

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

G. Changeable message board signs existing in accordance with the requirements of former subsection 11 continue to exist if the signs:

- (1) Are reasonably incapable of being modified or reprogrammed to comply with this section as amended; and
- (2) Are not replaced, substantially rebuilt, reconstructed or repaired beyond routine maintenance.

H. The size, intensity of illumination and acceptable rate of change between the time display and the temperature display of a time and temperature sign must comply with rules, policies or guidelines adopted by the Department of Transportation. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A. Time and temperature signs erected prior to September 29, 1995 need not comply with those rules, policies or guidelines.

See title page for effective date.

CHAPTER 196

H.P. 456 - L.D. 623

An Act To Ensure Participation by Voters with Disabilities in the Electoral Process

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

Sec. 1. 21-A MRSA §1, sub-§40-A is enacted to read:

40-A. Signature. "Signature" includes a signature stamp and a signature written by another registered voter on behalf of an individual in accordance with the procedure set forth in section 153-A and, for an individual who is unable to sign that individual's own name, a mark.

Sec. 2. 21-A MRSA §153, as amended by PL 1985, c. 614, §10, is repealed.

Sec. 3. 21-A MRSA §153-A is enacted to read:

§153-A. Alternative registration procedure for voters with disabilities

1. Alternative application for voter who is unable to sign. An applicant who is unable to sign that applicant's name because of a physical disability may use a signature stamp or authorize another person to sign on behalf of the applicant on an application to

register to vote or to enroll or make any changes to the applicant's voter registration status, as provided by this Title. The individual assisting the applicant shall prepare and sign the registration application or form, along with an alternative registration signature statement, at the applicant's direction, in the presence of the applicant and one corroborating witness. The individual assisting the applicant and the corroborating witness must be registered to vote in the State, but neither may be a candidate, the applicant's employer or an agent of that employer or an officer or agent of the applicant's union. The alternative registration signature statement form must be designed by the Secretary of State and must indicate that:

A. The applicant is unable to sign the applicant's name because of a physical disability;

B. The applicant meets all the qualifications to become a registered voter in the State or to make the requested changes to the voter's registration; and

C. The information supplied on the form concerning the applicant is true.

2. Alternative application for voter who becomes unable to sign after being registered. A voter who becomes unable to sign that voter's name because of a physical disability after being registered to vote and who wishes to change the voter's registration or enrollment status may do so by using a signature stamp or by authorizing another registered voter to sign on the voter's behalf if the voter files with the voter registration application or form an alternative registration signature statement prepared in accordance with subsection 1.

3. Signing petitions. Once an alternative registration signature statement is on file with the registrar, the voter may authorize any other Maine-registered voter to sign candidate petitions and any Maine Clean Election Act forms requiring a voter's signature in the presence and at the direction of the voter, except that the individual assisting the voter may not be the circulator of the petition or form, the voter's employer or an agent of that employer or an officer or agent of the voter's union. In addition to using the voter's signature stamp or signing for the voter, the individual assisting the voter must print and sign the individual's own name and residence address on the petition or form and attest that the individual is signing on the voter's behalf. This method of signing satisfies the requirements in this Title that voters personally sign candidate petitions.

4. Registrar assistance. An applicant or voter described in subsection 1 or 2 who does not have another registered voter available to assist the applicant or voter may request the registrar to provide

that assistance. If the applicant or voter is unable to appear at the office of the registrar, the registrar shall visit the individual to provide that assistance, upon request and with reasonable notice. The municipality shall pay the registrar travel expenses at the same rate paid other municipal employees.

Sec. 4. 21-A MRSA §335, sub-§7, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. The circulator of a primary petition shall verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that all of the signatures to the petition were made in ~~his~~ the circulator's presence and that to the best of ~~his~~ the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be; each signature authorized under section 153-A was made by the authorized signer in the presence and at the direction of the voter; and each person is enrolled in the party named in the petition and is a resident of the electoral division named in the petition.

Sec. 5. 21-A MRSA §354, sub-§7, ¶A, as enacted by PL 1985, c. 161, §6, is amended to read:

A. The circulator of a nomination petition shall verify by oath or affirmation before a notary public or other person authorized by law to administer oaths or affirmations that all of the signatures to the petition were made in ~~his~~ the circulator's presence and that to the best of ~~his~~ the circulator's knowledge and belief each signature is the signature of the person whose name it purports to be; each signature authorized under section 153-A was made by the authorized signer in the presence and at the direction of the voter; and each person is a resident of the electoral division named in the petition.

See title page for effective date.

CHAPTER 197

H.P. 667 - L.D. 957

An Act To Limit Faxes from Telemarketers

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

Sec. 1. 10 MRSA §1498, sub-§1, ¶¶A and B, as enacted by PL 1989, c. 775, are amended to read:

A. "Automated telephone calling device" means any system or equipment, including a facsimile

machine, that selects, dials or calls telephone numbers and plays recorded messages or attempts to send facsimiles.

B. "Solicitation calls" means calls, including facsimile transmissions, the purpose of which is any of the following:

- (1) To offer real property, goods or services for sale or rent;
- (2) To convey information on real property, goods or services to solicit sales or ~~purchase~~ purchases;
- (3) To promote or solicit charitable contributions; or
- (4) To gather data or statistics or solicit information.

See title page for effective date.

CHAPTER 198

H.P. 481 - L.D. 661

An Act To Allow Dental Hygienists To Perform Temporary Filling Procedures

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

Sec. 1. 32 MRSA §1098-E is enacted to read:

§1098-E. Temporary filling procedures

A dental hygienist with public health supervision status, as defined by rules adopted by the Board of Dental Examiners, may perform temporary filling procedures without a dentist present under protocols developed by the Board of Dental Examiners. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 199

H.P. 593 - L.D. 834

An Act To Prevent Camcorder Piracy

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