

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

notwithstanding Title 4, chapter 25 and Title 5, chapter 375, shall revoke a foreign limited liability company's authority to do business in this State and suspend a domestic limited liability company from doing business. The Secretary of State shall use the procedures set forth in section 719, subsection 2, ~~related~~ relative to revoking the right of foreign limited liability companies to do business in this State, for suspending domestic limited liability companies. A foreign limited liability company whose authority to do business in this State has been revoked under this subsection that wishes to do business again in this State must be authorized as provided in section 712. A domestic limited liability company that has been suspended under this subsection may be reinstated by filing the current annual report together with the current annual filing fee and by paying the ~~sum~~ reinstatement fee of \$125 for each year the limited liability company failed to file an annual report. The maximum reinstatement fee may not exceed \$500, regardless of the number of delinquent reports or the period of delinquency.

See title page for effective date.

CHAPTER 459

H.P. 1042 - L.D. 1461

An Act to Update and Clarify the Election Laws

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

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

1. Absentee voter. "Absentee voter" means a person who qualifies under section ~~751~~ 751-A to cast an absentee ballot.

Sec. 2. 21-A MRSA §23, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Registration and enrollment applications. The registrar shall keep registration, enrollment and changes of enrollment applications and requests in ~~his~~ the registrar's office permanently, except that those records must be kept only 10 years for a voter whose name has been removed from the voting lists of the municipality under sections 161 and ~~162~~ 162-A.

Sec. 3. 21-A MRSA §102, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

The registrar may appoint one or more deputies. If the registrar is ~~to be absent from the municipality~~ unavailable for a period exceeding 15 consecutive days, ~~he~~ the registrar shall appoint a deputy registrar

who must be ~~physically present in the municipality~~ available to perform the duties of the registrar. If the registrar and ~~his~~ the appointed deputy are ~~absent from the municipality~~ unavailable for more than 15 consecutive days, the municipal clerk shall serve as registrar pro tem.

Sec. 4. 21-A MRSA §103, as amended by PL 1991, c. 862, §§1 and 2, is further amended by repealing and replacing the headline to read:

§103. Registration appeals board

Sec. 5. 21-A MRSA §103, as amended by PL 1991, c. 862, §§1 and 2, is further amended by inserting before subsection 1 a new paragraph to read:

In a city or town that has a population of 5,000 or more, if a person is aggrieved by the decision of the registrar of voters to remove a name from the voting list or to refuse to place it on the voting list, that person may appeal in writing to the registration appeals board.

Sec. 6. 21-A MRSA §103, sub-§1, as amended by PL 1991, c. 862, §1, 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~~ The registration appeals board consists of 3 members who must be appointed as follows: 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 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 appeals board, 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 appeals board, it shall also nominate an alternate board member, who ~~shall serve~~ serves if the member nominated by the municipal committee is or becomes unable to serve. The municipal clerk may not serve as a member or alternate member of the registration appeals board.

Sec. 7. 21-A MRSA §103, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Population of 4,000 to 5,000. A city or town ~~which that~~ has a population of 4,000 to 5,000 may, by vote of its legislative body, have a ~~board of registration instead of a registrar appeals board.~~

Sec. 8. 21-A MRSA §103, sub-§3, as amended by PL 1995, c. 56, §1, is further amended to read:

3. Term of office. Each member nominated by the municipal committees of the major political parties and appointed to the board shall serve for 3 years and until the member's successor is appointed and sworn. The member nominated by the clerk of the municipality and appointed to the board shall serve for 4 years and until that member's successor is appointed and sworn, ~~except that, when the member nominated by the clerk and appointed to the board is the clerk of the municipality, the clerk's tenure as member ends when the clerk's tenure as clerk ends, unless sooner removed from office on the board.~~

Sec. 9. 21-A MRSA §103, sub-§6, as amended by PL 1985, c. 614, §4, is repealed and the following enacted in its place:

6. Hours. Upon receipt of a complaint by a person aggrieved by the decision of the registrar, the chair of the registration appeals board shall immediately fix a time and place for the board to meet for a prompt hearing. After hearing, the board may affirm, modify or reverse the decision of the registrar of voters. The aggrieved person may appeal the decision of the board to the District Court in accordance with the Rules of Civil Procedure.

Sec. 10. 21-A MRSA §103, sub-§7, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted in its place:

7. Actions of the registration appeals board. A registration appeals board may only act by unanimous or majority action.

Sec. 11. 21-A MRSA §103, sub-§8, as amended by PL 1995, c. 56, §2 and affected by §3, is further 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, ~~except that when the chair of the board is the clerk of the municipality, the chair may also be removed from office at any time during the chair's term by the municipal officers, for good cause, after notice and opportunity to be heard. When the clerk of the municipality is removed from the board, the~~

~~municipal officers may appoint a replacement of their choice. Any replacement member shall serve out the remainder of the replaced member's term.~~

Sec. 12. 21-A MRSA §104, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 13. 21-A MRSA §115, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Voting restricted to district. In a municipality ~~which that~~ has voting districts, a voter may, except as provided in section 630, vote using only in the ballot or ballots for the district in which he the voter resides on election day.

Sec. 14. 21-A MRSA §122, sub-§4, as amended by PL 1993, c. 695, §7, is further amended to read:

4. Election day registration. The registrar shall accept registrations of applicants who appear in person on election day. The registrar shall issue to each of these applicants a certificate entitling the applicant to be placed on the voting list at the voting place. Only one certificate may be issued to ~~any a~~ person. An applicant whose address has changed since the applicant last voted must ~~be allowed to vote at the applicant's using the ballot or ballots for the new polling place, if applicable, on election day.~~

Sec. 15. 21-A MRSA §129, sub-3, as amended by PL 1993, c. 695, §9, is further amended to read:

3. Failure to notify. If a voter fails to notify the registrar of a change of name or address before the close of registrations, the voter must appear before the registrar on election day and follow the procedure outlined in section 661 if the voter wishes to vote, unless the registrar has already made the correction in following the procedure prescribed by section 128. If the voter wishes to exercise the right to vote, the voter must ~~be allowed to vote at~~ using the ballot or ballots for the new polling place, if applicable, on election day.

Sec. 16. 21-A MRSA §144, sub-§§2 and 3, as amended by PL 1993, c. 330, §1, are further amended to read:

2. Party designation removed from voting list. On receipt of the application, the registrar shall remove the party designation beside the name of the applicant on the voting list. The registrar shall make a notation on the voting list that the applicant is ineligible to vote at a caucus or primary election for 15 days ~~and that the applicant is ineligible to file a petition as a candidate for nomination by primary election for 3 months.~~ Fifteen days after receiving the

application, the registrar shall enroll the applicant in the party requested.

This subsection does not apply in the case of a voter who changes enrollment under subsection 4.

3. Restrictions during change of enrollment.

Except as provided in subsection 4, a voter may not vote at a caucus, convention or primary election for 15 days after filing an application to change enrollment. ~~A voter may not file a petition as a candidate for nomination by primary election within 3 months after filing an application to change enrollment, except as provided in subsection 4. A voter must file an application to change enrollment prior to January 1st to be eligible to file a petition as a candidate in that election year.~~

Sec. 17. 21-A MRSA §154, sub-§1, as amended by PL 1993, c. 695, §§13 and 14, is further amended to read:

1. Application. A person qualified to register under section 111, subsections 1 and 2 and ~~section 751, subsection 8,~~ who ~~is~~ resides outside the United States and does not maintain a fixed and principal home or other address in the State 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~~ Last residence address immediately before departing from the United States, including street, street number, apartment number, town 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;~~
- H. Notification that failure to complete the entire application may prevent registration;
- I. Passport or identity card registration number;
- J. Signature;
- K. Sworn statement that the applicant is a United States citizen and that all information is correct;

L. Date of application;

M. Date of registration; and

N. Choice of political party if the registrant wishes to enroll in a political party or an indication that the applicant chose not to enroll in a party.

Sec. 18. 21-A MRSA §161, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Proof of qualification is requested. If the registrar is in doubt as to the qualifications of ~~any~~ a person to vote, ~~he~~ the registrar shall request that person's appearance at a reasonable time and place to offer proof. If the person fails to appear, the registrar shall ~~remove his name from the voting list and send him that person~~ a notice in accordance with section ~~162~~ 162-A.

Sec. 19. 21-A MRSA §163, as enacted by PL 1985, c. 161, §6, is amended to read:

§163. Appeal

~~If any~~ In a town that does not have a registration appeals board, if a person is aggrieved by the decision of the registrar of voters to remove a name from the voting list or to refuse to place it on the voting list, ~~he~~ the person may appeal in writing to the municipal officers of a municipality by filing a complaint. The municipal officers shall immediately fix a time and place for a prompt hearing. After hearing, the municipal officers may affirm, modify or reverse the decision of the registrar of voters. The aggrieved person may appeal the decision of the municipal officers to the District Court in accordance with the Rules of Civil Procedure.

