

MAINE STATE LEGISLATURE

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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

A. To be considered for a waiver under this subsection, the physician must:

- (1) Be a graduate of a foreign medical school, not including a medical school in Canada or Great Britain;
- (2) Be licensed in another state; and
- (3) Have at least 3 years of clinical experience in the area of expertise.

B. If the physician meets the requirements of paragraph A, the board shall use the following qualifications of the physician to determine whether to grant a waiver:

- (1) Completion of a 3-year clinical fellowship in the United States in the area of expertise. The burden of proof as to the quality and content of the fellowship is placed on the applicant;
- (2) Appointment to a clinical academic position at a licensed medical school in the United States;
- (3) Publication in peer-reviewed clinical medical journals recognized by the board;
- (4) The number of years in clinical practice; and
- (5) Other criteria demonstrating expertise, such as awards or other recognition.

C. The costs associated with the board's determination of licensing eligibility in regard to paragraph B must be paid by the applicant upon completion of the determination under paragraph A. The application cost must reflect and not exceed the actual cost of the final determination.

See title page for effective date.

CHAPTER 364

H.P. 768 - L.D. 1115

An Act To Facilitate Voting by Participants in the Address Confidentiality Program

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each

House have determined it necessary to enact this measure.

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

Sec. 1. 21-A MRSA §1, sub-§21, as enacted by PL 1985, c. 161, §6, is amended to read:

21. Incoming voting list. "Incoming voting list" means the list of all of the voters in a municipality ~~which that~~ is used by election officials at a voting place to record which voters have been issued a ballot at an election. The list must include the following information for each voter and may not include any other information: name; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; designations regarding challenged ballots and absentee ballots; and any special designations indicating uniformed service voters, overseas voters or township voters. The portion of the incoming voting list relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection.

Sec. 2. 21-A MRSA §22, sub-§3, as enacted by PL 1997, c. 248, §1, is amended to read:

3. Address of registered voter. Notwithstanding subsection 1 and Title 1, section 408, if a registered voter ~~submits to the registrar a signed statement that the voter has good reason to believe that the physical safety of the voter or a member of the voter's family residing with the voter would be jeopardized if the voter's address were open to public inspection, that voter's address is not a public record and the registrar shall exclude that voter's address is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B, all records maintained by the registrar pertaining to that voter must be kept confidential and must be excluded from public inspection. The voter's name, political party affiliation and electoral division remain a public record. The voter's signed statement is also a public record.~~

Sec. 3. 21-A MRSA §22, sub-§4, as enacted by PL 1997, c. 248, §1, is repealed.

Sec. 4. 21-A MRSA §122-A is enacted to read:

§122-A. Alternative registration procedure for participants in Address Confidentiality Program

Notwithstanding sections 122 and 152, a person who is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B may register to vote using the designated address and voter code assigned

to that person pursuant to rules adopted to implement the program. To register to vote, a voter must present the registrar with that voter's authorization card assigned to the voter pursuant to rules adopted by the Secretary of State showing that voter's name, voter code, designated address and certification expiration date. The registrar may contact the Address Confidentiality Program administrator in the Secretary of State's office to determine the voter's eligibility to register in the municipality and to verify the electoral district in which the voter is voting for purposes of issuing an absentee ballot to the voter pursuant to section 753-C. All registration records for such voters must be designated as confidential and kept sealed in the registrar's office. The name of any voter certified as a program participant in the Address Confidentiality Program may not be placed on any voter list that is available for public inspection or copying.

Sec. 5. 21-A MRSA §172, as enacted by PL 2003, c. 407, §13, is amended to read:

§172. Voter registration file

The registrar shall prepare and keep a voter registration file containing the voter registration documents for each voter on the voting list in the central voter registration system, arranged alphabetically by the last name of each voter, except that any voter certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B must be listed on voter registration documents only by the voter code assigned to that voter under the program and these documents must be placed at the end of the alphabetized voter file. The file must contain an original, signed voter registration application for each voter, with all associated applications containing changes of name, address or enrollment and any documentation concerning these applications or the qualifications for these voters. Information in the file pertaining to any voter certified by the Secretary of State as a program participant in the Address Confidentiality Program must be kept under seal and excluded from public inspection. When the name of a voter is removed a voter's registration is cancelled from the voting list central voter registration system, the registrar shall indicate on the voter's registration documents the date that the voter's name registration was removed from the list cancelled and retain the documents for 5 years, either in the same file, or in a separate file. The registrar must retain the voter registration documents for each rejected voter in a separate file for the time period specified in section 23.

Sec. 6. 21-A MRSA §191, sub-§4 is enacted to read:

4. Address confidentiality component. For the purposes of generating an incoming voting list, the

central voter registration system must be capable of being sorted so that the Address Confidentiality Program voter codes and the address assigned each voter by the program appear at the end of the alphabetized list and are printed on a separate page of the list.

