

# 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,  
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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

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~~certified mail, return receipt requested, or by in hand notice. The signature of the mother on her written consent shall also be acknowledged before an official authorized to take oaths. If a determination of paternity has been made by a court of competent jurisdiction, then the name of the father as determined by the court shall be entered on the birth certificate without the father's or the mother's consent.~~

Effective September 29, 1987.

## CHAPTER 188

H.P. 1154 — L.D. 1569

### AN ACT to Amend Certain Election Laws.

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

**Sec. 1.** 21-A MRSA §111, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Residence. He must have established and maintain a voting residence in that municipality.

**Sec. 2.** 21-A MRSA §115, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Certain persons may not register or vote. A person under guardianship because of mental illness may not register or vote in any election, as provided in the Constitution of Maine, Article II, Section 1.

**Sec. 3.** 21-A MRSA §154, as amended by PL 1985, c. 383, §4, is further amended to read:

#### §154. Registration and enrollment for citizens outside the United States

1. Application. A person qualified to register under section 111, subsections 1 to 3 and 2 and section 751, subsection 8, who is outside the United States may register and enroll 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. Residence address, including street, street number, apartment number, town, county and zip code;
- C. Mailing address;
- D. Date of birth;
- E. Last domicile immediately before departure from the United States;

F. Voting district of the 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 identity card 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;

M. Date of registration; and

N. Choice of political party if the registrant wishes to enroll.

**Sec. 4.** 21-A MRSA §501, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. In a city. In a city, the election selection, term of office, compensation and partial duties of wardens and ward clerks are determined by the city charter. Additional duties are prescribed by this Title.

**Sec. 5.** 21-A MRSA §604-A is enacted to read:

#### §604-A. Flexibility for combining election ballots

Notwithstanding any other provision of this Title, the Secretary of State may make suitable arrangement for the printing of candidate, referendum and municipal election ballots on a single paper ballot or ballot card used in conjunction with electronic voting systems. The Secretary of State may only allow such a combination if he finds that it is in the interest of the election process and that it will not contribute to voter confusion or unreasonable administrative difficulties.

**Sec. 6.** 21-A MRSA §698, sub-§2, as amended by PL 1985, c. 614, §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 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, except that referendum ballots may be sealed in separate containers. 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. 7. 21-A MRSA §724-A is enacted to read:

§724-A. Written notice to Legislature

At the time the Governor publicly proclaims the result of the vote on any measure referred to the people for approval under the Constitution of Maine, Article IV, Part Third, Section 17 or 18, he shall also provide written notice of the result of that vote to the President of the Senate, the Speaker of the House and the Revisor of Statutes.

Sec. 8. 21-A MRSA §736, as enacted by PL 1985, c. 161, §6, is amended by adding after the first paragraph a new paragraph to read:

If a ballot contains state and local candidates or questions, the Secretary of State shall set priorities on which requests for inspection shall be honored first if more than one request is presented.

Sec. 9. 21-A MRSA §737, sub-§3-A is enacted to read:

3-A. Recount request. If a ballot contains state and local candidates or questions, the Secretary of State shall set priorities on which requests for recount shall be honored first if more than one request is presented.

Sec. 10. 21-A MRSA §738, as enacted by PL 1985, c. 161, §6, is amended to read:

§738. Statewide referendum ballots

On petition signed by 100 or more affected voters, an inspection and recount may be held on any referendum question by applying to the Secretary of State within the deadlines provided in sections 736 and 737. A deposit shall be required if the percentage difference between the yes and no votes falls within the requirements of section 737, subsection 2. Appeal of disputed ballots must be to the Commission on Governmental Ethics and Election Practices as provided under Article IV.

If a ballot contains state and local candidates or questions, the Secretary of State shall set priorities on which requests for inspection and recount shall be honored first if more than one request is presented.