Sec. 20. 21-A MRSA §303, sub-§3, as amended by PL 1991, c. 466, §13, is further amended to read:

3. Petition. After filing the declaration described in subsection 1, the voter or a group of voters may then circulate petitions. These petitions must be signed, verified and certified in the same manner as primary petitions under section 335, subsections 3 ~~and~~ 4 ~~and~~ 7. ~~The circulator of the petition must certify the belief that the signatures on it are genuine and that the signers are registered voters.~~ Each page of the petition must have a caption, in conspicuous type, that contains the designation of the proposed party followed by the words "Petition to participate in the primary election." The Secretary of State shall prepare forms for these petitions. The petitions must be filed in the office of the Secretary of State before 5 p.m. on the 180th day preceding a primary election and must contain the signatures and legal addresses of voters equal in number to at least

5% of the total vote cast in the State for Governor at the last preceding gubernatorial election.

Sec. 21. 21-A MRSA §334, as enacted by PL 1985, c. 161, §6, is amended to read:

§334. Qualification of candidate for primary nomination

A candidate for nomination by primary election must file a primary petition and consent under sections 335 and 336. ~~He~~ The candidate must be enrolled, on or before ~~April 1st~~ March 15th, in the party named in the petition and must be eligible to file a petition as a candidate for nomination by primary election under section 144, subsection 3. The registrar in the candidate's municipality of residence must certify to that fact upon the petition.

Sec. 22. 21-A MRSA §335, sub-§7, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

B. The registrar, or clerk at the request or upon the absence of the registrar, of each municipality concerned shall certify which names on a petition appear on the voting list of that municipality as registered and enrolled voters and shall strike out any names ~~which~~ that do not satisfy subsection 3.

Sec. 23. 21-A MRSA §335, sub-§8, as enacted by PL 1985, c. 161, §6, is amended to read:

8. When filed. A primary petition must be filed in the office of the Secretary of State before 5 p.m. on ~~April 1st~~ March 15th of the election year in which it is to be used.

Sec. 24. 21-A MRSA §336, sub-§3, as enacted by PL 1987, c. 214, §1, is amended to read:

3. Residence and party declared. The consent must contain a declaration of the candidate's place of residence and party designation and a statement that the candidate meets the qualifications of the office the candidate seeks, which the candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If, pursuant to the challenge procedures in section 337, any part of the declaration is found to be false by the Secretary of State ~~prior to the date of the general election~~, the consent and the primary petition are void, ~~pursuant to challenge procedures in section 337~~.

Sec. 25. 21-A MRSA §353, as enacted by PL 1985, c. 161, §6, is amended to read:

§353. Qualification of candidate for nomination by petition

A person who seeks nomination by petition qualifies by filing a nomination petition and consent as provided in sections 354 and 355. If enrolled, the person must also withdraw ~~his~~ enrollment in a party prior to March 1st to be eligible to file a petition as a candidate in that election year, as provided in section 145, ~~at least 3 months before the filing date for the nomination petition~~. The registrar, or clerk at the request or upon the absence of the registrar, in the candidate's municipality of residence must certify to that fact on the petition.

Sec. 26. 21-A MRSA §354, sub-§7, ¶B, as repealed and replaced by PL 1985, c. 614, §14, is amended to read:

B. Petitions must be delivered to the registrar, or clerk at the request or upon the absence of the registrar, for certification at least 5 business days before the date of the primary by 5 p.m. on May 25th in the election year in which the petitions are to be used.

Sec. 27. 21-A MRSA §354, sub-§7, ¶C, as enacted by PL 1985, c. 614, §15, is amended to read:

C. The registrar, or clerk at the request or upon the absence of the registrar, of each municipality concerned shall certify which names on a petition appear on the voting list of the municipality as registered voters and shall strike out any names ~~which~~ that do not satisfy subsection 3.

Sec. 28. 21-A MRSA §354, sub-§8-A, as enacted by PL 1985, c. 383, §8, is amended to read:

8-A. Filed with the Secretary of State. A nomination petition must be filed in the office of the Secretary of State by 5 p.m. on ~~the date of the primary election~~ June 1st in the election year in which it is to be used.

Sec. 29. 21-A MRSA §355, sub-§3, as amended by PL 1989, c. 166, §3, is further amended to read:

3. Residence declared. The consent must contain a declaration of the candidate's place of residence and the fact that the candidate has not been enrolled in a party ~~for 3 months prior to the filing date for the nomination petition~~ qualified to participate in a primary or general election as of March 1st of that election year. The candidate must verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that the declaration is true. If, pursuant to the challenge procedures in section 356, any part of the declaration is found to be false by the Secretary of

State ~~before the general election~~, the consent and the nomination petition are void, ~~pursuant to challenge procedures in section 356.~~

A. Candidates for the office of county charter commission need not verify by oath or affirmation that they are not enrolled in a party.

Sec. 30. 21-A MRSA §363, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Acceptance filed. A person chosen under this section must file his a written acceptance containing a statement that the person meets the qualifications of the office sought and declaring the person's residence and party enrollment with the Secretary of State.

Sec. 31. 21-A MRSA §367, as enacted by PL 1991, c. 466, §14, is amended to read:

§367. Candidate withdrawal

A candidate who wishes to withdraw from an elective race shall notify the Secretary of State in writing of the candidate's intent to withdraw ~~and the reason for withdrawal~~. This notice must be signed by the candidate. If the reason for the withdrawal is catastrophic illness, the procedures set forth in section 374-A, subsection 1, paragraph B must be complied with if the candidate is to be replaced.

Sec. 32. 21-A MRSA §501, as amended by PL 1987, c. 188, §4, is further amended to read:

§501. Wardens and ward clerks

1. In a city. In a city, the 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.

2. In a town. In a town, ~~unless otherwise determined by charter, with the approval of the municipal officers~~, the clerk of the municipality shall ~~be the supervisor of all elections. With the approval of the municipal officers, he shall~~ appoint a warden and may appoint one or more deputy wardens to assist in the duties on election day. ~~The clerk may designate himself as warden or deputy warden. If the clerk appoints another person as warden, the clerk may serve as deputy warden. It does not constitute an incompatibility of office for the clerk to serve as warden or deputy warden. The municipal clerk, warden and deputy warden shall be paid~~ are entitled to a reasonable compensation as determined by the municipal officers.

3. Provisions applicable to both towns and cities. Neither the warden nor any deputy warden may be an officer of a municipal committee of a political party. Deputy wardens shall perform the

duties of the warden when necessary and may not replace election clerks prescribed by this Title. The warden and deputy wardens must be registered voters of the municipality, except when a nonresident clerk is acting as either warden or deputy warden.

Sec. 33. 21-A MRSA §503, as amended by PL 1993, c. 473, §10 and affected by §46, is repealed and the following enacted in its place:

§503. Election clerks

Election clerks are governed by the following provisions.

1. Qualifications; appointment; compensation. Election clerks must be at least 18 years of age, registered to vote and a resident of the municipality. The municipal officers of each municipality shall appoint election clerks no later than May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. A list of the election clerks appointed by the municipal officers must be posted at each voting place. Election clerks are entitled to a reasonable compensation as determined by the municipal officers.

2. Representation of parties. The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.

B. The municipal officers shall appoint at least one election clerk nominated by the municipal committee of a qualified minor party represented on the last general election ballot for each voting place at the committee's request.

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A student election clerk may not assist a voter unless the voter specifically requests assistance from the student election clerk.

All nominations for election clerks must be submitted to the municipal officers no later than April 1st of each general election year. If a municipal committee of a major party fails to submit a list of nominees to serve as election clerks, the municipal officers may appoint registered voters enrolled in that party to serve as election clerks.

3. Number appointed to serve each voting place. The municipal officers shall appoint at least 2 election clerks as provided by subsection 2, paragraph A to serve at each voting place during the time the polls are open. If required to do so by subsection 2, paragraph B, they shall also appoint one election clerk to serve at each voting place during the time the polls are open. Additional election clerks may be appointed as needed. In the event of a vacancy in the election clerks appointed under this subsection, the municipal officers shall appoint alternate election clerks who may be called into service.

4. Number appointed to serve as counters. The municipal officers shall appoint election clerks in the same manner as in subsection 3 to serve as counters after the polls close.

5. Vacancies. If a sufficient number of election clerks is not available to serve on election day, the municipal clerk or the warden may appoint the necessary number of election clerks to fill the vacancies. When filling a vacancy, the municipal clerk or the warden shall first draw from the list of alternates appointed under subsection 3 and make every attempt to appoint a person with the same enrollment status as the person who vacated the position.

