

# MAINE STATE LEGISLATURE

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

**AS PASSED BY THE**  
**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST SPECIAL SESSION**  
**August 21, 2003 to August 22, 2003**

**The General Effective Date For**  
**First Special Session**  
**Non-Emergency Laws Is**  
**November 22, 2003**

**SECOND REGULAR SESSION**  
**January 7, 2004 to January 30, 2004**

**The General Effective Date For**  
**Second Regular Session**  
**Non-Emergency Laws Is**  
**April 30, 2004**

**SECOND SPECIAL SESSION**  
**February 3, 2004 to April 30, 2004**

**The General Effective Date For**  
**Second Special Session**  
**Non-Emergency Laws Is**  
**July 30, 2004**

**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**  
**2004**

**2. Form of records.** The records required under subsection 1 must be kept for the purpose of complying with this section, maintained in order by date of purchase and contained either in a bound volume or ledger or in a binder in which pages can be affixed.

**3. Availability for inspection.** Upon request by any law enforcement officer or prosecuting attorney, a dealer in used personal property shall promptly make available for inspection at the dealer's principal place of business the records required under subsection 1.

**4. Violations.** A dealer in used personal property who violates any of the requirements of this section or a seller who provides false identification to a dealer is guilty of a Class E crime.

**Sec. 3. 32 MRSA §291, sub-§1, ¶C,** as enacted by PL 1999, c. 146, §5, is amended to read:

C. Failure to comply with or properly maintain records required by Title ~~45~~ 30-A, section ~~456~~ 3971;

See title page for effective date.

## CHAPTER 583

H.P. 1274 - L.D. 1752

### An Act To Update Laws Affecting the Military

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

**Sec. 1. 5 MRSA §17652, sub-§5,** as reallocated by RR 2003, c. 1, §4, is amended to read:

**5. Certain members of the Maine National Guard.** A member of the Maine National Guard who is not governed by section 17651 and who is on active state service for more than ~~45~~ 5 consecutive days pursuant to Title 37-B may elect to be a member of the Maine State Retirement System. A member of the Maine National Guard on active state service pursuant to Title 37-B who does not elect to participate in the Maine State Retirement System or is not eligible to participate in the Maine State Retirement System shall participate in the United States Social Security System. Once a member of the Maine National Guard makes an election under this subsection, that election is irrevocable. A member of the Maine National Guard on active state service pursuant to Title 37-B may participate in the tax-deferred arrangement of chapter 67.

**Sec. 2. 18-A MRSA §5-104, sub-§b,** as enacted by PL 1997, c. 455, §7, is amended to read:

(b) Notwithstanding subsection (a), unless otherwise stated in the power of attorney, if the parent or guardian is a member of the National Guard or Reserves of the United States Armed Forces Reserve under an order to active duty for a period of more than 30 days, a power of attorney that would otherwise expire is automatically extended until 30 days after the parent or guardian is no longer under those active duty orders or until an order of the court so provides.

This subsection applies only if the parent or guardian's service is in support of:

- (1) An operational mission for which members of the reserve components have been ordered to active duty without their consent; or
- (2) Forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

**Sec. 3. 18-A MRSA §5-207, sub-§(c),** as amended by PL 1999, c. 303, §1, is further amended to read:

(c) If necessary, the court may appoint a temporary guardian, with the status of an ordinary guardian of a minor, but the authority of a temporary guardian may not last longer than 6 months, except as provided in subsection (c-1).

Notice of hearing on the petition for the appointment of a temporary guardian must be served as provided under subsection (a), except that the notice must be given at least 5 days before the hearing, and notice need not be given to any person whose address and present whereabouts are unknown and ~~cannot~~ can not be ascertained by due diligence. Upon a showing of good cause, the court may waive service of the notice of hearing on any person, other than the minor, if the minor is at least 14 years of age.

