

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

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it, will have served sufficient time as originally calculated and thus be eligible for parole even without benefit of this provision;

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

17-A MRSA §1254, sub-§4 is enacted to read:

4. Any prisoner convicted of an offense committed prior to the effective date of this code and sentenced under the law then in effect may elect to have his parole eligibility calculated using the good-time and meritorious good-time deductions available to prisoners sentenced under this code. The election shall result in the application in its entirety of the most favorable good-time and meritorious good-time law during the effective dates of each such law to the parole eligibility determination of the electing prisoner. The parole eligibility and good-time and meritorious good-time deductions of a prisoner who does not so elect shall be calculated in accordance with the laws in effect on the date the offense was committed. Nothing in this section may be construed to compel or permit discharge of any prisoner sooner than the discharge would have occurred under the law in effect on the date the offense was committed.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 17, 1987.

CHAPTER 62

H.P. 705 — L.D. 947

AN ACT Relating to Absentee Balloting by Residents of Nursing Homes, Boarding Homes and Congregate Housing Units.

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

Sec. 1. 21-A MRSA §753, sub-§3, as amended by PL 1985, c. 357, §§10 and 19, is further amended to read:

3. Application or request received. On receipt of a completed application or a request for an absentee ballot signed by the applicant, the clerk shall immediately send or deliver an absentee ballot and return envelope to the applicant or to a 3rd person designated in the application or request. The clerk shall not deliver to a 3rd person whose name appears on the ballot any absentee ballot requested by a resident of a licensed nursing home, as defined in Title 22, chapter 405; licensed boarding

home, as defined in Title 22, chapter 1665; or certified congregate housing unit, as defined in Title 22, chapter 1457-A. The clerk shall not deliver to a 3rd person any absentee ballot requested under subsection 2-A. If a municipal election is to be held on the same date as a statewide election, absentee ballots for the municipal and statewide election may be issued in response to the same application. The clerk shall issue to any 3rd person designated in an application or request only enough absentee ballots to insure that that person will not have more than 40 absentee ballots for voters in a municipality at any time. Such a 3rd person must, unless good cause is shown, return an absentee ballot to the clerk's office within the time limits provided in section 755. The clerk shall include a ballot application to be completed by the person who signed only a written request, unless the written request is sufficient under subsection 2. The clerk shall type or write in ink the name and the legal address of the person for whom the absentee ballot is intended in the upper left hand section of all return envelopes.

A. If the clerk receives a duplicate application from a person from whom the clerk has received a return envelope apparently containing an absentee ballot, the clerk shall not furnish another absentee ballot for that person.

B. The clerk may issue a 2nd absentee ballot to an applicant, if the applicant requests one, in person or in writing and:

(1) The applicant states good cause, including, but not limited to, loss of, spoiling of or damage to the first absentee ballot; or

(2) An absentee ballot for the applicant which was furnished to a designated 3rd person is not returned to the clerk's office within 5 business days of the date that ballot was sent or delivered to the 3rd person or by 10 a.m. on the day before election day, whichever is earlier. This subparagraph shall not be construed to affect the time for delivery of absentee ballots under section 755.

Sec. 2. 21-A MRSA §753, sub-§3-A is enacted to read:

3-A. Alternate method of balloting by residents of licensed nursing homes, licensed boarding homes or certified congregate housing units. 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 any licensed nursing home, as defined in Title 22, chapter 405; licensed boarding home, as defined in Title 22, chapter 1665; or certified congregate housing unit, as defined in Title 22, chapter 1457-A, for the purpose of absentee balloting by the residents of these homes or units.

Effective September 29, 1987.