6. Oath of office. Before assuming the duties of office, election clerks are sworn by the municipal clerk or the warden and the oath is recorded.

7. Term of office. An election clerk holds office for 2 years from the date of appointment and until a successor is appointed and qualified, except that an election clerk who is appointed to represent a qualified minor party represented on the last general election ballot holds office only for 2 years from the date of appointment.

8. Duties. Election clerks shall attend the voting places for which they are appointed at each election during the time the polls are open or during the counting of the ballots after the polls close, as required by the terms of their appointment. They are under the direction of the warden and shall assist the warden as requested.

9. Application of city charter. This section does not affect a city charter that provides for the election of 2 persons to assist the warden in receiving, sorting and counting ballots. The persons elected

under the authority of the charter are considered to be election clerks and each must represent a different major party.

10. Training. The Secretary of State shall encourage municipalities to provide training biennially to all election officials.

Sec. 34. 21-A MRSA §505 is enacted to read:

§505. Municipal clerk

The clerk of the municipality is the supervisor of all elections and is entitled to a reasonable compensation as determined by the municipal officers and has the following duties:

1. Absentee voting. Administer the absentee voting procedures;

2. Instruction. Instruct election officials on election laws and procedures prior to election day;

3. Election officials. Coordinate and schedule election officials to work at the polls on election day;

4. Poll watchers and others. Make arrangements in advance of election day for poll watchers, petition circulators and others who request to be present at the polls;

5. Election materials and equipment. Prepare and deliver to and from the polls all election equipment and materials, including the ballots;

6. Advise warden. Advise the warden on election laws and procedures on election day;

7. Return of votes cast. Report the return of votes cast to the Secretary of State; and

8. Other duties. Perform any other duties required for conducting an election.

Sec. 35. 21-A MRSA §602, sub-§2, ¶A, as amended by PL 1993, c. 473, §15 and affected by §46, is further amended to read:

A. The names of candidates for any one office may not be split into more than one column regardless of number. The initial letters of the last names of the candidates must be printed directly beneath each other in a vertical line and ~~the initial letters of~~ the respective party designations of each nominee must be printed directly beneath each other in a vertical line.

Sec. 36. 21-A MRSA §602, sub-§7, as enacted by PL 1985, c. 161, §6, is amended to read:

7. Contents concealed. The ballots must be folded uniformly so that the interior contents are

concealed, except in municipalities using electronic tabulating systems.

Sec. 37. 21-A MRSA §603, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Available for publication. ~~A~~ Within a reasonable time before the election, the Secretary of State shall make specimen ballots available for publication in all newspapers having general circulation in the area to which the ballots pertain. A single specimen ballot so published may carry the name of each candidate for State Senator and Representative to the Legislature in the area covered by the circulation of the newspaper. The name of the voting district need not be printed on the published specimen ballot.

Sec. 38. 21-A MRSA §603, sub-§4, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 39. 21-A MRSA §603, sub-§§4-A and 4-B are enacted to read:

4-A. Clerk to review specimen ballots. Upon receipt, the clerk shall review the specimen ballots for accuracy and must immediately notify the Secretary of State of any errors.

4-B. Duplication of specimen ballots. Specimen ballots may be duplicated as needed at the clerk's own discretion.

Sec. 40. 21-A MRSA §604, sub-§3 is enacted to read:

3. Candidate or nominee to fill vacancy. When a candidate for nomination or a nominee is chosen to fill a vacancy, the Secretary of State and the clerk of each interested municipality shall perform the duties required by this section as promptly as possible.

Sec. 41. 21-A MRSA §606, first ¶, as amended by PL 1993, c. 695, §26, is further amended to read:

Within a reasonable time before any election, the Secretary of State shall furnish each municipality with official ballots, and specimen ballots, test ballots for electronic voting systems including a sufficient number to be used for testing electronic tabulating systems if applicable, instruction posters, election return forms, posters of specimen ballots for constitutional resolutions and statewide referenda, including the Attorney General's explanatory statements prepared under Title 1, section 353, and the summary of the proposal prepared under section 901, subsection 5, materials setting forth the full text of all constitutional resolutions and statewide referenda and other materials necessary for conducting and reporting the results of the election.

Sec. 42. 21-A MRSA §606, sub-§§1 and 2, as amended by PL 1991, c. 780, Pt. U, §24, are further amended to read:

1. Number of ballots furnished. The Secretary of State shall furnish each voting place with at least 75 ballots for every 50 votes cast at that voting place at ~~the last election of that type~~ review the number of votes cast at the last election of that type as well as current registration and enrollment statistics in each voting district when determining the number of ballots to be furnished to each municipality. If the clerk believes that extra ballots will be needed, the clerk must request them from the Secretary of State a reasonable time before the election. The Secretary of State may send the requested number to the clerk and may furnish as many additional ballots as the Secretary of State believes necessary.

2. How packaged. The ballots must be packed in sealed, marked packages in units as determined by the Secretary of State. The other election materials must be separately packed in a sealed package or packages or box or boxes and sent to the clerk of each municipality. Each package or box must be labeled on the outside with ~~the number of~~ each kind of material enclosed and the name of the voting place for which it is intended.

Sec. 43. 21-A MRSA §606, sub-§3, as amended by PL 1993, c. 695, §27, is further amended to read:

3. Receipt issued; inspection of ballots in an election. The clerk shall immediately send the Secretary of State a receipt for the ballots the clerk receives. Upon receipt of a package or box containing ballots for an election, the clerk shall open, in the presence of one or more witnesses, the sealed package or box containing the ballots in order to ensure that the ballots do not ~~differ materially from the appropriate specimen ballot described in section 603~~ contain any errors and that the correct number of ballots have been received. The clerk shall immediately notify the Secretary of State if a ballot ~~differs materially from the appropriate specimen ballot described in section 603~~ is incorrect or if a sufficient number has not been received. Ballots to be used for testing electronic tabulating devices may be removed at this time and immediately marked as provided by section 3-A.

Sec. 44. 21-A MRSA §606, sub-§3-A, as repealed and replaced by PL 1993, c. 695, §28, is amended to read:

3-A. Use of test ballots in an election. Ballots may be used to test ~~automatic~~ electronic tabulating ~~equipment~~ devices under section 854. In the presence of one or more witnesses, the clerk shall clearly mark each ballot used for testing with the word "TEST" across the front side of the ballot in black or blue

indelible ink. The clerk shall keep a record of the number of ballots used for testing purposes ~~throughout the preelection and postelection~~ and seal the record with the test ballots in a container labeled "TEST BALLOTS" at the conclusion of the testing ~~of the tabulating equipment.~~

Sec. 45. 21-A MRSA §606-A, sub-§2, as enacted by PL 1985, c. 363, §2, is amended to read:

2. Secretary of State to furnish ballots. The Secretary of State shall ~~provide to the clerk at least 75 ballots for every 50 votes cast at that voting place by persons registered or enrolled under section 156 in the last election of that type~~ review the number of votes cast at the last election of that type by persons registered and enrolled under section 156 when determining the number of ballots to be furnished to each municipality. These ballots shall ~~must~~ contain the names of the nominees or candidates for offices in the electoral divisions in which the voters registered under section 156 reside.

Sec. 46. 21-A MRSA §621, first ¶, as amended by PL 1991, c. 862, §5, is further amended to read:

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

Sec. 47. 21-A MRSA §622, as amended by PL 1985, c. 819, Pt. A, §§22 and 23, is further amended to read:

§622. Warrant

The warrant for announcing an election must read substantially as follows.

(Title of election) ELECTION WARRANT
(Name of county), ss. State of Maine
(Name of Municipality)

To (name of constable or resident), a constable (or resident) of ~~(name of municipality)~~ this municipality: You are hereby required in the name of the State of Maine to notify the voters of this municipality of the election described in this warrant.

To the voters of ~~(name of municipality and voting district, if any)~~ the above-named municipality and (voting district):

You are hereby notified that an election will be held at (name of voting place) on (day and date of election) for the purpose of (nomination or election) to the following offices: (list of offices); and determin-

ing the following referendum questions: (list of questions).

The polls shall ~~must~~ be opened at a.m. and closed at p.m.

The registrar of voters or board of registration will ~~shall~~ hold office hours while the polls are open to correct any error in or change to a name or address on the voting list; to accept the registration of any person eligible to vote and to accept new enrollments.

A person who is not registered as a voter may not vote in any election. A voter who is not enrolled in a political party may not vote in a primary election.

Dated, _____
(date signed)
.....
.....
.....
.....

