, sub-§2-A is enacted to read:

2-A. Armed Forces members; members of the Armed Forces. "Armed Forces members" or "members of the Armed Forces" means:

A. Personnel serving in the Army, Navy, Air Force, Marine Corps or Coast Guard and their spouses and dependents;

B. Members of the Merchant Marine of the United States, except those employed in the inland waterways and their spouses and dependents;

C. Civilian employees of the United States serving outside the territorial limits of the several states and the District of Columbia, whether or not paid from appropriated federal funds and their spouses and dependents when accompanying them; and

D. Members of religious groups and welfare agencies serving with or accompanying the Armed Forces and their spouses and dependents.

Sec. 3. 21-A MRSA §1, sub-§23, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 4. 21-A MRSA §103, sub-§6, as enacted by PL 1985, c. 161, §6, is amended to read:

6. Hours. In addition to the schedules under ~~sections 123 and 124~~ section 122, each board shall be open to act upon applications for registration and enrollment on at least one business day in each of the months of January, February and March in each even-numbered year.

Sec. 5. 21-A MRSA §112, sub-§§12 and 13, as enacted by PL 1985, c. 161, §6, are repealed.

Sec. 6. 21-A MRSA §122, sub-§3, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

3. Notice of new registration. When an applicant states in his application that he last voted in another municipality in this State or any other state, the registrar shall immediately send a notice of the applicant's new registration to the registrar of that municipality. The notice shall contain the following:

- A. The voter's name;
- B. The name under which registered, if changed;
- C. Date of birth; and
- D. Former street and mailing address.

The registrar who receives the notice shall remove the name from the voting list if he is satisfied as to the identity of the person and he need not send the notice required by section 162.

Sec. 7. 21-A MRSA §125, as enacted by PL 1985, c. 161, §6, is amended to read:

§125. Notice of schedule

The registrar shall publish the time and hourly schedules established under ~~sections 123 and 124~~ section 122, or as changed by the municipal officers, in a newspaper having general circulation in the municipality at least 7 days before the schedule becomes effective, except that, in municipalities with a population of 2,500 or less, the publication of the time schedule by the registrar is discretionary rather than compulsory.

Sec. 8. 21-A MRSA §126, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 9. 21-A MRSA §130, as enacted by PL 1985, c. 161, §6, is amended to read:

§130. Applications before notaries public

A notary public or other authorized person before whom a person completes an application for registration to vote, as provided in section 152, shall deliver the application to the registrar before the closed period for the acceptance of registrations in the person's municipality, to be placed on the voting list prior to the next election; except that applications completed under section ~~123~~ 122, subsection 5, and ~~section 124, subsection 4~~, may be delivered during the closed period for immediate placement on the voting list.

Sec. 10. 21-A MRSA §153, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Procedure. On receipt of the request and statement, the registrar shall visit the applicant and shall register and, if desired, enroll the applicant in accordance with this chapter. This section is subject to the restrictions found in ~~sections 123 and 124~~ section 122.

The municipality shall pay the registrar travel expenses at the same rate as paid other municipal employees.

Sec. 11. 21-A MRSA §157, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

In a city or town which has a board of registration, the clerk shall accept applications for registration and enrollment when the board is not in session, except during the closed period prior to election day under ~~sections 123 and 124~~ 122.

Sec. 12. 21-A MRSA §158, as enacted by PL 1985, c. 161, §6, is amended to read:

§158. Municipal caucus

The registrar or board of registration shall meet in session on the day of official party caucuses at times designated by the municipal officers ~~officials~~ to accept registrations and enrollments and all per-

sons so registered and enrolled may participate in their party caucus.

Sec. 13. 21-A MRSA §171, sub-§1, ¶G, as enacted by PL 1985, c. 161, §6, is amended to read:

G. Whether a citizen by birth or naturalization: If by naturalization, the date, place and court ~~of~~ of naturalization;

Sec. 14. 21-A MRSA §354, sub-§7, ¶B, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

B. Petitions must be delivered to the registrar for certification at least 5 business days before the date of the primary election.

Sec. 15. 21-A MRSA §354, sub-§7, ¶C is enacted to read:

C. The registrar of each municipality concerned shall certify which names on a petition appear on the voting list of the municipality as registered voters and shall strike out any names which do not satisfy subsection 3.

Sec. 16. 21-A MRSA §622, as enacted by PL 1985, c. 161, §6, is amended to read:

§622. Warrant

The warrant for announcing an election must read substantially as follows.

