

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

A. The principal reason or reasons the inhabitants of the municipality are considering deorganization;

B. An assessment of the government services being provided to the residents of the deorganizing municipality, including education, water and sewer service, fire protection, police protection, street improvements and maintenance, administrative services and recreational facilities and the effect deorganization will have on the provision of those services to the residents of the deorganizing municipality;

C. An inventory of the municipally owned assets and a complete accounting of the municipality's debt and the financial plan for retiring that debt;

D. The fiscal and service delivery effects of deorganization on surrounding municipalities, special districts, the county and the communities within the county, including the unorganized territory; and

E. Any alternatives to deorganization that have been considered to address the cause of the deorganization effort.

**Sec. 4. 30-A MRSA §7207, first ¶,** as enacted by PL 1989, c. 216, §2, is amended to read:

The local committee may incorporate the comments and suggestions received from the commission into the deorganization procedure. The local committee shall immediately notify the municipal officers and the county commissioners of the county where the municipality considering deorganization is located when the deorganization procedure has been completed.

**Sec. 5. 30-A MRSA §7207, sub-§2-A** is enacted to read:

**2-A. Advisory referendum in unorganized territory.** After receiving notice from the local committee that the deorganization procedure is complete, the county commissioners may hold an advisory referendum on the deorganization in the unorganized territory in the county according to the procedures provided in this subsection. The county commissioners may not hold an advisory referendum until a system for identifying voters in the unorganized territory is established. Any advisory referendum must be held within 60 days of the receipt of notice from the municipality that the deorganization process is complete.

The method of voting must be by secret ballot in the manner prescribed for state elections. The county commissioners shall notify the residents of the unorganized territory of the date on which the

referendum will be held. The county clerk shall prepare the ballots on which the following question must appear:

"Do you support the deorganization of (name of municipality)?"

The legal voters of the unorganized territory shall vote by ballot on this question and shall designate their choice by a cross or check mark placed within a corresponding square below the words "Yes" or "No." The ballots must be received, sorted and counted by the county clerk, and the county commissioners shall declare the results of the vote. The county clerk shall file a certificate of the advisory referendum results with the Secretary of State within 10 days of the advisory referendum. The clerk shall forward the results of the advisory referendum to the commission and to the executive director, who shall forward the results of the vote to the joint standing committee of the Legislature having jurisdiction over local government matters.

**Sec. 6. 30-A MRSA §7209, sub-§4** is enacted to read:

**4. Limitation.** If the voters of a municipality reject deorganization in an advisory referendum held pursuant to this section, the municipality may not submit a deorganization plan to the Legislature for a period of 3 years from the date of that advisory referendum.

See title page for effective date.

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## CHAPTER 298

S.P. 322 - L.D. 981

### An Act To Ensure Segregation of Spoiled, Defective and Void Ballots

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

**Sec. 1. 21-A MRSA §693,** as amended by PL 1997, c. 436, §99, is further amended to read:

#### **§693. Spoiled ballots**

If a voter spoils ~~the~~ a ballot, 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 ~~or~~ deputy warden shall write "Spoiled by voter" on the spoiled ballot, and sign it and place it in an envelope marked ~~"Spoiled ballots."~~ If a replacement ballot is issued to the voter, the warden ~~or~~ ward clerk ~~must~~ or deputy warden shall also mark "Replacement ballot issued" on the spoiled ballot. The election official shall then

segregate the spoiled ballot with any other spoiled ballots in an envelope labeled "Spoiled ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of spoiled ballots or a special envelope printed with this label and instructions.

**Sec. 2. 21-A MRSA §696, sub-§3, ¶B,** as amended by PL 2001, c. 310, §40, is further amended to read:

B. The warden, ward clerk or deputy warden shall write "Defective ballot" ~~on the ballot~~ and the reason that the ballot is defective ~~on the ballot~~ and shall sign it ~~and keep it segregated from the other ballots.~~ The election official shall then segregate the defective ballot with any other defective ballots in an envelope labeled "Defective ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of defective ballots or a special envelope printed with this label and instructions.

**Sec. 3. 21-A MRSA §696, sub-§5, ¶B,** as enacted by PL 2001, c. 310, §42, is amended to read:

B. The warden, ward clerk or deputy warden shall write "Void ballot" ~~on the ballot~~ and the reason that the ballot is void ~~on the ballot~~ and shall ~~keep it segregated from the other ballots sign it.~~ The election official shall then segregate the void ballot with any other void ballots in an envelope labeled "Void ballots" and shall package and return the envelope of segregated ballots in accordance with section 698. The Secretary of State shall provide the clerk of each municipality with either a label and instructions on proper handling of void ballots or a special envelope printed with this label and instructions.

See title page for effective date.

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## CHAPTER 299

H.P. 854 - L.D. 1155

### An Act To Include Alternates as Regular Jurors

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

**Sec. 1. 14 MRSA §1204,** as amended by PL 1977, c. 102, is repealed and the following enacted in its place:

## **§1204. Civil juries**

**1. Number of members.** The court shall seat a jury of either 8 or 9 members, and all jurors shall participate in the verdict unless excused for good cause by the court. Unless the parties otherwise stipulate, the verdict must be decided by the unanimous votes of at least 3/4 of the jurors participating in the verdict and no verdict may be taken from a jury reduced to fewer than 7 members.

**2. Procedures.** At the commencement of each term, the clerk shall prepare an alphabetical list of the names of those appearing for duty as traverse jurors. Before each trial, after the court has ruled on challenges for cause, the clerk shall randomly draw by lot from the names of all eligible jurors a sufficient number to comprise the jury panel plus enough to account for peremptory challenges. Peremptory challenges may then be exercised in accordance with court rules. When the panel is complete, the court shall appoint a foreperson to oversee deliberations and to speak for the jury.

**Sec. 2. 14 MRSA §1207** is repealed.

**Sec. 3. 15 MRSA §1317,** as amended by PL 1973, c. 567, §20, is further amended to read:

### **§1317. List of witnesses**

The Attorney General, district attorney or ~~foreman~~ foreperson of the grand jury shall swear or affirm, in presence of the jury, all witnesses who are to testify before them, and a list thereof, stating the cases in which they testify, ~~shall~~ must be returned into the court by the ~~foreman~~ foreperson before the jury is discharged and filed and entered on record by the clerk. The clerk ~~shall~~ may not make such list public until the criminal cases at such terms have been tried or otherwise disposed of.

See title page for effective date.

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## CHAPTER 300

H.P. 93 - L.D. 84

### An Act To Reimburse the State Poet Laureate and To Provide Access to the State Poet Laureate's Services

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

**Sec. 1. 27 MRSA §424** is enacted to read:

### **§424. State Poet Laureate Reimbursement Fund**

**1. Fund established.** The State Poet Laureate Reimbursement Fund, referred to in this section as