Majority of municipal officers
of (name of municipality)

Sec. 48. 21-A MRSA §623, as enacted by PL 1985, c. 161, §6, is amended to read:

§623. Officer's return on warrant

The officer's return must appear on the back of the warrant substantially as follows.

OFFICER'S RETURN
(Name of county), ss. State of Maine

I certify that I have notified the voters of ~~(name of municipality and voting district, if any)~~ of the time and place of the (title of election) election by posting an attested copy of ~~the within this~~ warrant at (place of posting) on (date of posting) which is at least 7 days next prior to election day.

Dated at ~~(name of municipality)~~, (date signed).
(Signature of Officer)
Constable (or resident) of
~~(name of municipality)~~

Sec. 49. 21-A MRSA §627, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Pollwatchers. Municipalities must provide a polling place large enough to allow at least one worker from each political party to remain outside the guardrail enclosure for the purpose of checking voters, challenging voters or viewing. Additional party workers are allowed if there is sufficient space at the polling place. If the space at the polling place is so limited that the presence of the additional party workers would interfere with the election process, the warden shall prohibit their presence. If the ~~chairman~~ chair of any party's state committee submits a written complaint to the Secretary of State at least 30 days before an election, the Secretary of State shall authorize an inspection of the polling place considered to be too small to allow party workers access. If the Secretary of State finds a polling place to be too small to allow party workers access, ~~he~~ the Secretary of State shall instruct the municipal officers to change the location of the polling place to one of a suitable size. The municipal officers must advertise the change of the polling place at least 3 times in the daily or weekly newspaper, or both, that covers the area.

Sec. 50. 21-A MRSA §628, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Defective, lost or destroyed. If a ballot box becomes defective, lost or destroyed, the clerk must apply in writing to the Secretary of State for another. The Secretary of State shall supply or approve a replacement at the expense of the municipality.

Sec. 51. 21-A MRSA §629, sub-§1, as amended by PL 1985, c. 315, is further amended to read:

1. Provided by municipality. The municipal officers of each municipality shall provide a sufficient number of voting booths for each election. Those municipalities using voting machines must comply with section 811, subsection 4. ~~Those municipalities using voting devices must comply with section 842, subsection 4.~~

A. In a general election, the municipal officers in each municipality of 4,000 or more population must provide at least one voting booth for each 150, or fraction exceeding 1/2 of that number, of the voters qualified to vote at each voting place. In a municipality of less than 4,000 population, the municipal officers must provide at least one voting booth for each 200, or fraction exceeding 1/2 of that number, of the voters qualified to vote in each voting place.

B. In other than a general election, the municipal officers may provide fewer voting booths than required by paragraph A when circumstances indicate that fewer booths will be adequate to provide for an orderly flow of voters on election day.

C. In any election, the municipal officers may provide more than the number of voting booths required by paragraph A.

D. A reasonable time before a general election, the Secretary of State shall notify the clerk of each municipality of the requirements of this subsection. The clerk shall calculate the number of voting booths required at each voting place based on the number of voters registered at that time. Within 10 days after receiving the notice, the clerk shall certify in writing to the Secretary of State the number of voters registered at each voting place and the number of voting booths the municipality will provide at each voting place for the election.

E. The Secretary of State may arrange for inspections to ensure that municipalities comply with this subsection.

Sec. 52. 21-A MRSA §629, sub-§3, as amended by PL 1993, c. 447, §14, is further amended to read:

3. Described. Each booth must have within it a pencil or marker without an eraser and a shelf on which a voter may mark a ballot conveniently. An instruction poster provided under section 605 must be securely placed above the shelf to assist the voter. Each booth must have back and side panels large enough to screen the voter from the observation of others.

Sec. 53. 21-A MRSA §630, sub-§2, as amended by PL 1989, c. 502, Pt. A, §63, is further amended to read:

2. Voting places. ~~Before July 1, 1985, each~~ Each municipality ~~shall~~ must provide at least one voting place ~~which~~ that is in a building, which is accessible as defined in subsection 1.

~~A. The Secretary of State shall grant a waiver from the requirements of this subsection to any municipality which satisfactorily demonstrates that those requirements ought not to apply or would create an extreme hardship. Factors which the Secretary of State may consider in making that determination include, but are not limited to, the following: The municipality has no handicapped voters and the physical limitations of a voting place make it impractical to provide an accessible voting place as described in subsection 1. The Secretary of State shall promulgate in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, rules governing the circumstances and procedures for granting a waiver under this paragraph.~~

B. In municipalities in which one or more voting places are inaccessible to handicapped voters and in which the office of the clerk is in a building ~~which that~~ is accessible as defined in subsection 1, paragraph A, the municipal officers shall designate the office of the clerk as an alternative voting place for physically handicapped voters who reside in voting districts ~~which that~~ do not have accessible voting places. In municipalities in which one or more voting places and the office of the clerk are inaccessible to physically handicapped voters and in which one or more voting ~~place is~~ places are accessible to these voters, the municipal officers shall designate one of these accessible voting places, as centrally located as possible, as the alternative voting place for physically handicapped voters who reside in voting districts ~~which that~~ do not have accessible voting places. A physically handicapped voter who wishes to vote at an alternative voting place must notify the clerk of the municipality at least 48 hours before the date of any election. This notice may be waived if an emergency exists. The clerk shall keep a list of the persons who give this notice.

Not later than 10 days before the date of any election, the clerk shall issue a public notice designating the location of the alternative accessible voting place. This notice is not required in any municipality in which all or no voting places are accessible to these persons.

When a physically handicapped voter votes at the office of the clerk or at an alternative voting place, that voter shall vote by absentee ballot and the method of voting ~~shall must~~ be the same as in section 754-A. If an alternative voting place ~~has been is~~ designated, the clerk shall furnish a reasonable number of absentee ballots and return envelopes to the warden. When the clerk or the warden receives such a ballot, the clerk or warden shall follow, as far as applicable, the same procedure prescribed in subchapter IV for the clerk to follow in handling absentee ballots.

Sec. 54. 21-A MRSA §631, sub-§6 is enacted to read:

6. Voting districts. Voting districts are defined as wards that may be further divided into precincts.

Sec. 55. 21-A MRSA §651, sub-§2-A, as enacted by PL 1991, c. 347, §4, is repealed.

Sec. 56. 21-A MRSA §652, as enacted by PL 1985, c. 161, §6, is amended to read:

§652. Certified voting list and official ballot box

The certified copies of the voting list provided by the registrar and official ballot boxes ~~shall must~~ be used exclusively at each voting place. If it becomes impossible to use the official ballot box, the warden shall direct the method by which voting is to proceed. ~~The ward clerk~~ warden shall record the reason why the ballot box was not used and shall place an attested copy of this record in the package with the ballots cast.

Sec. 57. 21-A MRSA §662, sub-§4, as enacted by PL 1987, c. 225, is amended to read:

4. Collection of signatures. The warden may select and designate a specific location at the voting place, accessible and observable by the voters, where the collection of signatures may take place. Persons collecting signatures at the polls may make arrangements with the clerk prior to election day and with the warden on election day. The warden may limit the number of persons collecting signatures to one for each specific question, candidate or issue. Persons collecting signatures may not solicit a voter's signature until the voter has completed voting. The warden may direct the removal, under subsection 2, paragraph A, of any person collecting signatures who does not comply with the requirements of this subsection.

Sec. 58. 21-A MRSA §671, sub-§5, as enacted by PL 1985, c. 161, §6, is amended to read:

5. Ballot deposited. When ~~he the voter~~ leaves the voting booth, the voter shall proceed to the ballot box. The clerk shall require the voter to deposit in the ballot box all ballots, marked or unmarked, issued to the voter under subsection 3, and the voter shall then leave the area enclosed by the guardrail. ~~He The voter~~ The voter may not leave the guardrail enclosure until ~~he the voter~~ the voter has deposited ~~his the~~ the ballot.

A. If, by vote of the municipal officials, a municipality has required the use of a an outgoing voting list, the voter must announce ~~his the~~ the voter's name and, upon request, street address to the election clerk in charge of that list before depositing the ballots in the ballot box.

Sec. 59. 21-A MRSA §673, sub-§1, ¶A, as amended by PL 1991, c. 466, §19, is further amended to read:

A. Only the following reasons for challenges may be accepted by the warden. The challenged person:

- (1) Is not a registered voter;
- (2) Is not enrolled in the proper party, if voting in a primary election;

(3) Is not qualified to be a registered voter because the challenged person is not:

- (a) At least 18 years of age;
- (b) A citizen of the United States; or
- (c) A resident of the municipality or appropriate electoral district within the municipality;

(4) Did not properly apply for an absentee ballot;

~~(5) Is not a qualified absentee voter as prescribed by section 751;~~

(6) Did not properly complete the affidavit on the absentee return envelope;

(7) Did not cast the ballot or complete the affidavit before the appropriate witness;

(8) Communicated with someone as prohibited by section 754-A, subsection 1, paragraph B or subsection 3, paragraph B or D;

(9) Did not have the ballot returned to the clerk by the time prescribed;

(10) Voted using the name of another; or

(11) Committed any other specified violation of this Title.