Sec. 11. 21-A MRSA §751, sub-§5, as enacted by PL 1985, c. 161, §6, is amended to read:

5. Distance from polls. Unreasonable distance from the polls, if he is a resident of a township or a coastal island ward or district; or

Sec. 12. 21-A MRSA §751, sub-§6-A, as enacted by PL 1985, c. 357, §§7 and 19, is amended to read:

6-A. Working when polls are open. Working during the entire time the polls in his municipality are open;

Sec. 13. 21-A MRSA §751, sub-§§7 and 8 are enacted to read:

7. Resident of certain facilities. 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, when the clerk is present; or

8. Citizens outside the United States. If a citizen residing outside the United States does not have a place of abode or other address in the State, or if his intent to return to this State is uncertain, he may vote by absentee ballot in elections in the State, as long as the following qualifications are met:

A. He must have been domiciled in the State immediately before his departure from the United States;

B. He must not maintain a domicile, not be registered to vote, and not be voting in any other state or territory or in any territory or possession of the United States;

C. He must maintain his citizenship in the United States; and

D. He has registered to vote under section 154.

Sec. 14. 21-A MRSA §752, sub-§1, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. At least 90 days before the election to which they pertain, the Secretary of State shall furnish each municipality with a reasonable number of blank absentee ballots for the exclusive use of members of the Armed Forces and citizens outside the United States who have met the qualifications in section 751. These ballots shall be similar to regular ballots, except that no candidate names may be printed. The Secretary of State shall prepare a ballot listing all offices to be selected with a space after each office to write in the voter's preference. The following instructions must be printed in bold type at the top of the ballot: YOU MAY VOTE FOR A PERSON BY PLACING THAT PERSON'S NAME AND MUNICIPALITY OF RESIDENCE IN THE BLANK SPACE UNDER THE PROPER OFFICE.

Sec. 15. 21-A MRSA §753, sub-§3, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

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 of the date that 3rd person was notified by the clerk that the ballot was available, or by 10 a.m. on the day before election day, whichever is earlier. If a ballot for an applicant is not returned to the clerk within 5 days of notification, then the clerk shall mail a ballot to that applicant on the 6th day after notification and shall issue no other ballot to the applicant except for good cause as provided in this subsection. This subparagraph shall not be construed to affect the time for delivery of absentee ballots under section 755.

**Sec. 16.** 21-A MRSA §906, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

The Secretary of State shall prepare the ballots for referendum questions according to the following provisions, subject to the authority contained in section 604-A.

**Sec. 17.** 21-A MRSA §1014, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. **Authorized by candidate.** Whenever any person makes an expenditure to finance communications expressly advocating the election or defeat of a clearly identified candidate through broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails and other similar types of general political advertising and through flyers, handbills, bumper stickers and other nonperiodical publications, the communication, if authorized by a candidate, a candidate's authorized political committee or their agents, must clearly and conspicuously state that the communication has been so authorized and must clearly state the name and address of the person who made or financed the expenditure for the communication.

An expenditure which results in a violation of this subsection may result in a penalty of no more than \$100 if the violation is not corrected within 10 days after the candidate receives notification of the violation from the commission. Enforcement and collection procedures shall be in accordance with section 1020.

**Sec. 18.** 30 MRSA §2063, first ¶, is amended to read:

Upon written application of any candidate for a municipal office within 3 days after the result of a city election or an election under section 2061 has been declared, the clerk shall permit him or his agent to inspect the ballots under proper protective regulations, subject to the requirement in Title 21-A, section 736.

**Sec. 19.** 30 MRSA §2064, first ¶ is amended to read:

A candidate for any municipal office who has first inspected the ballots according to section 2063 may obtain a recount of the votes cast for that office, subject to the

requirement in Title 21-A, section 737, subsection 3-A.

Effective September 29, 1987.

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## CHAPTER 189

H.P. 1170 — L.D. 1596

### AN ACT to Change the Water Quality Classification of the Carrabassett River and certain of its Tributaries.

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

38 MRSA §467, sub-§4, ¶B, as enacted by PL 1985, c. 698, §15, is repealed and the following enacted in its place:

#### B. Carrabassett River Drainage.

##### (1) Carrabassett River, main stem.

(a) Above a point located 1.0 mile above the railroad bridge in North Anson — Class A.

(b) From a point located 1.0 mile above the railroad bridge in North Anson to its confluence with the Kennebec River — Class C.

##### (2) Carrabassett River, tributaries.

(a) All tributaries entering the Carrabassett River above its confluence with the West Branch — Class A.

(b) Gilman Stream (New Portland) from the bridge at New Portland to its confluence with the Carrabassett River — Class B.

(c) Harris Brook (New Portland) below Route 16 in Village of North New Portland to its confluence with Gilman Stream — Class A.

(d) Mill Stream (Anson) from the railroad bridge in North Anson Village to its confluence with the Carrabassett River — Class C.

(e) Stanley Stream (Kingfield) — Class A.

(f) West Branch of the Carrabassett River and its tributaries — Class A.

Effective September 29, 1987.

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## CHAPTER 190

H.P. 1172 — L.D. 1598