

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

the Legislature having jurisdiction over insurance matters by January 30, 1994 on the effects of the rating provisions of the Maine Revised Statutes, Title 24-A, section 2808-B and on data and experience from other states with community rating statutes.

Sec. 7. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1992-93

**PROFESSIONAL AND FINANCIAL
REGULATION, DEPARTMENT OF**

Bureau of Insurance

All Other \$75,000

Provides funds for consulting services to assist the Bureau of Insurance with a report on several health insurance issues and for the costs associated with rulemaking.

See title page for effective date,
unless otherwise indicated.

CHAPTER 862

S.P. 820 - L.D. 2019

An Act to Amend the Election Laws

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

Sec. 1. 21-A MRSA §103, sub-§1, as amended by PL 1991, c. 466, §2, is further amended to read:

1. Population of 5,000 or over. In a city or town that has a population of 5,000 or over, a board of registration consisting of 3 members must be appointed as follows: ~~One member nominated by the~~ The municipal committee of each of the major political parties shall nominate one member, who must be enrolled in the party of the municipal committee that nominates the member, and appointed by the municipal officers shall appoint the persons nominated by the municipal committees; and the 3rd member must be nominated by the clerk of the municipality and appointed by the municipal officers. The clerk of the municipality may give the municipal committees of the political parties a list of qualifications necessary for a person to fulfill the duties of the board of registration, and the municipal committees shall take those qualifications into consideration when nominating members to the board. The 2 members of the board nominated by the municipal committees of the major

political parties may be members of the political committee nominating them and of the county or state committees of the political party that nominates them and may be members of a state or county delegation to a political convention. When a municipal committee nominates a member to the board of registration, it shall also nominate an alternate board member, who shall serve if the member nominated by the municipal committee is or becomes unable to serve.

Sec. 2. 21-A MRSA §103, sub-§8, as enacted by PL 1991, c. 466, §3, is amended to read:

8. Removal from office. A member of the board may be removed from office at any time during the member's term by the appointing authority if the appropriate nominating authority nominates a replacement. The replacement nominee shall serve out the remainder of the replaced member's term.

Sec. 3. 21-A MRSA §303, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Declaration of intent. ~~A voter or group of Ten or more voters who are not enrolled in a party qualified under section 301 must file a declaration of intent to form a party with the Secretary of State. The declaration of intent must be on a form designed by the Secretary of State and must include:~~

- A. The designation of the proposed party; and
- B. ~~The name and address~~ names, addresses and telephone numbers of the voter or one of the group of voters who file the declaration of intent.

Sec. 4. 21-A MRSA §606, sub-§3-A, ¶A is enacted to read:

A. The clerk shall notify the chairs of each political party of the municipality, in writing, of the time and place the test ballots will be tested as required in section 854. If the clerk is unable to notify the chair of the municipal political party, the clerk shall notify the chair of the county or state political party.

Sec. 5. 21-A MRSA §621, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

The Secretary of State shall send the warrants to the municipal clerk, who shall present them to the municipal officers. The municipal officers of each municipality shall announce an election as follows.

Sec. 6. 21-A MRSA §753, sub-§3-A, as enacted by PL 1987, c. 62, §2, is amended 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~~ must 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. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth and the guardrail enclosure. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk.

Sec. 7. 21-A MRSA §759, sub-§7, as enacted by PL 1991, c. 466, §32, is amended to read:

7. Processing before close of polls. ~~If a notice is given following the procedure in section 621 signed by the municipal officers must be posted at least 7 days before election day in the same manner as posting the warrant under section 621, stating that the clerk intends to begin process processing absentee ballots after 2:00 p.m. on election day, the . The warden may review the notes of the clerk on each return envelope and deposit the absentee ballots into the ballot box before the close of the polls. The clerk shall notify the chairs of each political party of the municipality, in writing, that this procedure is to occur. If the clerk is unable to notify the chair of the municipal political party, the clerk shall notify the chair of the county or state political party.~~

Sec. 8. 21-A MRSA §901, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Ballot question. The ballot question for initiative and people's veto referenda ~~shall~~ must be drafted by the Secretary of State in accordance with section 906 and rules adopted ~~under it in accordance with the Maine Administrative Procedure Act.~~ The question must be conspicuously displayed on the face of the petition.

Sec. 9. 30-A MRSA §1322, sub-§6, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

6. Election. When the final report is filed, the county commissioners shall order the proposed new charter or charter revision to be submitted to the voters of the county at the next regular or special statewide election held at least ~~30~~ 60 days after the final report is filed.

Sec. 10. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

CHAPTER 863

H.P. 892 - L.D. 1289

An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation

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

Sec. 1. 12 MRSA §8869, sub-§8, as enacted by PL 1989, c. 555, §10, is amended to read:

8. Relationship to municipal rules and regulations. Nothing in this subchapter may be construed to preempt or otherwise limit the existing authority of municipalities to regulate harvesting, except that municipalities regulating timber harvesting shall adopt definitions for forestry terms used in their ordinances that are consistent with forestry terms adopted by the commissioner pursuant to this subchapter. ~~Municipalities considering the adoption of ordinances regulating timber harvesting shall develop ordinances in consultation with the department. A municipality may not adopt an ordinance that regulates timber harvesting unless the ordinance is developed in consultation with the department and is reviewed by a professional forester prior to adoption.~~

Sec. 2. Costs not funded. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

CHAPTER 864

S.P. 682 - L.D. 1810

An Act to Provide for Dissolution of a Union School or Withdrawal from a Union School

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

Sec. 1. 20-A MRSA §§2103 and 2104 are enacted to read:

§2103. Dissolution of union school

1. Ten percent petition. On receipt of a petition to dissolve a union school and establish a maximum figure for the cost of preparing a dissolution agreement signed by 10% of the number of voters in a municipality who voted at the last gubernatorial election, the municipal officers shall call and hold a special election in the