Sec. 60. 21-A MRSA §673, sub-§3, as repealed and replaced by PL 1985, c. 357, §§3 and 19, is amended to read:

3. Ballot marked. The warden shall write a number on the outside of the ballot. The warden shall also complete a certificate on which appears the word "Challenged," the name of the voter challenged and the reason for the challenge over ~~his~~ the voter's signature. The challenger shall also sign the certificate. After the challenger has signed the certificate, the warden shall place the number ~~which that~~ was written on the ballot in a conspicuous place on the certificate. ~~No one other than~~ Only the warden may know the ballot number. The warden shall place the challenge certificate in ~~an~~ a sealed envelope marked "Challenge Certificate #(certificate number)" and shall retain the envelope until it is sealed with the ballot materials pursuant to section 698.

Sec. 61. 21-A MRSA §682, sub-§2, as amended by PL 1993, c. 473, §19 and affected by §46, is further amended to read:

2. Influence prohibited. Within 250 feet of the entrance to the voting place as well as within the

voting place itself, a person may not influence or attempt to influence another person's decision regarding a candidate or ballot issue. This limitation does not prohibit a candidate from attending the voting place and orally communicating with voters, as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote.

Sec. 62. 21-A MRSA §682, sub-§3, as amended by PL 1993, c. 473, §20 and affected by §46, is further amended to read:

3. Advertising prohibited. A person may not display any advertising material, operate any advertising medium, including a sound amplification device, or distribute campaign literature, posters, palm cards, buttons, badges or stickers ~~intended containing a candidate's name or otherwise intending~~ to influence the opinion of any voter within 250 feet of the entrance to either the voting place or the registrar's office. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

Party workers and others who remain in the voting place outside the guardrail enclosure may not use within the voting place cellular phones, beepers, voice or signal pagers or similar devices that make noise or allow direct audible voice communication within the voting place. The warden may exempt election officials and emergency workers such as Emergency Medical Technicians and police from this provision.

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place. It does not prohibit a person from passing out stickers at the voting place to be pasted on the ballot at a primary election. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

B. A person who knowingly engages in activities prohibited by this section commits a Class E crime.

C. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not made in advance of election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising.

Sec. 63. 21-A MRSA §693, as enacted by PL 1985, c. 161, §6, is amended to read:

§693. Spoiled ballots

If a voter spoils ~~his~~ the ballot, ~~he~~ the voter may obtain a replacement, not more than twice, by returning the spoiled ballot to the election clerk in charge of issuing ballots. The warden or ward clerk shall mark "Spoiled by voter" on the outside of the spoiled ballot, sign it and ~~keep it segregated from the other ballots.~~ place it in an envelope marked "Spoiled ballots." If a replacement ballot is issued to the voter, the warden or ward clerk must ~~indicate that fact~~ mark "Replacement ballot issued" on the outside of the spoiled ballot.

Sec. 64. 21-A MRSA §696, sub-§2, ¶C, as enacted by PL 1985, c. 161, §6, is amended to read:

C. If a voter marks a write-in square for an office, but does not write ~~in~~ both a name and a municipality of residence in the blank space provided to the right of the write-in square, that vote for that office ~~shall~~ is not be counted, unless a determination of choice under subsection 4 is possible.

Sec. 65. 21-A MRSA §697, as amended by PL 1993, c. 447, §15, is further amended to read:

§697. Use of red pens by election officials

~~Any~~ An election official, ~~ballot election clerk, assistant ballot clerk or any~~ person employed as a counter of ballots must use pens or pencils containing only red ink or red lead.

Sec. 66. 21-A MRSA §698, sub-§§2-A and 2-B, as enacted by PL 1993, c. 473, §25 and affected by §46, are amended to read:

2-A. Used ballots placed in tamper-proof containers. The election clerks shall place the ~~sealed packages of~~ used ballots, envelopes containing challenge certificates, spoiled ballots, defective ballots, void ballots, used absentee ballots, used absentee envelopes ~~and~~ used absentee applications and official tally tapes from electronic tabulating systems in tamper-proof ballot containers. The ballot containers must be furnished by the Secretary of State.

If a tamper-proof container becomes defective, lost or destroyed, the clerk must apply in writing to the Secretary of State for another. The Secretary of State shall supply or approve a replacement at the expense of the municipality.

A tamper-proof ballot container must be sealed before leaving the precinct with a numbered seal that must correlate with a certificate identifying the person sealing the container and the time of the sealing. The seals and identifying certificates must be furnished by the Secretary of State.

A. Transfer and resealing of the ballots to other containers for permanent storage must be done 60 or more days following the election. The municipal clerk shall make the transfer in the presence of one ~~representative from each of the major political parties~~ or more witnesses. The containers must be securely sealed.

2-B. Unused ballots placed in containers. At the close of the polls, all unused, unsealed absentee and regular ballots must be ~~voided~~ invalidated by a physical mark unless all ~~voted~~ validated ballots ~~have been~~ are used in the course of the election. All sealed ballots must remain sealed ~~and be wrapped with tamper proof tape.~~ All unused ballots, including both the unsealed and the sealed ballots, must be placed in the containers in which the regular ballots were delivered. The containers containing the unused ballots must be clearly marked to indicate that the containers contain unused ballots. These ballots must be stored separately from the used ballots.

Sec. 67. 21-A MRSA §737-A, 4th ¶, as enacted by PL 1993, c. 473, §31 and affected by §46, is amended to read:

A losing candidate in any election who desires a recount must file with the Secretary of State a written request for a recount within 7 business days after the election. The recount is held under the supervision of the Secretary of State, who shall allow the ~~candidate~~ candidate's representatives or ~~the candidate's~~ counsel to recount the ballots. The candidate may not act as a counter of ballots.

Sec. 68. 21-A MRSA §737-A, sub-§1, as enacted by PL 1993, c. 473, §31 and affected by §46, is amended to read:

1. Deposit for recount. All deposits required by this section must be made with the Secretary of State when a recount is requested. Once the ~~recount has begun~~ State Police have taken custody of the ballots and other election materials from the municipalities, the deposit made by the candidate requesting the recount is forfeited to the State if the resulting count fails to change the outcome of the election. If the recount reverses the election, the deposit must be returned to the candidate requesting the recount. The amount of the deposit is calculated as follows.

A. If the percentage difference shown by the official tabulation between the leading candidate and the 2nd-place candidate is 2% or less of the total votes cast for that office, a deposit is not required.

B. If the percentage difference shown by the official tabulation between the leading candidate and the 2nd-place candidate is more than 2% and

less than 4% of the total votes cast for that office, the deposit is \$500.

C. If the percentage difference shown by the official tabulation between the leading candidate and the 2nd-place candidate is 4% or more of the total votes cast for that office, the deposit is \$1,000.

Sec. 69. 21-A MRSA §751, as amended by PL 1991, c. 466, §§24 and 25, is amended by adding at the end a new paragraph to read:

Absentee ballots may be cast in any election by any voter who is unable to vote in person at the voting place on election day. The voter's belief that the voter will be unable to vote in person at the voting place is sufficient reason to allow an absentee ballot to be cast.

Sec. 70. 21-A MRSA §752, sub-§1, ¶A, as amended by PL 1991, c. 466, §26, is further 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 use by members of the Armed Forces and citizens outside the United States who have met the qualifications in section ~~754~~ 751-A. These ballots must 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 WRITING IN THAT PERSON'S NAME AND MUNICIPALITY OF RESIDENCE IN THE BLANK SPACE UNDER THE PROPER OFFICE.**

Sec. 71. 21-A MRSA §752, sub-§3, as amended by PL 1991, c. 466, §28, is further amended to read:

3. Form of envelope. The return envelope in which the absentee ballot is placed must include on its outside a conspicuously printed summary warning to the voter of the provisions of section 791, subsection 1, paragraph C and Title 17-A, section 703. The envelope must also include an affidavit to be signed by the voter, a witness or witnesses when required and a certification to be completed and signed by an aide who assists a voter under section 754-A, subsection 3.

Sec. 72. 21-A MRSA §753, sub-§2, as amended by PL 1985, c. 357, §§10 and 19, is further amended to read:

2. Request in writing. ~~If a voter is temporarily outside the State, a~~ A written request for an absentee ballot from the voter, the voter's spouse, a blood relative of the voter or the voter's former guardian is sufficient for the municipal clerk to issue an absentee ballot.

