

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.

Penmor Lithographers
Lewiston, Maine
2003

tion to donate through the Office of the Secretary of State.

B. The Secretary of State shall establish a volunteer advisory committee to provide advice and information regarding anatomical gifts, public information programs and donor recognition programs.

C. Information maintained in the registry must be made available through a secure site on the Internet, designed to guard donor and family privacy, to federally designated organ procurement organizations as necessary for the coordination of receipt of anatomical gifts and coordination of transplantation of organs and tissues.

D. The Secretary of State shall invite each hospital in the State to nominate individual donors or families for a "Gift of Life" award. The Secretary of State shall forward the names of 5 persons to the Governor each year for commendation through the "Gift of Life" award for their generosity and humanitarian spirit.

E. Notwithstanding Title 22, section 1711-C and any other provision of law to the contrary, a health care provider licensed in this State to provide primary health care shall provide information to a federally designated organ procurement organization regarding a patient who has indicated a willingness to become an organ donor under this section, Title 18-A, Article 5, Part 8 or Title 22, chapter 710 if such information is provided in accordance with professional standards applicable to organ donation and if donor intent has not been overridden pursuant to Title 22, section 2911, subsection 2.

5. Effect. An expression of willingness to make an anatomical gift under this section has the same effect as a designation under Title 18-A, Article 5, Part 8 or Title 22, chapter 710. Revocation or suspension of the right to drive under this chapter does not affect the expressed willingness of a person to make an anatomical gift under this section.

Sec. 5. Organ and tissue donation information. The Secretary of State shall make available to driver education schools information regarding organ and tissue donation.

Sec. 6. Effective date. This Act takes effect July 1, 2004, except that the provision that enacts the Maine Revised Statutes, Title 29-A, section 1402-A, subsections 4 and 5 takes effect after implementation of the computer system scheduled for installation in the Office of the Secretary of State in 2004.

Effective July 1, 2004, unless otherwise indicated.

CHAPTER 395

H.P. 334 - L.D. 426

An Act To Preserve the Integrity of the Voting Process

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

Sec. 1. 21-A MRSA §122, sub-§9, as enacted by PL 1991, c. 466, §4, is amended to read:

9. Regulation of registration monitors. Anyone who wishes to monitor the names and addresses of persons who are registering at the registrar's office or the clerk's office shall inform the registrar or clerk of ~~their~~ that intent. Anyone who wishes to monitor the names and addresses of persons who are registering at the polling place shall inform the registrar or clerk of that intent by submitting a written, signed statement containing the proposed monitor's name, address and intent. The registrar or clerk may designate a place where a person monitoring registrations may stand. The registrar or clerk shall then announce the name and address of individuals registering to vote in a loud and clear voice. A person monitoring registrations shall direct any questions the person has to the registrar or clerk. These questions must be limited to information pertinent to the qualifications of an individual to register. A person monitoring registrations may not ask questions of individuals waiting to register concerning their eligibility to vote. A polling place registration monitor may not handle or inspect registration cards, files or other materials used by the registrar or clerk except as provided in section 22. A monitor may not inhibit the work of the registrar or clerk. If the work of a registrar or clerk appears to be inhibited, the warden may request a reduction in the number of monitors present in the polling place. A registrar or clerk may require a person monitoring registrations who violates the provisions of this subsection to leave the building.

Sec. 2. 21-A MRSA §673, sub-§1, as amended by PL 1997, c. 436, §96, is further amended to read:

1. How made. The challenge must be made to the warden. The challenger must state in the form of a signed affidavit setting forth, under oath administered by the warden, the challenger's name, address, party affiliation, status as a registered voter in the municipality, the name of the voter challenged and the reason for the challenge, the reason the particular individual being challenged may be ineligible to vote, the specific source of the information or personal knowledge upon which the challenge of the particular individual is based and a statement that the challenger

understands that making a false statement on the affidavit is punishable under penalties of perjury.

A. A voter may challenge another voter only upon personal knowledge or a reasonably supported belief that the challenged voter is unqualified. 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;
- (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;
- (11) Committed any other specified violation of this Title; or
- (12) Voted using the wrong ballot for the appropriate electoral district.

B. A challenge made must be made at the time the voter being challenged is checking in with the election clerk in charge of the incoming voting list in accordance with section 671 but before that voter enters the voting booth, except that the registrar or clerk may complete a challenge affidavit under oath to the warden before or during election day.