(Title of election) ELECTION WARRANT

(Name of county), ss.

State of Maine

To (name of constable or resident), a constable (or resident) of (name of municipality): You are hereby required in the name of the State of Maine to notify the voters of ~~(name of municipality)~~ this municipality of the election described in this warrant.

To the voters of (name of municipality and voting district, if any):

You are hereby notified that ~~the~~ an (title of election) election ~~in this municipality~~ will be held at (name of voting place) on (day and date of election) for the purpose of ~~effecting~~ the (nomination or

election) to the following offices: (list of offices); and determining the following referendum questions: (list of questions).

The polls shall be opened at _____ a.m. and closed at _____ p.m.

The registrar of voters or board of registration will hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election. A voter who is not enrolled in a political party may not vote in a primary election.

Dated at {name of municipality},

(date signed).

Majority of municipal officers
of (name of municipality)

Sec. 17. 21-A MRSA §661, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Registration and enrollment. The registrar shall accept registrations under ~~sections 123 and 124~~ section 122. He shall accept the enrollment of any voter under section 143.

Sec. 18. 21-A MRSA §672, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§672. Assistance

A voter who is unable to read or mark his ballot because of physical disability, illiteracy or religious faith may request another person, other than the voter's employer or agent of that employer or officer or agent of the voter's union, to assist the voter in reading or marking the ballot.

1. Assistance by election officials. The voter may request one or more election officials to assist.

2. Assistance by persons not voters. The assistant need not be a voter or of voting age.

Sec. 19. 21-A MRSA §698, sub-§2, as amended by PL 1985, c. 357, §§5 and 19, is further amended to read:

2. Ballots replaced in containers. The election clerks shall place the sealed packages of used ballots, envelopes containing challenge ~~certificate~~ certificates, unused ballots, spoiled ballots, defective ballots, void ballots, used and unused absentee ballots, used absentee envelopes and used absentee applications in the containers in which the regular ballots were delivered. They shall then seal the containers publicly. The total number of used ballots, unused ballots, spoiled ballots, defective ballots and absentee ballots must equal the number of ballots furnished by the Secretary of State to the municipal clerk, less the number of absentee ballots issued to voters and not returned.

Sec. 20. 21-A MRSA §753, sub-§2-A, ¶B, as enacted by PL 1985, c. 357, §§10 and 19, is amended to read:

B. The clerk shall ask the voter for the information required on the application and shall fill in the application with that information, except the voter's signature and shall write "telephone request" on the application.

Sec. 21. 21-A MRSA §763, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

§763. Return of election materials

As soon as the ballots have been counted, the applications, where required, absentee ballots, return envelopes, lists required by section 756 and other election materials shall be repacked, in accordance with section 698, and returned to the clerk. The clerk shall keep them in the clerk's office for the time required by section 23, subsection 7.

Sec. 22. 21-A MRSA §827, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Counter totals preserved. The totals shown on the counters of a voting machine must be retained for 2 22 months after the election at which the machine is used.

A. If the occurrence of another election requires the removal of the counter totals within 2 22 months after an election, the municipal clerk must have them photographed in his presence and in the presence of the warden and an election clerk of a party other than that of the warden. The warden must make a statement showing the number and counter totals of each machine as it is photographed. He must sign the statement, have it attested and deliver it to the municipal clerk who shall record it. As soon as the photographs are printed legibly, the municipal clerk shall remove the totals and retain the photographs for the balance of the ~~2-month~~ 22-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 municipal clerk shall remove the totals and retain the printed or photographed record for the balance of the ~~2-month~~ 22-month period.

Notwithstanding the requirements of this paragraph, counter totals for municipal elections conducted under this Title, referenda elections or special legislative elections shall be kept for 2 months.

Sec. 23. 21-A MRSA §1052, sub-§5, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor organization whose purpose is to influence the outcome of an election including a candidate or question; and

(2) Any person which serves as a funding and transfer mechanism and by which moneys are expended to advance, promote, defeat, influence in any way or initiate a candidate, campaign, political party, referendum or initiated petition in this State; and

(3) Any person who makes expenditures other than by contribution to a political action committee, for the purpose of the initiation, promotion or defeat of any question; and

Sec. 24. 21-A MRSA c. 13, sub-c.III, as amended, is repealed.

