

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

CHAPTER 797

S.P. 123 — L.D. 328

AN ACT to Establish a Presidential
Primary in Maine.

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

Sec. 1. 21-A MRS §335, sub-§5, ¶B-1, is enacted to read:

B-1. For a candidate for the office of President of the United States, at least 2,000 and not more than 3,000 voters;

Sec. 2. 21-A MRS c. 5, sub-c. IV is enacted to read:

SUBCHAPTER IV

PRESIDENTIAL PRIMARY ELECTIONS

§401. Determination and date of primary

1. Determination of primary. Whenever the state committee of a political party certifies that there is a contest among candidates for nomination as the presidential candidate of the party and that the committee has voted to conduct a presidential primary election, the State shall hold a presidential primary election. The election shall not be held earlier than January 1st of the year that the presidential election is held.

2. Date of primary. The date of the presidential primary shall be chosen in the following manner.

A. If a determination is made pursuant to subsection 1 for one party and that party chooses a date, the State shall hold the presidential primary election on that date. The party shall deliver to the Secretary of State notification of the chosen date by December 1st of the year prior to the election.

B. If a determination is made pursuant to subsection 1 for more than one party and those parties agree to one date by November 1st of the year prior to the election, the State shall hold the presidential primary election on that date.

C. If a party does not choose a date pursuant to paragraph A or there is no agreement on a date pursuant to paragraph B, then the State shall hold the presidential primary election on the first Tuesday in March, or on the same date as the presidential primary election for the state of New Hampshire, whichever is earlier, provided that the election is held in the presidential election year.

§402. Party certification

The state committee shall file the certification with the Secretary of State by December 1st of the year prior to the election. This certification shall contain the following:

1. Statement of contest. A statement that there is a contest among candidates for nomination as the presidential candidate of the party;

2. Identification of contestants. Identification of at least 2 of the contestants for nomination as the presidential candidate of the party; and

3. Statement of committee vote. A statement that the state committee has voted to conduct a presidential primary election.

§403. Petitions

On or before July 1st of the year preceding each presidential election year, the Secretary of State shall prepare and make available petitions for circulation by persons desiring to be contestants in the Maine presidential primary of any party. These petitions must be completed and filed 45 days before the primary election in the manner provided in sections 335 and 336.

§404. Ballot preparation

The Secretary of State shall prepare ballots for the presidential primary election in accordance with section 601-A.

§405. Candidate eligibility

1. Petitions. The ballots shall include the name of any person who files with the Secretary of State a petition obtained under section 403 and completed in accordance with sections 335 and 336. The Secretary of State shall determine if a petition meets the requirements of those sections, subject to challenge and appeal under section 337.

2. Secretary of State determination. The following provisions govern the Secretary of State's selection of presidential candidates to appear on the ballot.

A. The ballots shall include the name of any person who is a member of a political party which has qualified under subchapter I and who has been determined by the Secretary of State, in the Secretary of State's sole discretion, to be generally advocated or recognized as a presidential candidate of nationwide stature in the national news media throughout the United States. This subsection shall not be construed to include so-called "favorite son" candidates whose candidacy may be limited to one state.

B. The Secretary of State shall determine the persons who will be placed on the ballot under this subsection at least 30 days before the ballots are prepared. The Secretary of State shall promptly notify those

persons that their names will appear on the ballot and shall also advise those persons of the steps which they must take if they do not wish their names to appear on the ballot.

C. Any persons who the Secretary of State determines should be placed on the ballot under this subsection may have their names withdrawn from the ballot by filing affidavits with the Secretary of State in which the persons designated swear under oath that they request that their names be omitted from the ballot.

In order to remove a person's name from the ballot, the affidavit must be received by the Secretary of State at least 45 days before the date designated for the presidential primary election.

§406. Selection of delegates

If a party chooses to participate in a presidential primary election under this chapter, delegates to national presidential nominating conventions shall be selected by the state parties meeting in convention under subchapter I, article II, at any time after the presidential primary.

The methods and procedures for selection of delegates shall be according to reasonable procedures established at the state party convention. In the absence of any procedures established by state or national party rules, the allocation shall be as follows.

1. Proportional allocation. Delegates to the national convention must be allocated proportionately among the candidate votes and the uncommitted votes cast in the presidential primary of the party.

A. All candidates receiving 10% or more of the total votes for candidates or uncommitted must be allocated a share of delegates which approaches, as closely as possible, their respective shares of the total vote.

B. The percentages of votes attributable to candidates receiving less than 10% of the total vote shall be added to the total percentage of uncommitted votes for the purpose of allocating delegates.

2. Uncommitted delegates. A delegate elected as an uncommitted delegate may support any presidential candidate at any time and may change support for this candidate in the delegate's sole discretion.

3. Committed delegates. A delegate elected for a particular presidential candidate according to the proportional allocation specified by this section shall vote for that candidate on the first ballot at the national nominating convention, unless the state committee of the party affirmatively votes to follow another procedure or if, prior to the filing of the certification under sections 401 and 402, the candidate for whom a particular delegate is elected specifically withdraws, as verified by the chairman of the national party, from consideration for the presiden-

tial nomination at any time before the first ballot at the national nominating convention.

