

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND NINETEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 2, 1998 to June 19, 1999**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 18, 1999**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1999**

4. The Supreme Judicial Court is requested to report its findings and recommendations, including any recommended legislation, to the ~~First~~ Second Regular Session of the ~~118th~~ 119th Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters no later than ~~January 15, 1997~~ December 15, 1999.

See title page for effective date.

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## CHAPTER 252

### H.P. 74 - L.D. 87

#### An Act to Require All Voting Places to be Accessible

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 21-A MRSA §630**, as amended by PL 1997, c. 436, §91, is further amended to read:

#### §630. Accessible voting places for the physically handicapped

**1. Definitions.** As used in this section, unless the context indicates otherwise, the following terms have the following meanings:

A. "Accessible voting place" means a voting place in a building in which the part of the building set aside for voting meets the requirements for accessible routes of the 1981 standards of construction described in Title 25, chapter 331.

B. "Physical handicap" means an impairment which confines an individual to a wheelchair; causes an individual to walk with difficulty; affects the sight or hearing to the extent that an individual functioning in public areas is insecure or exposed to danger; or causes faulty coordination or reduces mobility, flexibility, coordination and perceptiveness to the extent that special facilities are needed to provide for the safety of that individual.

**2. Voting places.** Each municipality must provide at least one voting place that is in a building,

~~which is~~ By April 1, 2000, all publicly owned buildings that are used as voting places must be accessible as defined in subsection 1. By July 1, 2001, each municipality shall ensure that all privately owned facilities used by the municipality as voting places are accessible as defined in subsection 1.

~~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 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 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 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 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 must be the same as in section 754 A. If the municipality has a central voting place, then the handicapped voter may vote there using a regular ballot for the applicable voting district. If an alternative voting place 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.~~

**3. Alternative paper ballots.** ~~At all voting places which are equipped with voting machines, paper ballots must be provided for use by voters who are physically unable to operate a voting machine.~~

**Sec. 2. Accessible voting places; cost saving plan.** The Office of the Secretary of State and the Department of Administrative and Financial Services, Bureau of General Services, working jointly, shall review the number of municipalities affected by this Act, examine alternative strategies that would provide accessibility to all voting places for the handicapped community at the lowest possible cost and report any findings to the Joint Standing Committee on Legal and Veterans Affairs no later than January 15, 2000.

These agencies shall consult with and seek input from the municipalities directly affected by this Act.

See title page for effective date.

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## CHAPTER 253

### H.P. 758 - L.D. 1048

#### An Act to Amend the Androscoggin County Budget Process

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 30-A MRSA §721**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

#### §721. Purpose

The purpose of this article is to establish in Androscoggin County a method of appropriating money for county expenditures, including the salaries for county officers, according to a budget ~~which that~~ must first be adopted by a budget committee and must then be ~~approved by the Legislature submitted to the county commissioners.~~ This article amends the statutory method in sections 2, 701 and 702 by creating a committee elected by Androscoggin County municipal officers with authority to adopt or amend the budget subject to review and revision by the county commissioners and, if revised, subject to subsequent acceptance or rejection by the budget committee as provided in this article. ~~The Legislature continues to have authority to approve but not to amend the budget.~~ This article applies only to Androscoggin County.

**Sec. 2. 30-A MRSA §723, sub-§1**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended by amending the first indented paragraph and the first blocked paragraph to read:

**1. Membership.** The budget committee ~~shall consist~~ consists of ~~9~~ 11 members, 3 members from each commissioner district selected as provided in this section and 2 members of the Androscoggin County legislative delegation elected by the legislative delegation. ~~The members from the Androscoggin County legislative delegation may vote on committee matters.~~ The county commissioners ~~shall~~ serve on the committee in an advisory capacity only and may not vote on any committee matters.

In 1989, and every 3rd year thereafter, at least 90 days before the end of the fiscal year, the ~~9~~ 11 members ~~shall be~~ are elected by the following procedure.

**Sec. 3. 30-A MRSA §723, sub-§1, ¶E** is enacted to read:

E. The Androscoggin County legislative delegation shall caucus and choose its 2 budget committee members for a term to be set by the delegation.

**Sec. 4. 30-A MRSA §723, sub-§§2 and 4**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

**2. Duties.** The county budget committee shall review the budget and estimates, including the salaries for county officers, prepared by the county commissioners, and shall approve a final county budget as provided in this article.

**4. Vacancies.** A vacancy occurring on the budget committee ~~shall~~ must be filled by the committee for the balance of the unexpired term. The person appointed to fill the vacant office must be from the same municipality or county as the person vacating the office.

A legislative vacancy occurring on the budget committee must be filled by the Androscoggin County legislative delegation for the balance of the unexpired term.

**Sec. 5. 30-A MRSA §725, sub-§5**, as amended by PL 1993, c. 573, §1, is further amended to read:

**5. Adoption of budget.** After the public hearing or hearings held under subsection 4 are completed, the budget committee ~~may further increase, decrease, alter and revise the proposed itemized budgets, subject to the conditions and restrictions imposed in subsection 3~~ shall adopt a final budget and transmit that budget to the county commissioners. The county