Sec. 7. 21-A MRSA §753-B, sub-§6, as amended by PL 2003, c. 407, §§24 and 25, is further amended to read:

6. Clerk to keep list of absentee voters. The clerk shall ~~keep~~ create and maintain, in the central voter registration system, an alphabetical list, by district, of the persons who requested or were furnished absentee ballots, including the persons who voted in the presence of the clerk under subsection 8 and the persons whose ballots were issued to a 3rd person under subsection 1. The clerk shall maintain a copy of the lists required under this subsection for a period of 2 years as a public record.

A. The list of absentee voters must include each voter's name, residence address, voting district and party affiliation; the date and manner by which the ballot was requested, issued and received; a notation of whether the application and the ballot were accepted or rejected; and a place for the registrar to certify the voter registration status of the absentee voters. The clerk must also indicate on the list when the absentee voter is a uniformed service voter ~~or~~, overseas voter or township voter. By the time that all absentee ballots have been processed on election day, the clerk must update the central voter registration system or annotate the printed list of absentee voters to reflect all ballots that were received by the close of the polls on election day, including a notation of whether the ballots were accepted or rejected and the reasons for such rejections. This list, reflecting all absentee ballots received by the close of the polls, must be made available for public inspection. Any absentee voter certified as a participant in the Address Confidentiality Program pursuant to Title 5, section 90-B must be listed by the voter code assigned to that individual under the program instead of by the voter's name and reflect the Address Confidentiality Program address assigned to the voter. The list of absentee voters must be sorted so that the program participants appear at the end of the list and must be printed on a separate page of the list. The portion of the list of absentee voters relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection.

B. The clerk shall submit this list of absentee voters to the registrar for certification of the registration status and, when applicable, the

enrollment status of the voters. The registrar shall certify the list either before or as soon as possible after the ballot is issued to the voter. The certifications must be completed before the absentee ballots may be processed and cast on election day.

C. The clerk shall also keep a list of the 3rd persons designated in applications or written requests to whom absentee ballots are sent or delivered under subsection 1 and of the number of absentee ballots sent or delivered to them. This list of 3rd person ballot carriers must include telephone numbers for contacting the 3rd persons.

~~D. Within 20 days after each election, the clerk shall send a report to the Secretary of State stating the total number of absentee ballots issued to absentee voters in the municipality for that election. The report must further identify the number of ballots that were issued to uniformed service voters and overseas voters, respectively. For each category of absentee voters, the report must include the number of ballots that were returned by the voters and were processed and cast in the election.~~

E. Within 10 business days after each election, the clerk shall update the central voter registration system to include the changes required by paragraph A. The clerk also must update the central voter registration system to reflect any absentee ballots received after the polls have closed on election day by changing the rejection reason. When all updates have been made in the central voter registration system, the clerk shall certify this to the Secretary of State and make a final list of absentee ballots available for public inspection.

Sec. 8. 21-A MRSA §753-C is enacted to read:

§753-C. Absentee ballots for program participants in Address Confidentiality Program

Any registered voter who is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B is entitled to receive an absentee ballot for every election during the period of the voter's participation in the program. The clerk shall mail the absentee ballot to the voter at the voter's designated address as soon as possible after the regular ballots are available in the municipality. The voter shall mark the absentee ballot in accordance with the procedures set forth in section 754-A and shall return the ballot to the registrar in the manner provided in section 754-A.

except that the voter may sign the voter's voter code under the Address Confidentiality Program on the absentee ballot envelope instead of the voter's name.

Sec. 9. 21-A MRSA §754-A, first ¶, as amended by PL 1999, c. 645, §7, is further amended to read:

Except as provided in section 753-B, subsection 8 and section 753-C, the method of voting by absentee ballot is as follows.

See title page for effective date.

CHAPTER 365

H.P. 1083 - L.D. 1542

An Act To Provide Relief to Retailers Who Have Been Issued Bad Checks

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

Sec. 1. 14 MRSA §6071, sub-§5 is enacted to read:

5. Second dishonored check. A person who intentionally issues or negotiates a 2nd check that is dishonored to the same payee within one year of issuing or negotiating the first dishonored check knowing that the check will not be honored by the maker or drawee is liable to the payee not only for the face amount of the check, the costs and attorney's fees pursuant to subsections 1 and 2, but also for additional liquidated damages if the check is dishonored and the drawer fails to pay the face amount of the check within 30 days of a written demand for payment by the payee.

A. If a check is not honored by the drawee bank because the drawer has no account with the bank, the additional liquidated damages are in an amount twice the face amount of the check or \$750, whichever is less.

B. If a check is not honored by the drawee bank because the drawer has insufficient funds on deposit with the bank, the additional liquidated damages are in an amount twice the face amount of the check or \$400, whichever is less.

For the purposes of this subsection, a check may be considered the 2nd dishonored check to the same payee if the first check to the same payee was not paid within 45 days of the issuance or negotiation of the first check.

See title page for effective date.