**Sec. 4. 18-A MRSA §5-207, sub-§(c-1)** is enacted to read:

(c-1) If one of the parents of a minor is a member of the National Guard or the Reserves of the United States Armed Forces under an order to active duty for a period of more than 30 days, a temporary guardianship that would otherwise expire is automatically extended until 30 days after the parent is no longer under those active duty orders or until an order of the court so provides. This subsection applies only if the parent's service is in support of:

- (1) An operational mission for which members of the reserve components have been ordered to active duty without their consent; or

(2) Forces activated during a period of war declared by Congress or a period of national emergency declared by the President or Congress.

**Sec. 5. 37-B MRSA §147, sub-§2**, as amended by PL 2001, c. 662, §21, is further amended to read:

**2. Rights.** Any person who has served as a commissioned officer in the state military forces for at least 9 years may, upon personal request, be placed upon the retired list. When placed upon the retired list, an officer must be given the highest rank that person held and federally recognized during the person's term of service. ~~If, at the time of the person's retirement, that person has served as a commissioned officer in the state military forces or federal military service for 15 years or more, the person may be retired with a rank one grade higher than the highest rank that person held during the person's service.~~ Retired officers are entitled to wear the uniform of the rank with which they were retired. No commissioned officer in the state military forces may be removed from office without the person's consent, except by sentence of a court-martial or by a board of officers in a manner prescribed by law.

**Sec. 6. 37-B MRSA §188**, as enacted by PL 1983, c. 460, §3, is repealed.

**Sec. 7. 37-B MRSA §342, sub-§5, ¶B**, as amended by PL 2001, c. 662, §36, is further amended to read:

B. All officials and employees of the State who are members of the National Guard or the Reserves of the United States Armed Forces must have a leave of absence not to exceed 17 work days each calendar year from their respective duties, without loss of pay or time, when ~~engaged in performing~~ military training duty and without loss of time or leave for all other ~~military training duty~~, during which the members are so engaged.

See title page for effective date.

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## CHAPTER 584

H.P. 1277 - L.D. 1755

### 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 §22, sub-§§5 and 6** are enacted to read:

**5. Signature and identification number of registered voter.** Notwithstanding subsection 1 and Title 1, section 408, the voter's signature and identification number on the voter registration application and associated records in electronic format are designated as nonpublic records and the registrar shall exclude those items from public inspection. Voter signatures on voter registration applications and associated records in a printed hard-copy format are public records in accordance with subsection 1 and Title 1, section 408.

**6. Disclosure of voter's signature and identification number electronically.** A voter's signature and identification number in electronic format that are excluded from public inspection pursuant to subsection 5 and associated records may be made available for inspection only to the voter of record, to municipal and state election officials, to a law enforcement agency that makes a written request to use the information for a bona fide law enforcement purpose or to a person identified by a court order if directed by that order.

**Sec. 2. 21-A MRSA §23, sub-§1**, as amended by PL 2001, c. 310, §3, is further amended to read:

**1. Registration and enrollment applications.** The registrar shall keep registration and enrollment applications and requests and all documentation of changes in registration and enrollment as part of each active or inactive voter's permanent registration record, except that those records must be kept only ~~5~~ 2 years for a voter whose name has been removed from the voting lists of the municipality under sections 161 and 162-A.

**Sec. 3. 21-A MRSA §122, first ¶**, as amended by PL 2003, c. 407, §7, is further amended to read:

A person may register as a voter by appearing before the registrar, proving that the person ~~is qualified under~~ meets the qualifications of section 111, subsections 1 to 3, and filing an application provided by the registrar containing the information required by section ~~472~~ 152 or 154, if applicable. Township residents may register as provided in section 156.

**Sec. 4. 21-A MRSA §503, sub-§2, ¶C**, as amended by PL 2001, c. 310, §28, is further amended to read:

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. ~~A student election clerk may not assist a voter unless the voter specifically requests assistance from the student election clerk.~~ A student election clerk may perform