Sec. 73. 21-A MRSA §753, sub-§3, as amended by PL 1993, c. 473, §35 and affected by §46, 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 may 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 may not deliver an absentee ballot to any 3rd person ~~whose name appears on an absentee ballot who is a candidate or a member of a candidate's immediate family.~~ The clerk may 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~~ ensure that that person ~~will~~ does not have more than ~~10~~ 2 absentee ballots for voters in a municipality at any time. 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 may 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 that was furnished to a designated 3rd person is not returned to the clerk's office within 2 business days of the date that ballot was sent or delivered to the 3rd person or 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 2 days of notification, the clerk shall mail a ballot to that applicant on the 3rd day after notification and may issue no other ballot to the applicant except for good cause as provided in this subsection. This subparagraph does not affect the time for delivery of absentee ballots under section 755.

Sec. 74. 21-A MRSA §753, sub-§7, as amended by PL 1985, c. 357, §§10 and 19, is further amended to read:

7. Absentee voting in presence of clerk. A person who wishes to vote by absentee ballot because ~~he that person~~ will not be ~~present in the municipality~~ or able to vote in person at the voting place on election day may, without completing an application, vote by absentee ballot in the presence of the clerk. The method of voting ~~shall is~~ otherwise ~~be~~ as prescribed in this Article. After the person has voted, the clerk shall ~~determine whether~~ sign the affidavit on the return envelope as a witness, indicate on the envelope that the voter voted in the presence of a clerk and ensure that the affidavit on the return envelope is properly completed by the voter. For the 45 days preceding an election, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or ballot issue is prohibited within the clerk's office and within 250 feet of the entrance to the clerk's office or on the property on which the clerk's office stands, whichever is less.

Sec. 75. 21-A MRSA §759, first ¶, as amended by PL 1993, c. 447, §17, is further amended to read:

The following counting procedure must be observed at each voting place, ~~except those voting places that use electronic voting systems. Counting procedures for electronic voting systems are described in section 858-A.~~

Sec. 76. 21-A MRSA §759, sub-§1, as repealed and replaced by PL 1991, c. 466, §31, is amended to read:

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 ~~as soon as the polls are closed and the regular ballots removed from the ballot box according to the schedule posted under subsection 7.~~

Sec. 77. 21-A MRSA §759, sub-§2, as repealed and replaced by PL 1985, c. 357, §§16 and 19, is amended to read:

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, that the person is registered and enrolled where necessary, the warden shall then examine the incoming voting list to determine whether the voter voted in person at the election. The warden shall then announce the name of each absentee voter who has not voted at the election and remove each ballot from its envelope without destroying the envelope or unfolding the ballot. After having an election clerk from a political party different from that of the warden mark the letters "AV" beside the name of each absentee voter on the incoming voting lists, the warden shall ~~deposit~~ accept the ballot ~~in the ballot box.~~

Sec. 78. 21-A MRSA §759, sub-§§5 and 6, as enacted by PL 1985, c. 161, §6, are amended to read:

5. Rejected ballots separate. The warden shall place the return envelopes containing rejected ballots in ~~a separate lot, an envelope marked "Rejected ballots."~~ He shall not deposit them in the ballot box. Rejected ballots may not be counted.

6. Ballots counted. As soon as the absentee ballots ~~have been~~ are processed, they ~~shall be removed from the ballot box and~~ are counted the same as regular ballots. ~~Rejected ballots shall not be counted.~~

Sec. 79. 21-A MRSA §759, sub-§7, as amended by PL 1993, c. 583, §1, is further amended to read:

7. Processing before close of polls. A notice signed by the municipal officers must be posted at least 7 days before election day in the same manner as posting the warrant, ~~or as part of the warrant,~~ under section 621, stating each specific time that the clerk intends to begin processing absentee ballots on election day. The warden ~~may review~~ shall follow the ~~notes of the clerk on each return envelope and deposit the procedures required by subsections 1 to 6 to process~~ 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. This notice must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk.~~

Sec. 80. 21-A MRSA §759, sub-§8, as amended by PL 1993, c. 583, §2, is further amended to read:

8. Inspection after polls close. If a candidate or that candidate's representative notifies the warden

before 8:00 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 deposited into the ballot box processed for 30 minutes after the polls close.

Sec. 81. 21-A MRSA §760, as amended by PL 1985, c. 313, is repealed.

Sec. 82. 21-A MRSA §760-A is enacted to read:

§760-A. Procedures when clerk processes absentee ballots centrally

The clerk shall use the following procedure when processing the absentee ballots at a central location.

1. Envelope and lists retained. The clerk shall retain possession of return absentee envelopes with the applications attached, where required, and the list required by section 756, subsection 4.

2. Ballot boxes provided. The municipality shall provide an official ballot box to be used by the clerk in all state elections.

3. Incoming voting list to be marked. The clerk shall have the incoming voting list marked to denote absentee voters prior to processing the absentee ballots.

A. The municipal clerk shall use one of the following procedures to mark the incoming voting list for absentee ballots received prior to election day, except that a clerk who is in a contested election for the office of clerk must follow the procedures specified in subparagraph (2) when marking the incoming voting list for absentee ballots received prior to election day.

(1) On the day immediately preceding, the municipal clerk shall mark the incoming voting list with an "AV" beside the name of each voter who has voted by absentee ballot as of that date. The municipal clerk shall keep the marked list and shall send a copy of the marked list to the polls with the incoming voting list; or

(2) On election day, at or prior to the times the municipal clerk has designated under section 759, subsection 7 for processing absentee ballots, the municipal clerk shall make a separate list, by voting place, of all absentee ballots received to date. The clerk shall deliver each list, in duplicate, to the warden at the appropriate voting place. The warden and an election clerk shall compare the list of absentee voters with the

incoming voting list and shall mark the incoming voting list with an "AV" beside the name of each voter who has voted by absentee ballot.

The warden and the election clerk shall then certify on each copy of the absentee voting list that they marked the incoming voting list as described in this paragraph. The warden shall then retain one copy of the absentee voter list with the incoming voting list and deliver the 2nd copy to the municipal clerk. The municipal clerk shall follow this process on election day as often as needed to mark the incoming voting lists to account for all absentee ballots.

B. In a municipality that has an island voting district, the municipal clerk may communicate the information required to process the absentee ballots by telephone to the island warden and notify the island warden of the names of the absentee voters so that the voting list may be marked in accordance with this subchapter.

4. Counting procedure. After the incoming voting list has been marked according to the procedures in subsection 3, the municipal clerk shall then proceed to process the absentee ballots using the procedures set forth in sections 759, 761 and 762 at the next time scheduled under section 759, subsection 7. The ballots must be processed publicly so that all those present may observe the proceedings.

Sec. 83. 21-A MRSA §762, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Witness signatures. The witness or other certifying official's signature, when required.

Sec. 84. 21-A MRSA §808, sub-§§6, 8 and 10, as enacted by PL 1991, c. 347, §5, are amended to read:

6. Electronic tabulating system. "Electronic ~~voting~~ tabulating system" means either a punch card voting system or a mark-sense voting system where the paper ballots or ballot cards are subsequently counted and tabulated by ~~automatic~~ an electronic tabulating equipment device at one or more counting centers. "Electronic ~~voting~~ tabulating system" includes all the software and firmware required to program and control the equipment in the respective ~~systems~~ system.

8. Mark-sense voting system. "Mark-sense voting system" means a system in which votes are recorded on paper ballots by making marks in special voting response locations using a marking device. The votes on the paper ballots are subsequently counted and tabulated by ~~automatic~~ an electronic

tabulating ~~equipment~~ device at one or more counting centers.

10. Voting device. "Voting device" means the voting machine or electronic ~~voting~~ tabulating system apparatus that the voters use to record their votes on paper ballots or on a tabulating card ~~and all the automatic tabulating equipment that is integral to the electronic voting system in use.~~

Sec. 85. 21-A MRSA §809, sub-§§1 and 2, as enacted by PL 1991, c. 347, §5, are amended to read:

1. Rules. The Secretary of State and the Attorney General together may adopt rules governing approval of voting machines under section ~~842~~ 813 and electronic ~~voting~~ tabulating systems under section ~~843~~ 844. The Secretary of State may adopt rules requiring independent testing of voting machines and electronic tabulating systems in use or proposed for use in the State and indicating which approved voting machines and electronic voting tabulating systems are recommended approved for use by municipalities to minimize the cost of producing ballot materials.

2. Use of approved voting machines and systems. Voting devices machines and systems approved and recommended pursuant to rules adopted under subsection 1 may be used by any municipality in a state election. A municipality may use other approved voting devices that are not recommended, however, if the cost of ballot materials for these devices exceeds the Secretary of State's estimated cost of preparing paper ballots for that municipality, the municipality shall reimburse the State for the difference in that cost. Voting machines and electronic tabulating systems that have not been approved for use may not be used by any municipality.

Sec. 86. 21-A MRSA §809, sub-§3, as enacted by PL 1991, c. 347, §5, is repealed.

Sec. 87. 21-A MRSA §812, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Form and content of ballot label. The titles of offices may be arranged horizontally with the names of candidates for an office arranged vertically under the title of the office, or the titles of offices may be arranged vertically with the names of candidates for an office arranged horizontally opposite the title of the office, or the titles of offices and the names of candidates for an office may be arranged in any horizontal and vertical combination as may be ~~deemed~~ determined advisable by the Secretary of State.

The names of candidates must be printed in the order provided by law and, in general elections, the party designation of each candidate, which may be abbreviated, must be printed following the candidate's name.

If there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label must be clearly marked that the list of candidates is continued on the following column or page and, so far as possible, the same number of names must be printed on each column or page. Arrows may be used to indicate the place to vote for each candidate and on each measure.

Sec. 88. 21-A MRSA §812, sub-§4-A is enacted to read:

4-A. Ballot labels for separate elections. The different parts of the ballot, such as partisan, nonpartisan and measures, must be prominently indicated on the ballot labels and, if practicable, each part must be placed on a separate page or pages. If 2 or more elections are held on the same day, the ballot labels must be clearly marked to indicate the ballot for each election and, if practicable, the ballot labels for each election must be placed upon separate pages and labels of a different color or tint may be used for each election.

Sec. 89. 21-A MRSA §817-A is enacted to read:

§817-A. Test of voting machines

The clerk shall test the voting machines using a sample of the ballot cards furnished by the Secretary of State in the same manner as set forth in section 854 regarding the testing of electronic tabulating equipment.

Sec. 90. 21-A MRSA §821, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Delivery. ~~He~~ The municipal clerk shall have the voting machines delivered to each voting place at least 12 hours before the polls are opened on election day. At the time of delivery, the ballot labels must be in place on each machine.

Sec. 91. 21-A MRSA §822, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

When it is time for the polls to open, the warden shall open the envelope containing the keys to the voting machines in the presence of an election clerk from a political party other than that of the warden. The warden shall ensure that the correct ballot labels were delivered by comparing them with the specimen ballot.

Sec. 92. 21-A MRSA c. 9, sub-c. VI, art. II is amended by repealing the first 2 lines and inserting in their place the following:

Article II

Electronic Tabulating Systems

Sec. 93. 21-A MRSA §842, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

A municipality may obtain and use electronic ~~voting~~ tabulating systems according to the following provisions.

Sec. 94. 21-A MRSA §842, sub-§4, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 95. 21-A MRSA §843, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

~~A voting device~~ An electronic tabulating system purchased or rented by a municipality must meet the following requirements.

Sec. 96. 21-A MRSA §843, sub-§§2 and 6, as enacted by PL 1985, c. 161, §6, are amended to read:

2. Voting limited. It must permit each voter to vote at any election for all persons and offices for whom and for which ~~he the voter~~ is entitled to vote; to vote for as many persons for an office as ~~he the voter~~ is entitled to vote for; to vote for or against any question upon which ~~he the voter~~ is entitled to vote; and the ~~automatic electronic~~ tabulating equipment must reject choices recorded on ~~his the voter's ballot or ballot card~~, if the number of choices exceeds the number for which ~~he the voter~~ is entitled to vote for the office or on the measure.

6. Change of vote permitted. It must permit a voter to change or retract a vote ~~he the voter~~ has attempted to cast, in accordance with section 693, before ~~his the voter's ballot or ballot card~~ has been deposited in the ~~ballot box~~ electronic tabulating device.

Sec. 97. 21-A MRSA §844, as amended by PL 1991, c. 347, §9, is further amended to read:

§844. Regulations of Secretary of State

The Secretary of State may make reasonable rules governing the use of electronic ~~voting~~ tabulating systems in accordance with the Maine Administrative Procedure Act.

Sec. 98. 21-A MRSA §845, as enacted by PL 1985, c. 161, §6, is amended to read:

§845. Custody

The municipal clerk has custody of voting devices used by the municipality.

1. Storage and maintenance. ~~He The municipal clerk~~ is responsible for the proper storage and maintenance of each device.

A. ~~He The municipal clerk~~ shall ~~have store~~ each device ~~sealed and stored~~ in a safe, dry building.

B. ~~He The municipal clerk~~ shall ~~have keep~~ each device ~~kept~~ in proper operating condition.

Sec. 99. 21-A MRSA §848, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

The Secretary of State shall furnish all ballot materials for all elections, except municipal elections.

Sec. 100. 21-A MRSA §848, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Ballot format. Ballots furnished for elections must have the titles of offices and the names of candidates arranged in vertical columns. The office title with a statement of the number of candidates to be voted for must be printed above the names of the candidates for that office. The names of candidates must be printed in the order provided by law ~~and~~ In all except primary and nonpartisan elections, the party designation of each candidate must be printed following or below ~~his the candidate's~~ name, in bold type. The number of columns and the length of the ballot may be adjusted as is necessary to accommodate all of the offices, candidates and write-in spaces constituting the total slate for that election. The Secretary of State shall determine the colors of paper on which each ballot must be printed. Symbols such as arrows or ovals may be used to indicate the voter's choice of candidate for each office for which the voter must either complete an arrow or completely fill in an oval to indicate the voter's choice.

Sec. 101. 21-A MRSA §848, sub-§§2 and 3, as enacted by PL 1985, c. 161, §6, are repealed.

Sec. 102. 21-A MRSA §851, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Ballots and supplies. ~~He The municipal clerk~~ shall have the ~~voting~~ electronic tabulating devices prepared for the election and shall deliver, ~~to the precinct election officials or to the polling place,~~ voting the tabulating devices, voting booths, ~~tamper-proof~~ ballot boxes, ballots, secrecy ballot ~~cards~~ envelopes, "write-in" ballots, marking devices and other records and supplies as required to conform with the tabulating system in use and applicable laws.

Sec. 103. 21-A MRSA §851, sub-§§2 to 4, as enacted by PL 1985, c. 161, §6, are repealed.

Sec. 104. 21-A MRSA §852, as enacted by PL 1985, c. 161, §6, is amended to read:

§852. Procedure at the polling place

The following ~~regulations govern~~ governs the procedure for the conduct of elections in which an electronic ~~voting tabulating~~ system is used.

1. Preparation for voting. Before the polls are opened, the election officials shall arrive at the polling place and place the voting devices in position for voting. The officials shall ensure that the devices are in proper working order and ~~shall see that the devices have the correct ballot labels by comparing them with the specimen ballots were delivered.~~ They shall open and check the ballots, ~~ballot cards,~~ supplies, records and forms and post the specimen ballots and instructions to voters.

2. Instruction of voters. If requested, election officials shall instruct a voter on how to operate the ~~voting device~~ electronic tabulating system before ~~he~~ the voter enters the voting booth. If ~~he~~ the voter needs additional instruction after entering the voting booth, election officials may, if necessary, enter the booth and give ~~him~~ the voter additional instructions in accordance with section 672.

3. Depositing ballots in electronic voting device. After the voter has marked ~~his~~ the ballot card, ~~he must~~ the voter may place the ballot card inside the secrecy envelope provided ~~for this purpose to maintain the voter's confidentiality and deposit the envelope with the enclosed ballot card in the ballot box~~ electronic tabulating device. A voter may request the assistance of an election official if the voter has difficulty placing the ballot into the electronic tabulating device.

