

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

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cal, chemical and other special weapons defense; evacuation of persons from stricken areas; recovery, identification and disposition of human remains; economic stabilization; allocation of critical materials in short supply; emergency transportation; existing or properly assigned functions of plant protection; other activities related to civilian protection; and other activities necessary to the preparation for the carrying out of these functions.

Sec. 2. 37-B MRSA §704, as amended by PL 1991, c. 376, §65, is further amended by adding at the end 2 new paragraphs to read:

The director, in consultation with the Office of Chief Medical Examiner, shall prepare a plan for the recovery, identification and disposition of human remains in a disaster. The Office of Chief Medical Examiner is responsible for execution of the plan, with full cooperation and assistance from all other members of the civil emergency preparedness forces.

This plan must be reviewed and updated as necessary. The director shall see that the plan and the reviews receive suitable dissemination on a timely basis.

See title page for effective date.

CHAPTER 581

S.P. 686 - L.D. 1917

An Act to Amend the Election Laws

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

Sec. 1. 21-A MRSA §303, sub-§3, as amended by PL 1995, c. 459, §20, is further amended to read:

3. Petition. After the filing of the declaration described in subsection 1, ~~the voter or a group of voters~~ Secretary of State or the Secretary of State's designee shall review the declaration and determine the form of the petitions to be submitted to the voters. The voter or voters proposing to form the party shall print the petitions in the form approved by the Secretary of State and may then circulate the petitions. These petitions must be signed, verified and certified in the same manner as primary petitions under section 335, subsections 3, 4 and 7. 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. 2. 21-A MRSA §901, sub-§1, as amended by PL 1993, c. 352, §1, is further amended to read:

1. Limitation on petitions. An application for a people's veto referendum petition must be filed in the Department of the Secretary of State within 10 ~~working business~~ days after adjournment of the legislative session at which the Act in question was passed. A direct initiative of legislation must meet the filing deadlines specified in the Constitution of Maine, Article IV, Part Third, Section 18.

Sec. 3. 21-A MRSA §901, sub-§3-A, as enacted by PL 1993, c. 352, §1, is amended to read:

3-A. Review for proper form. The Secretary of State shall review the proposed law for a direct initiative of legislation within ~~45 working~~ 10 business days after receipt of the application and either reject the application or provide a first revised draft of the initiative legislation to the applicant within that time. The Secretary of State may reject the application if the Secretary of State determines that the proposed law:

A. Does not conform to the form prescribed by the Secretary of State;

B. Does not conform to the essential aspects of the drafting conventions established for the Maine Revised Statutes. The drafting conventions include but are not limited to:

- (1) Correct allocation to the statutes and correct integration with existing statutes;
- (2) Bill titles and statute section headnotes that objectively reflect the content of the bill, section or sections to which they apply;
- (3) Conformity to the statutory numbering system; and
- (4) Ensuring that bills enacting statutes do not contain provisions that describe intent or make testimonial statements without creating a legal requirement or duty.

By consent of the applicant the proposed law may be modified to conform with the requirements of this section. The Secretary of State may request assistance from the Revisor of Statutes in reviewing the proposed law. The applicant shall submit each subsequent draft of the legislation to the Secretary of State for review following the same process. The Secretary of State shall review each subsequent draft from the applicant and provide a revised draft or written response

suggesting how the proposed law may be modified to conform with the requirements of this section within 10 business days. Before the ballot question is drafted by the Secretary of State, written consent to the final language of the proposed law must be given by the applicant.

Sec. 4. 21-A MRSA §901, sub-§4, as amended by PL 1993, c. 352, §1, is further amended to read:

4. Ballot question. The ballot question for an initiative or a people's veto referendum must be drafted by the Secretary of State in accordance with section 906 and rules adopted in accordance with the Maine Administrative Procedure Act. The Secretary of State shall provide the ballot question to the applicant for a people's veto referendum within 10 business days after receipt of a properly completed application. The Secretary of State shall provide the ballot question to the applicant for an initiative within 10 business days after the applicant has submitted to the Secretary of State written consent to the final language of the proposed law. The question must be conspicuously displayed on the face of the petition.

Sec. 5. 21-A MRSA §902, as enacted by PL 1985, c. 161, §6, is amended by adding at the end a new paragraph to read:

The petitions must be signed, verified and certified in the same manner as are nonparty nomination petitions under section 354, subsections 3 and 4 and subsection 7, paragraphs A and C.

Sec. 6. 21-A MRSA §906, sub-§1, as amended by PL 1995, c. 459, §114, is repealed.

Sec. 7. 21-A MRSA §906, sub-§1-A is enacted to read:

1-A. Referendum questions on same ballot. Referendum questions may be printed on the same ballot or ballot card used for the election of state candidates or municipal elections, as determined by the Secretary of State in accordance with section 604-A. There must be a place on the ballot for the voter to designate the voter's choice.

Sec. 8. 21-A MRSA §906, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Distinctively colored. Referendum ballots must be printed on paper of a distinctive color selected by the Secretary of State, unless the referendum ballot is combined with the same ballot used for the election of state candidates or municipal elections under subsection 1-A.

Sec. 9. 21-A MRSA §906, sub-§5, as enacted by PL 1985, c. 161, §6, is repealed.

Sec. 10. 21-A MRSA §906, sub-§7, as enacted by PL 1985, c. 161, §6, is amended to read:

7. Order of questions on the ballot. The Secretary of State shall arrange questions on the ballot in the following order: People's carry-over measures from a previous election; people's veto questions; initiated measures; bond issues; constitutional amendments; and other legislatively proposed referenda. Within each group, questions must be arranged in a random order determined by a selection process conducted in public. All ballot questions must be numbered sequentially.

See title page for effective date.

CHAPTER 582

H.P. 1552 - L.D. 2181

An Act Concerning Reporting Deadlines of Studies Authorized by Law

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

Whereas, the Task Force to Study Economic Opportunity for All Regions of the State, the Commission to Study the Unemployment Compensation System and the Maine Commission on Children's Health Care require additional time in order to complete in a comprehensive and meaningful manner the tasks assigned by law; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. PL 1997, c. 534, §20, sub-§5 is amended to read:

5. Report. The task force shall submit its report with any accompanying legislation to the Second Regular Session of the 118th Legislature by January 4²³, 1998.

Sec. 2. PL 1997, c. 560, Pt. B, §7 is amended to read:

Sec. B-7. Report. The commission shall submit its recommendations, with any necessary implementing legislation, to the Governor and the