C. A challenge must be made against an absentee ballot after the name of the absentee voter is announced by the warden or clerk in accordance

with section 759 and before the ballot is placed into the ballot box or voting machine.

D. The merits of a challenge may not be decided at the time the challenge is made, but only after the election consistent with the provisions of section 696.

Sec. 3. 21-A MRSA §673, sub-§3, as amended by PL 1997, c. 436, §97, is further 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. The challenger and the warden shall sign the certificate. After the challenger has signed the certificate, the warden shall place the number that was written on the ballot in a conspicuous place on the certificate. Only the warden and the challenged voter may know the ballot number. The warden shall place the challenge certificate and the signed affidavit under subsection 1 in 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. 4. 21-A MRSA §673, sub-§5 is enacted to read:

5. Regulation of challengers and challenges. A person challenging the right of another person to vote may not create a disturbance or obstruction and may not interfere with or delay the challenged voter's exercise of the right to vote once the challenge affidavit has been completed. A challenger other than a registrar, clerk or other election official may not handle or inspect registration cards or files or other materials used by the registrar or clerk except as provided in section 22.

Sec. 5. 21-A MRSA §696, sub-§1, as amended by PL 1997, c. 436, §100, is further amended to read:

1. Challenged ballot. A challenged ballot must be counted the same as a regular ballot. The validity of a challenged ballot need not be determined unless it affects the results of an election.

If the challenged ballot affects the result of an election, the envelope containing the challenge certificate and the signed affidavit under section 673, subsection 1 must be submitted to the Supreme Judicial Court and its validity must be determined, except when final determination of the election of a

candidate is governed by the United States Constitution.

See title page for effective date.

CHAPTER 396

H.P. 952 - L.D. 1298

An Act To Penalize a Person Who is Habitually Late Making Child Support Payments

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

Sec. 1. 10 MRSA §8006, sub-§1, ¶¶B and C, as enacted by PL 1993, c. 410, Pt. V, §1, are repealed and the following enacted in their place:

B. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

(1) No more than 60 days in arrears in making any of the following payments:

(a) Payments in full for current support;

(b) Periodic payments on a support arrearage pursuant to a written agreement with the Department of Human Services; and

(c) Periodic payments as set forth in a support order; and

(2) No more than 30 days in arrears in making payments as described in subparagraph (1) if the obligor has been in arrears for more than 30 days in making payments as described in subparagraph (1) at least 2 times within the past 24 months.

C. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

Sec. 2. 10 MRSA §8006, sub-§2, as amended by PL 1995, c. 694, Pt. D, §8 and affected by Pt. E, §2, is amended to read:

2. Noncompliance with a support order. An applicant for the issuance or renewal of a license or an existing licensee regulated by a board who is not in compliance with a ~~court support order of support~~ is subject to the requirements of Title 19-A, section 2201.

Sec. 3. 12 MRSA §6309, sub-§1, ¶¶A and B, as enacted by PL 1993, c. 410, Pt. V, §2, are repealed and the following enacted in their place:

A. "Compliance with a support order" means that the support obligor has obtained or maintained health insurance coverage if required by a support order and is:

(1) No more than 60 days in arrears in making any of the following payments:

(a) Payments in full for current support;

(b) Periodic payments on a support arrearage pursuant to a written agreement with the Department of Human Services; and

(c) Periodic payments as set forth in a support order; and

(2) No more than 30 days in arrears in making payments as described in subparagraph (1) if the obligor has been in arrears for more than 30 days in making payments as described in subparagraph (1) at least 2 times within the past 24 months.

B. "Support order" means a judgment, decree or order, whether temporary, final or subject to modification, issued by a court or an administrative agency of competent jurisdiction for the support and maintenance of a child, including a child who has attained the age of majority under the law of the issuing state, or a child and the parent with whom the child is living, that provides for monetary support, health care, arrearages or reimbursement and may include related costs and fees, interest and penalties, income withholding, attorney's fees and other relief.

Sec. 4. 12 MRSA §6309, sub-§2, as amended by PL 1997, c. 537, §5 and affected by §62, is further amended to read:

2. Noncompliance with a support order. An applicant for the issuance or renewal of a license or an existing licensee regulated by the department under