

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

Sec. 19. 21-A MRSA §858, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 20. 21-A MRSA §858-A is enacted to read:

§858-A. Counting procedure for absentee ballots

1. Warden to review notes of clerk. Unless a request to inspect applications and envelopes is made pursuant to subsection 8, the warden shall review the notes of the clerk on each return envelope.

2. Accepted if correct. If the warden finds that the affidavit is properly completed, that the clerk has verified that the signature on the envelope matches the signature on the application where applicable and that the person is registered and enrolled where necessary, the warden or another election official designated by the warden shall then announce the name of each absentee voter to an election clerk who shall verify on the incoming voting list that the voter has not voted in person and after verification write "AV" next to the absentee voter's name on the incoming voting list. The warden or the warden's designee shall then remove each ballot from its envelope without destroying the envelope.

3. Rejected if incorrect. The warden may not open the envelope and shall write "Rejected" on it, the reason why and the warden's own initials if the warden finds that:

A. The signatures do not appear to have been made by the same person and the discrepancy is not the result of the voter's having obtained assistance under section 753, subsection 4 or section 754-A, subsection 3 in cases when an application is required;

B. The affidavit is not properly completed;

C. The person is not registered or enrolled where necessary;

D. The voter has voted in person; or

E. The ballot was received by the clerk after the deadline.

4. Primary election provisions. At a primary election when the warden removes a ballot from its envelope, the warden shall check its color to be sure it is the ballot of the party in which the voter is enrolled. If it is not, the warden shall immediately replace it in its envelope, reseal the envelope and write "Rejected" on it, the reason why and the warden's own initials.

5. Rejected ballots separate. The warden shall place the return envelopes containing rejected ballots in a separate lot.

6. Ballots counted. As soon as the absentee ballots have been processed, they must be counted in the same manner as regular ballots. Rejected ballots may not be counted.

7. Processing before close of polls. If notice is given following the procedure in section 621 that the clerk intends to begin processing after 2 p.m. on election day, the warden or the warden's designee may review the notes of the clerk on each return envelope and process the ballots.

8. Inspection after polls close. If a candidate notifies the warden before 8 p.m. that the candidate wishes to inspect absentee ballot applications and envelopes after the polls close, the warden shall allow the candidate to inspect the applications and envelopes of ballots that have not yet been opened for 30 minutes after the polls close.

See title page for effective date.

CHAPTER 448

H.P. 117 - L.D. 158

An Act to Change the Scallop Harvesting Season

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

Sec. 1. 12 MRSA §6956 is enacted to read:

§6956. Diver's down flag required

A person licensed to harvest a marine species by hand must display a diver's down flag when using a self-contained underwater breathing apparatus to harvest that species. For the purposes of this section, "diver's down flag" means the International Code Flag "A" as defined in navigation rules adopted by the United States Coast Guard.

See title page for effective date.

CHAPTER 449

H.P. 244 - L.D. 323

An Act to Continue the Franklin County Budget Committee

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitu-