

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 2, 2002 to April 25, 2002**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 25, 2002**

**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**  
**2002**

write-in votes equal to at least twice the minimum number of signatures required under section 335, subsection 5, on a primary petition for a candidate for that office.

B. The Secretary of State shall immediately certify by mail the nomination of each person nominated by the primary election.

**Sec. 15. 21-A MRSA §723, sub-§2,** as amended by PL 1999, c. 426, §26, is further amended to read:

**2. Other elections.** In any other election, the person who receives a plurality of the votes cast for election to any office, as long as there is at least one vote cast for that office, is elected to that office, except that write-in candidates must also comply with section 722-A.

**Sec. 16. 21-A MRSA §752-A** is enacted to read:

**§752-A. Federal absentee ballot**

The federal absentee ballot may be used in primary and general elections by members of the United States Armed Forces and citizens outside the United States who are qualified pursuant to section 751.

**Sec. 17. 21-A MRSA §801, sub-§1,** as enacted by PL 1985, c. 161, §6, is amended to read:

**1. Vote for presidential candidate construed.** A vote for the ~~candidate~~ candidate for President and ~~Vice President~~ is a vote for the presidential electors nominated by the ~~candidate's~~ candidate's political party or by petition.

**Sec. 18. 21-A MRSA §852, sub-§5,** as amended by PL 2001, c. 310, §65, is further amended to read:

**5. Closing of polls.** As soon as the polls have closed and the last qualified voter has voted, the warden shall proceed to ~~count~~ supervise the counting of the ballots under the observation of the public. The warden shall run the official tally tape from each electronic tabulating device and shall record the total votes from the tape on the tally sheet provided by the Secretary of State. The official tally tape must be signed by the warden and one election clerk from each of the major parties and must be packed in a tamper-proof ballot box with the other election materials pursuant to section 698, subsection 2-A. The warden shall run an additional copy of the tally tape to provide to the clerk with the tally sheets and the return of votes cast and may run additional copies of the tally tape to post for public review. All unused ballots must be packaged and sealed pursuant to section 698, subsection 2-B for return to the municipal clerk. The ballot

box for the electronic voting device must be opened at the polling place. The regular counted ballots are placed in the tamper-proof ballot boxes and all unread or red-lined ballots requiring hand counting or ballots containing write-in votes that must be recorded on a write-in tally sheet are counted by the election clerks. The election clerks count in teams of 2, consisting of one election clerk from each of the major parties. If it appears that any ballot is damaged so that it can not be properly counted by the electronic tabulating device, the ballot must be counted manually. 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.~~ The tabulations must be signed by the warden and the 2 election clerks who counted the ballots. The election officials shall complete and sign the other election forms as provided in this Title, and shall return the ballots and other materials to the clerk packed pursuant to section 698, subsections 2-A and 2-B and the incoming voting list packed pursuant to section 698, subsection 3.

**Sec. 19. 21-A MRSA §904-A,** as amended by PL 1997, c. 61, §1, is repealed.

See title page for effective date.

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**CHAPTER 517**

**H.P. 1464 - L.D. 1961**

**An Act to Allow Private Psychiatric Hospitalization of Residents of Department of Corrections Juvenile Facilities**

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

**Sec. 1. 34-A MRSA §3809-A, sub-§3** is enacted to read:

**3. Psychiatric hospitalization.** The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to necessary psychiatric hospitalization, including hospitalization in a nonstate mental health institution or hospital for the mentally ill. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner and staff and rules of the facility until the expiration of the period of commitment or until discharge from the facility. Nothing in this subsection may be construed to override the requirement to make application for psychiatric hospitalization in accordance with Title 34-B, section 3863, unless

hospitalization is made with the juvenile client's consent in accordance with Title 34-B, section 3831.

**Sec. 2. 34-A MRSA §4111, sub-§3** is enacted to read:

**3. Psychiatric hospitalization.** The commissioner has all the power over a juvenile client that a guardian has over a ward and that a parent has over a child with regard to necessary psychiatric hospitalization, including hospitalization in a nonstate mental health institution or hospital for the mentally ill. If a juvenile client is or becomes 18 years of age while still under commitment, the statutory guardianship of the commissioner over the juvenile client terminates, but the juvenile client remains subject to the control of the commissioner and staff and rules of the facility until the expiration of the period of commitment or until discharge from the facility. Nothing in this subsection may be construed to override the requirement to make application for psychiatric hospitalization in accordance with Title 34-B, section 3863, unless hospitalization is made with the juvenile client's consent in accordance with Title 34-B, section 3831.

See title page for effective date.

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**CHAPTER 518**

**H.P. 1550 - L.D. 2053**

**An Act to Clarify the Treatment of Members of Limited Liability Companies Under the Workers' Compensation Laws**

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

**Sec. 1. 39-A MRSA §102, sub-§11, ¶A,** as amended by PL 1999, c. 364, §1, is further amended by amending subparagraph (5) to read:

(5) Except for persons engaged in harvesting of forest products, the parent, spouse or child of a sole proprietor who is employed by that sole proprietor or the parent, spouse or child of a partner who is employed by the partnership of that partner or the parent, spouse or child of a member of a limited liability company may state, in writing, that the parent, spouse or child waives all the benefits and privileges provided by the workers' compensation laws if the board finds that the waiver is not a prerequisite condition to employment;

**Sec. 2. 39-A MRSA §102, sub-§11, ¶B,** as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 and 11, is amended to read:

B. "Employee" includes, if the person elects to be personally covered by this Title, any person who regularly operates a business or practices a trade, profession or occupation, whether individually or in partnership or association with other persons or as a member of a limited liability company, whether or not the person hires employees. Such a person shall elect personal coverage by insuring and keeping insured the payment of compensation and other benefits under a workers' compensation insurance policy. The insurance policy must clearly indicate the intention of the parties to provide coverage for the person electing to be personally covered. The insurance company shall file with the board notice, in such form as the board approves, of the issuance of any workers' compensation policy to a person electing personal coverage. That insurance may not be cancelled within the time limited in that policy for its expiration until at least 30 days after mailing a notice of the cancellation of that insurance to the board and the person electing personal coverage. In the event that the person electing personal coverage has obtained a workers' compensation insurance policy from another insurance company, and that insurance becomes effective prior to the expiration of the 30 days, cancellation is effective as of the effective date of the other insurance. The Superintendent of Insurance is authorized to review for approval, at the superintendent's discretion, an appropriate classification for this class of persons and a reasonable rate.

See title page for effective date.

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**CHAPTER 519**

**H.P. 1616 - L.D. 2115**

**An Act to Abolish the Educational Leave Advisory Board**

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

**Sec. 1. 3 MRSA §959, sub-§1, ¶E,** as amended by PL 1999, c. 706, §1, is further amended to read:

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

- (1) Telecommunications Relay Services Advisory Council in 1997;
- (2) Department of Education in 1997;