§407. Cost

Whenever a municipality complies with the provisions of this chapter, the State shall bear the cost incurred.

Sec. 3. 21-A MRSA §601-A is enacted to read:

§601-A. Presidential primary ballot

The Secretary of State shall prepare the presidential primary ballots according to the following provisions.

1. Arrangement. The ballot must be arranged in one column.

2. Content. The ballot must contain the items listed in this section.

A. 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. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT OR PASTING A STICKER WITH THAT PERSON'S NAME 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.

IF YOU WISH TO VOTE FOR UNCOMMITTED, MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE LEFT OF THE WORD ‘UNCOMMITTED.’ MARK ONLY ONE SQUARE.”

B. The ballot must contain the name, without any title, of each candidate arranged alphabetically with the last name first in block capital letters, followed by the first name and middle name or initial, or followed by the first name or first initial and the middle name. The name of each candidate may be printed on the ballot in only one space.

C. The ballot must contain the word “uncommitted” following the list of candidates.

D. A square shall be printed at the left side of and close to the name of each candidate and uncommitted space, so that a voter may designate any choice clearly by a cross (X) or a check mark (✓).

E. On the front and back of the folded ballot must be printed “Official (name of political party) Presidential Primary Ballot,” the date of the election and a facsimile of the signature of the Secretary of State.

3. Distinctively colored. The ballots must be printed

separately for each political party on paper of a distinctive color: White for the party which cast the greatest number of votes for Governor at the last gubernatorial election; yellow for the 2nd highest; blue for the 3rd highest; and green for the 4th highest. The Secretary of State shall choose a distinctive color for ballots for any other political party.

Effective August 4, 1988.

CHAPTER 798

H.P. 1470 — L.D. 1981

AN ACT to Replace the Sales Tax with an Excise Tax on Jet Fuel Used by Turbine-Powered Aircraft Providing Commercial Air Service in Maine.

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

Sec. 1. 36 MRSA §1760, sub-§8, ¶B, as amended by PL 1983, c. 852, §2, is further amended to read:

B. Internal combustion engine fuel, as defined in section 2902, bought and used for the purpose of propelling jet or turbojet engine aircraft ~~in international flights~~; and

Sec. 2. 36 MRSA §2903, sub-§1, as enacted by PL 1983, c. 852, §4, is amended to read:

1. Excise tax levied. Except as provided in subsection 2, an excise tax is levied and imposed at the rate of 14¢ per gallon upon internal combustion engine fuel sold or used within this State, including these sales when made to the State or any political subdivision thereof, for any purpose whatsoever, except the internal combustion engine fuel sold or used in such form and under such circumstances as shall preclude the collection of this tax by reason of the laws of the United States, or sold wholly for exportation from the State, or brought into the State in the ordinary standardized equipment fuel tank attached to and forming a part of a motor vehicle and used in the operation of that vehicle within the State, except that the rate shall be 3.4¢ per gallon upon internal combustion engine fuel, as defined in section 2902, bought or used by any person, association of persons, firm or corporation for the purpose of propelling jet or turbojet engine aircraft, not for international flights, and except that no tax may be levied upon internal combustion engine fuel, as defined in section 2902, bought or used by any person, association of persons, firm or corporation for the purpose of propelling jet or turbojet engine aircraft, for international flights, or sold wholly for exportation from the State, or brought into the State in the fuel tanks of an aircraft, or on or after July 1, 1983, sold in bulk to any political subdivision of the State. On the same fuel only one tax shall be paid to the State, for which tax the distributor first receiving the fuel in the

State shall be primarily liable to the State, except when that fuel has been sold and delivered to a licensed exporter wholly for exportation from the State, or to another distributor in the State, in which case the purchasing distributor shall be primarily liable to the State for the tax.

Internal combustion fuel, as defined in section 2902, which is held by retailers at the close of March 31, 1983, shall be subject to the 14¢ per gallon tax rate. Retailers, as defined in section 1752, subsection 10, shall be liable for the difference between the 14¢ per gallon tax rate and the 9¢ per gallon tax rate in effect prior to April 1, 1983. Payment shall be made to the State Tax Assessor before May 15, 1983, and it shall be accompanied by the appropriate completed form described by the State Tax Assessor.

Effective August 4, 1988.

CHAPTER 799

H.P. 1652 — L.D. 2260

AN ACT to Promote Solid Waste Research.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, a critical shortage of landfill space exists; and

Whereas, landspreading represents a viable option for some forms of sludge which are currently landfilled; and

Whereas, certain operational, health and environmental concerns must be resolved to achieve a successful landspreading program; and

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:

Sec. 1. 5 MRSA §12004, sub-§7, ¶A, sub-¶14 is enacted to read:

(14)	Board of Trustees, Sludge and Residuals Utilization Research Foundation	Expenses Only	38 MRSA §1382
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Sec. 2. 38 MRSA c. 13-C is enacted to read:

CHAPTER 13-C

SLUDGE AND RESIDUALS UTILIZATION RESEARCH