

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.

Penmor Lithographers
Lewiston, Maine
2004

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Sec. 6. 37-B MRSA §188, as enacted by PL 1983, c. 460, §3, is repealed.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

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

all the functions of an election clerk as prescribed by this Title.

Sec. 5. 21-A MRSA §601, sub-§2, ¶D, as amended by PL 2001, c. 310, §29, is further amended to read:

D. At the end of the list of candidates for each office, there must be left as many blank spaces as there are vacancies to be filled. These spaces may be used by a voter to write in or paste a sticker with the name and municipality of residence of any person for whom the voter desires to vote, as provided in section 691, subsection 2 for a primary election or section 692, subsection 2 for a general election. ~~For the presidential preference primary election ballot only, at the end of the list of candidates for nomination there must be printed the word "uncommitted" in such a way that a voter may choose this preference rather than a listed candidate. After the "uncommitted" option, there may not be any blank spaces left where a voter could write in the name of any person for whom a voter desires to vote.~~

Sec. 6. 21-A MRSA §601, sub-§2, ¶H, as amended by PL 1997, c. 436, §67, is further amended to read:

H. The name of each nominee must appear on the ballot as follows: last name first, ~~in block capital letters~~, followed by the first name and middle name or initial; or last name first ~~in block capital letters~~, followed by the first name or the first initial and the middle name.

Sec. 7. 21-A MRSA §621-A, sub-§1, as enacted by PL 1997, c. 436, §83, is amended to read:

1. Notice posted. The clerk shall post or have posted a notice of election, attested by the clerk, in a conspicuous public place in each voting district in the municipality at least 7 days immediately before election day and at each voting place on election day.

Sec. 8. 21-A MRSA §651, sub-§2-B, as amended by PL 1997, c. 436, §93, is further amended to read:

2-B. Opening of ballot packages. No more than ~~4~~¹/₂ one hour before the opening of the polls, the warden shall break the seals on the packages containing the ballots and distribute the ballots to the election clerks in charge of them. The breaking of the seals on the packages containing the ballots is a public proceeding and any member of the public may be present.

Sec. 9. 21-A MRSA §671, sub-§2, as enacted by PL 1985, c. 161, §6, is amended to read:

2. Enters guardrail enclosure. The election clerk in charge of the incoming voting list shall place a check mark or a horizontal line, in red ink, on the list beside the voter's name and allow ~~him~~ the voter to enter the area enclosed by the guardrail.

Sec. 10. 21-A MRSA §698, sub-§5, ¶A, as amended by PL 1993, c. 473, §26 and affected by §46, is further amended to read:

A. The portions of ~~subsection 1, paragraph A, and subsections 2-A and 2-B~~ that deal with absentee ballots do not apply to municipalities with 2 or more voting districts where absentee ballots are counted separately.

See title page for effective date.

CHAPTER 585

H.P. 1217 - L.D. 1640

An Act To Provide Accurate Vital Records for Adults in Maine

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

Sec. 1. 22 MRSA §2705, sub-§6 is enacted to read:

6. Amendment of certificate of birth of adult. Amendment of a certificate of birth of a person 18 years of age or older born in this State for the purpose of identifying a biological parent who was not known or listed at the time of birth is governed by section 2767.

Sec. 2. 22 MRSA §2767 is enacted to read:

§2767. Amendment of certificate of birth of adult

The State Registrar of Vital Statistics shall amend the certificate of birth of a person 18 years of age or older born in this State for the purpose of identifying a biological parent who was not known or listed at the time of birth when the state registrar has received the following:

1. Request. A written request from the subject of the birth certificate that the certificate be amended;

2. Written consent. Written consent of:

A. The subject of the birth certificate; and

B. The biological parent to be named on the amended birth certificate.

Written consent must be notarized or acknowledged before an official authorized to take oaths; and