Sec. 25. 21-A MRSA §1201, sub-§5, House Districts 28, 32, 39, 55 and 103, as enacted by PL 1985, c. 161, §6, are amended to read:

District Number 28, in the County of Cumberland consisting of that portion of the City of Portland enclosed by a line described as follows: Beginning at the Fore River at its intersection with Danforth Street; thence north on Danforth Street to the Maine Central Railroad track; thence east on the Maine Central Railroad tracks to its intersection with a line representing the southerly extension of Emery Street; thence north along the southerly extension of Emery Street to Emery Street; thence north on Emery Street to Spring Street; thence west on Spring Street to Thomas Street; thence north on Thomas Street to Pine Street; thence west on Pine Street to Carleton Street; thence north on Carleton Street to Brackett Street; thence west on Brackett Street to Charles Street; thence northwest on Charles Street to Crescent Street; thence east on Crescent Street to Ellsworth Street; thence northeast on Ellsworth Street to Congress Street; thence west on Congress Street to Gilman Street; thence north on Gilman Street to Park Avenue; thence west on Park Avenue to St. John's Street and the Maine Central Railroad bridge; thence south on Maine Central Railroad to the intersection of the Boston and Maine Railroad; thence north on the Boston and Maine Railroad to Brighton Avenue; thence west on Brighton Avenue to Whitney Avenue; thence south on Whitney Avenue to Congress Street; thence west on Congress Street to Stevens Avenue; thence north on Stevens Avenue to Capisic Street; thence west on Capisic Street to Bancroft Street; thence north on Bancroft Street to Brighton Avenue; thence west on Brighton Avenue to Dorset Street; thence north on Dorset Street to Riggs Street; thence west on Riggs Street to Warwick Street; thence north on Warwick Street to Sunset Lane; thence northwest on Sunset Lane to Pinecrest Road; thence north on

Pinecrest Road to Birchweed Road; thence west on Birchweed Road; excluding both sides of Birchweed Road to its northernmost point; thence along a line due north to the Boston and Maine Railroad; thence west along the Boston and Maine Railroad to its nearest point of intersection with Holm Avenue; thence along a line due south to Holm Avenue; thence south along Holm Avenue to Robin Street; thence east along Robin Street to Taft Avenue; thence south on Taft Avenue to Godfrey Street; thence east on Godfrey Street to Purchase Street; thence south on Purchase Street to Popham Street; thence west on Popham Street to Cabot Street; thence south on Cabot Street to Brighton Avenue; thence west on Brighton Avenue to the Portland-Westbrook boundary; thence south on the Portland-Westbrook boundary to the Portland-South Portland boundary, the Fore River; thence east on the Fore River to Danforth Street.

District Number 32, in the County of Cumberland, consisting of that portion of Portland enclosed by a line described as follows: Beginning at the intersection of the Boston and Maine Railroad and Forest Avenue; thence north along Forest Avenue to Allen Avenue; thence north along Allen Avenue to Summit Street; thence northwest along Summit Street to Jackson Street; thence west along Jackson Street to Auburn Street; thence north along Auburn Street to Hillside Road; thence east along Hillside Road to Summit Street; thence northwest along Summit Street to Abbey Lane; thence north on Abbey Lane to Crestview Drive; thence north on Crestview Drive to Bonny Street; thence north on Bonny Street to Carter Street; thence north on Carter Street to Panoramic View; thence northwest on Panoramic View to Longview Drive; thence southwest on Longview Drive to Auburn Street; thence north on Auburn Street to the Portland-Falmouth boundary; thence west along the Portland-Falmouth boundary to the Presumpscot River, Portland-Westbrook boundary; thence south along the Portland-Westbrook boundary to the Boston and Maine Railroad; thence east along the Boston and Maine Railroad to its nearest point to the intersection of Holm Avenue and Birchweed Road; thence east along Birchweed Road; including both sides of Birchweed Road; to Pinecrest Road; thence north along Pinecrest Road to its nearest point to the Boston and Maine Railroad; a line following the boundary line between 153 and 159 Pinecrest; thence on a straight line to the Boston and Maine Railroad; thence east along the

Boston and Maine Railroad to its intersection with Stevens Avenue.

