

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

person otherwise authorized under a general permit to apply for an individual permit does not apply.

See title page for effective date.

CHAPTER 651

H.P. 1281 - L.D. 1759

An Act To Ensure the Accurate Counting of Votes

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

Sec. 1. 21-A MRSA §808, sub-§5-A is enacted to read:

5-A. Direct recording electronic voting machine. "Direct recording electronic voting machine" means a system that records votes by means of a ballot display provided with mechanical, electro-optical or electro-audio components that can be activated by the voter, that processes data by means of a computer program and that records voting data in memory components. A direct recording electronic voting machine produces a tabulation of the voting data stored in a removable memory component and on a printed copy.

Sec. 2. 21-A MRSA §808, sub-§§8-A and 8-B are enacted to read:

8-A. Mechanical lever voting machine. "Mechanical lever voting machine" means a machine that directly records a voter's choices via mechanical lever-actuated controls into a counting mechanism that tallies the votes without using a physical ballot.

8-B. Punch card voting machine. "Punch card voting machine" means a machine that transmits a voter's choices onto either a prescored or unscored ballot via mechanically punched holes that are then read and tallied by the machine.

Sec. 3. 21-A MRSA §809, sub-§3-A is enacted to read:

3-A. Proscribed voting machines. The following types of voting machines may not be used in the conduct of state elections:

- A. Mechanical lever voting machines; and
- B. Punch card voting machines.

Sec. 4. 21-A MRSA §809-A is enacted to read:

§809-A. Certain electronic connections and Internet voting prohibited

1. Electronic connections prohibited. Connections of any voting devices, as defined by section 808, via the Internet to centralized vote collection equipment may not be employed by election officials of the State. Networking of voting machines, Internet-enabled or otherwise, is prohibited.

2. Electronic returns. A vote total that is transmitted electronically is not considered an official return. The official return of votes cast must be prepared in accordance with section 711. Nothing in this section may be construed to prevent the electronic filing of unofficial returns.

3. Internet voting. Use of the Internet for the casting of votes on-line is prohibited.

Sec. 5. 21-A MRSA §812, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

A voting machine ~~purchased by a municipality used in the conduct of state elections~~ must meet the following requirements.

Sec. 6. 21-A MRSA §812, sub-§4-A, as enacted by PL 1995, c. 459, §88, is repealed.

Sec. 7. 21-A MRSA §812, sub-§10 is enacted to read:

10. Paper audit trail. Unless excluded pursuant to section 812-A, subsection 1, it must produce or employ permanent paper records of the votes cast that are able to be verified by individual voters before their votes are cast and that provide a manual audit capacity for the machine. In the case of direct recording electronic voting machines, those records must also identify the individual machines that produced them without revealing the identities of the voters who cast the ballots. In all cases, these records must be reviewed in the event of a recount and considered in conjunction with the machine-produced tally.

Sec. 8. 21-A MRSA §812-A is enacted to read:

§812-A. Accessible voting equipment

1. Accessible voting equipment at each polling place. The Secretary of State, in compliance with the voting accessibility requirements of the federal Help America Vote Act of 2002, shall provide one direct recording electronic voting machine, or other voting system equipped for individuals with disabilities, for use at each polling place used in the conduct of state elections. Such machines must produce permanent paper records that provide a manual audit capacity for the machines and must also provide voters with audio

functions that enable the voters to verify their ballots aurally before the votes are cast, and all such machines are exempt from the requirements of section 812, subsection 10.

Additional accessible voting machines may be used in the conduct of state elections, but those machines must meet the requirements set forth in section 812.

2. **Moratorium.** Notwithstanding subsection 1, the State may not purchase or approve direct recording electronic voting machines, or other voting systems equipped for individuals with disabilities, at any time prior to March 1, 2005. This subsection is repealed March 1, 2005.

Sec. 9. Report on implementation. The Secretary of State shall report, by January 15, 2005, to the joint standing committee of the Legislature having jurisdiction over statewide election matters on progress made to implement the accessible voting equipment requirements of the federal Help America Vote Act of 2002. The report must include a plan to comply with the federal law and to promote voting accessibility for individuals with disabilities through the purchase and implementation of one direct recording electronic voting machine, or other voting system equipped for individuals with disabilities, for each polling place used in state elections.

See title page for effective date.

CHAPTER 652

S.P. 632 - L.D. 1700

An Act To Amend the Motor Vehicle Laws

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, this legislation needs to take effect before the expiration of the 90-day period in order to correct a technical error in the funding of a position created in Public Law 2003, chapter 356; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 11 MRSA §9-1317, sub-§(5), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(5) Except as otherwise provided in sections 9-1320 and 9-1321, if a person files a financing statement with respect to a purchase-money security interest before or within 20 days after the debtor receives delivery of the collateral, the security interest takes priority over the rights of a buyer, lessee or lien creditor that arise between the time the security interest attaches and the time of filing, unless the collateral is covered by Title 29-A, chapter 7, in which case the security interest takes priority if perfected in accordance with section 9-1303 within 30 days after the debtor receives delivery of the collateral.

Sec. A-2. 11 MRSA §9-1324, sub-§(1), as enacted by PL 1999, c. 699, Pt. A, §2 and affected by §4, is amended to read:

(1) Except as otherwise provided in subsection (7), a perfected purchase-money security interest in goods other than inventory or livestock has priority over a conflicting security interest in the same goods, and, except as otherwise provided in section 9-1327, a perfected security interest in its identifiable proceeds also has priority, if the purchase-money security interest is perfected when the debtor receives possession of the collateral or ~~within 20 days thereafter.~~

(a) In the case of goods covered by Title 29-A, chapter 7, within 30 days thereafter; or

(b) In all other cases, within 20 days thereafter.

Sec. A-3. 29-A MRSA §603, sub-§4, as amended by PL 2003, c. 235, §1, is further amended to read:

4. Penalty. If an application, certificate of title or other document required to be delivered to the Secretary of State is not delivered to the Secretary of State within ~~20~~ 30 days, the Secretary of State shall collect ~~\$125~~ \$50 as a penalty.

Sec. A-4. 29-A MRSA §654, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Purchased from the dealer. If the application is for a vehicle purchased from a dealer, in addition to the requirement set forth in subsection 1, the application must be signed by the dealer and must contain the name and the address of any lienholder or assignee holding an interest created or reserved at the time of sale and the date of the lien. The dealer shall, within ~~20~~ 30 days after the sale, deliver the application