4. Spoiled ballots. ~~Any If a voter who spoils his a ballot card may return it enclosed in the envelope and obtain a replacement not more than twice, the procedures set forth in section 693 must be followed. The word "Spoiled" must be written across the face of the envelope which shall be placed in the spoiled ballot card container.~~

5. Closing of the polls. As soon as the polls have closed and the last qualified voter has voted, ~~all the warden shall run the official tally tapes off of each electronic tabulating device. One copy of the official tally tape, signed by the warden, must be packed in a tamper-proof ballot box with the other election materials pursuant to section 698, subsection 2-A. All unused ballot cards and records and supplies shall ballots must be placed in a container and sealed for return to the municipal clerk. The ballot box shall electronic voting device must be opened at the polling place and all write-in votes and absentee and other official paper ballots counted and the regular ballot cards separated from the envelopes, regular counted ballots are placed in the tamper-proof ballot boxes and all ballots containing write-in votes or red-lines~~

~~requiring hand counting are counted by the election clerks. The separated ballot cards and envelopes, along with absentee, write in and other official paper ballots, shall then be delivered to the counting center for the official counting and recording of all ballots east. Once all of the hand counting has been completed, the election clerks shall complete the tally sheets and other election forms provided by the Secretary of State and return the ballots and other materials to the clerk packed pursuant to section 698, subsections 2-A and 2-B.~~

Sec. 105. 21-A MRSA §853, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 106. 21-A MRSA §854, as enacted by PL 1985, c. 161, §6, is amended to read:

§854. Test of electronic tabulating equipment

~~Before counting the ballots, the~~ The clerk must ~~shall~~ have the ~~automatic electronic~~ tabulating equipment tested prior to the polls opening to ascertain that it ~~will~~ accurately count counts the votes cast for all offices and on all measures. The test must be conducted by processing a preaudited group of ballots ~~or ballot cards, marked or punched~~ to record a predetermined number of valid votes for each candidate and on each measure. The test must include one or more ballots ~~which that~~ have votes for each office in excess of the number allowed by law in order to test the ability of the ~~automatic electronic~~ tabulating equipment to reject those votes. In this test ~~a different number of~~ valid votes must be assigned to each candidate for an office and for and against each measure. If any error is detected, the cause for the error must be ascertained and corrected and an errorless count must be made and certified ~~to~~ by the clerk before the ~~count is started~~ polls open on election day. ~~The tabulating equipment must pass the same test at the conclusion of the count before the election returns are approved as official. The test ballots and the tapes generated as a result of the tests must be packed and sealed in a container labeled "Test Ballots." The container must remain sealed until at least 60 days after the election, unless needed for recount purposes.~~ The tests provided for in this section must be open to the public.

Sec. 107. 21-A MRSA §855, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 108. 21-A MRSA §855-A is enacted to read:

§855-A. Proceedings after the close of the polls

1. Open to public. The election officials shall run the tapes at the close of the election and hand count the necessary ballots and write-ins under the

observation of the public, but no person except those authorized may touch any ballot.

2. Damaged or defective ballots. If it appears that any ballot is damaged or defective so that it can not be properly counted by the electronic tabulating device, the ballot must be counted manually.

3. Official tape certified by warden and ward clerk. The warden and ward clerk, if applicable, shall sign and date each official tape printed from each electronic tabulating device and certify to its authenticity.

Sec. 109. 21-A MRSA §§856 and 857, as enacted by PL 1985, c. 161, §6, are amended to read:

§856. Official returns

The official return of each voting district consists of the certified return printed by the ~~automatic~~ electronic tabulating equipment and the tallies of all certified absentee, write-in, red-lined and other official paper ballots. ~~The Copies of the official returns shall~~ must be open to the public as soon as the count is completed.

§857. Manual counting authorized

If for any reason it becomes impracticable to count all or a part of the ballots ~~or ballot cards~~ with electronic tabulating equipment, the clerk shall have them counted manually following the provisions governing the counting of paper ballots.

Sec. 110. 21-A MRSA §858-A, as enacted by PL 1993, c. 447, §20, is repealed and the following enacted in its place:

§858-A. Counting procedure for absentee ballots

The procedure for processing absentee ballots for use with electronic voting systems is the same as for processing absentee ballots as provided in section 759.

Sec. 111. 21-A MRSA §859, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 112. 21-A MRSA §860, as amended by PL 1993, c. 473, §40 and affected by §46, is further amended to read:

§860. Violation and penalty

Any person who, before, during or after an election, tampers with or willfully injures any voting device, ballot ~~cards~~ or other records or equipment used in the election, or interferes or attempts to interfere with the correct operation of such a device or equipment or the secrecy of voting, commits a Class C crime.

Sec. 113. 21-A MRSA §862 is enacted to read:

§862. Punch card voting systems

Punch card voting systems are governed by the following provisions:

1. Ballot labels. The Secretary of State shall furnish all ballot materials for all elections except municipal elections.

A. The titles of offices and the names of candidates on ballot labels may be arranged in vertical columns or in a series of separate pages. The title of office with a statement of the number of candidates to be voted for must be printed above or at the side of the names of the candidates for that office. The names of candidates must be printed in the order provided by law and, in general elections, the party designation of each candidate, which may be abbreviated, must be printed following that candidate's name. When there are more candidates for an office than can be printed in one column or on one ballot page, the ballot label must be clearly marked indicating that the list of candidates is continued on the following column or page and, so far as possible, the same number of names must be printed on each column or page. Arrows may be used to indicate the place to vote for each candidate and on each issue to be voted on.

B. The different parts of the ballot, such as partisan, nonpartisan and issues to be voted on, must be prominently indicated on the ballot labels and, if practicable, each part must be placed on a separate page or pages. If 2 or more elections are held on the same day, the ballot labels must be clearly marked to indicate the ballot for each election and, if practicable, the ballot labels for each election must be placed upon separate pages and labels of a different color or tint may be used for each election.

2. Preparation for elections. The municipal clerk shall perform the following duties in preparing for an election.

A. Ballot cards must be of the size, design and stock suitable for processing by automatic data processing machines. In primary elections, the ballot cards of each political party must be distinctly marked or must be a different color or tint so that the ballot cards of each political party are readily distinguishable.

B. A separate write-in ballot must be provided to permit a voter to write in the title of the office and the name of the person or persons for whom that voter wishes to vote.

C. Unless the voting device enables a voter to mark that voter's choices in secret, the clerk must provide a sufficient number of voting booths for each voting district or precinct that allow a voter to mark that voter's ballot in secret.

3. Delivery of ballots or ballot cards to the counting center. The precinct election officials shall prepare a report of the number of voters who have voted as indicated by the incoming voting list and shall place the original copy of this report in the ballot box or ballot card container for delivery to the counting center. The ballot box or ballot card container must be sealed so that no additional ballots or ballot cards may be deposited or removed. The duplicate copy of the report must be returned to the municipal clerk with other records. The clerk shall make arrangements to have the voted ballots or ballot cards of designated polling places picked up at the polling places and delivered to the counting center by authorized election officials or police officers.

4. Proceedings at the counting center. All proceedings at the counting center are under the direction of the municipal clerk and must be conducted in the following manner.

A. The count must be conducted under the observation of the public but no persons except those authorized may touch any ballot or ballot card.

B. All persons who are engaged in processing and counting the ballots must be deputized and take an oath that they will faithfully perform their assigned duties.

C. If it appears that any ballot card is damaged or defective so that it can not properly be counted by the automatic tabulating equipment, a true duplicate copy must be made and substituted for the damaged ballot card or the card may be tabulated manually. All duplicate ballot cards must be clearly labeled "duplicate" and must bear a serial number that must be recorded on the damaged or defective ballot card.

D. When the count is completed, the programs, test materials, ballots and ballot cards must be sealed and retained as provided in section 23.

Other provisions of law under this article that are not inconsistent with the use of punch card voting systems apply to all elections in which a punch card voting system is used.

Sec. 114. 21-A MRSA §906, sub-§1, as amended by PL 1993, c. 473, §41 and affected by §46, is further amended to read:

1. Referendum questions on separate ballot. Referendum questions must be printed on a ballot separate from the general election ballots, except for municipalities using electronic scanning devices ~~tabulating equipment~~. There must be a place on the ballot for the voter to designate the voter's choice.

See title page for effective date.

CHAPTER 460

S.P. 570 - L.D. 1544

An Act to Streamline Permit Procedures for Freshwater Wetlands in the State

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

Sec. 1. 38 MRSA §480-B, sub-§4, as amended by PL 1989, c. 430, §3, is further amended to read:

4. Freshwater wetlands. "Freshwater wetlands" means freshwater swamps, marshes, bogs and similar areas ~~which that~~ are:

~~A. Of 10 or more contiguous acres, or of less than 10 contiguous acres and adjacent to a surface water body, excluding any river, stream or brook, such that in a natural state, the combined surface area is in excess of 10 acres;~~

B. Inundated or saturated by surface or ~~ground~~ water groundwater at a frequency and for a duration sufficient to support, and which under normal circumstances do support, a prevalence of wetland vegetation typically adapted for life in saturated soils; and

C. Not considered part of a great pond, coastal wetland, river, stream or brook.

~~These areas may contain small stream channels or inclusions of land that do not conform to the criteria of this subsection.~~

Sec. 2. 38 MRSA §480-B, sub-§9, as repealed and replaced by PL 1995, c. 92, §2, is amended to read:

9. River, stream or brook. "River, stream or brook" means a channel between defined banks ~~and associated flood plain wetlands~~. A channel is created by the action of surface water and has 2 or more of the following characteristics.

A. It is depicted as a solid or broken blue line on the most recent edition of the U.S. Geological Survey 7.5-minute series topographic map or, if