District Number 39, in the County of Cumberland, consisting of the municipality of Falmouth and that portion of the City of Portland to the north and east of a line described as follows: Beginning at the Falmouth-Portland boundary at its intersection with Allen Avenue; thence south on Allen Avenue to Summit Street; thence northwest along Summit Street to Jackson Street; thence west along Jackson Street to Auburn Street; thence north along Auburn Street to Hillside Road; thence east along Hillside Road to Summit Street; thence northwest along Summit Street to Abbey Lane; thence north on Abbey Lane to Crestview Drive; thence north on Crestview Drive to Bonny Street; thence north on Bonny Street to Carter Street; thence north on Carter Street to Panoramic View; thence northwest on Panoramic View to Longview Drive; thence southwest on Longview Drive to Auburn Street; thence north on Auburn Street to the Portland-Falmouth boundary; and that portion of the municipality of Cumberland enclosed by a line described as follows: Beginning at the intersection of State Highway 88 and the Cumberland-Falmouth boundary; thence north along Route 88 to Heritage Lane; thence west on Heritage Lane to Carriage Road; thence north on Carriage Road; thence east on Carriage Road to Route 88; thence north on Route 88 to King's Highway; thence west on King's Highway to Tuttle Road; thence west on Tuttle Road to Interstate 95; thence south on Interstate 95 to the Falmouth-Cumberland boundary.

District Number 55, consisting of the municipalities of Carrabassett Valley, Coplin Plantation, Dallas Plantation, Eustis, Industry, Kingfield, Madrid, New Vineyard, Phillips and Strong, and the unorganized territories of East Franklin County, North Franklin County, and Wyman Township, in Franklin County, the municipalities of Embden, Highland Plantation and New Portland, and the unorganized ~~territories~~ territory of Central Somerset County, known as Lexington and ~~Genee~~ Townships Township in Somerset County.

District Number 103, consisting of the municipalities of Anson, Athens, Bingham, Brighton Plantation, Caratunk, Dennistown Plantation, Highland Plantation, Jackman, Moose River, Moscow, Pleas-

ant Ridge Plantation, Solon, The Forks Plantation, West Forks Plantation and the unorganized territories of East Somerset County, North Somerset County and West Somerset County, and the unorganized territory of Central Somerset County, known as Concord Township in the County of Somerset.

Sec. 26. 30 MRSA §2062, sub-§2, as amended by PL 1985, c. 161, §10, is further amended to read:

2. Absentee ballot. The absentee ballot requirements of Title 21-A, section ~~752~~ 762, shall apply, provided that the words "Absentee Ballot" may be marked conspicuously, instead of printed, on both sides of the folded ballot, if at least one such marking includes an attestation with the written signature of the clerk and is sealed with the municipal seal.

Sec. 27. 30 MRSA §5356, sub-§2, as enacted by PL 1985, c. 383, §16, is amended to read:

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

Sec. 28. 33 MRSA §602, as amended by PL 1975, c. 771, §375, is further amended to read:

§602. Examination of lists by Governor; certificates; tenure

The meetings for such election shall be notified, held and regulated and the votes received, sorted, counted, declared and recorded in the same manner as votes for Representatives, and fair copies of the lists of votes shall be attested by the municipal officers and clerks of towns and sealed up in open town meeting, and town clerks shall cause them to be delivered into the office of the Secretary of State. The Governor shall open and examine the same and the list of votes of citizens in the military service returned to said office. He has the same power to correct errors as is conferred by Title ~~21~~ 21-A. He shall forthwith issue certificates of election to such persons as have a plurality of all the votes for each county or registry district. The person thus elected and giving the bond required in section 603 approved by the county commissioners shall hold his

office for 4 years from the first day of the next January and until another is chosen and qualified.

Effective July 16, 1986.

CHAPTER 615

S.P. 864 - L.D. 2178

AN ACT to Extend the Judicial Certification
Procedures to Institutions Housing
Mentally Retarded Persons.

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

34-B MRSA §3872 is enacted to read:

§3872. Treatment of dually diagnosed persons

In the case of a patient who has been admitted to a state mental health institute on a voluntary or involuntary basis and who has also been diagnosed as mentally retarded, the chief administrative officer of the state mental health institute shall, after the patient has been a resident for a period of no more than 6 months, determine whether the patient is capable of giving informed consent to continued hospitalization.

If at that time the chief administrative officer of the state mental health institute determines that the patient is not capable of giving informed consent to continued hospitalization, the patient may be admitted for extended care and treatment only after judicial certification pursuant to the procedures contained in section 5475.

For the purpose of this section the state mental health institutes shall be considered facilities under section 5461, subsection 5.

Effective July 16, 1986.

CHAPTER 616

S.P. 784 - L.D. 1969

AN ACT to Protect the Confidentiality of
Certain Utility Employee Records.