

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

CHAPTER 387

H.P. 1192 - L.D. 1686

**An Act To Amend the Laws
Governing Political Caucuses,
Conventions and Committees**

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

Sec. 1. 21-A MRSA §111, as amended by PL 1987, c. 423, §2, is further amended to read:

§111. General qualifications

A person who meets the following requirements may vote in any election in a municipality, including a biennial municipal caucus held pursuant to section 311.

1. Citizenship. ~~He~~ The person must be a citizen of the United States.

2. Age. ~~He~~ The person must be at least 18 years of age, except that, to vote in a political party's primary election or municipal caucus, the person must be at least 18 years of age as of the date of the next general election.

3. Residence. ~~He~~ The person must have established and maintain a voting residence in that municipality.

4. Registration. ~~He~~ The person must be registered to vote in that municipality.

5. Enrollment. ~~He~~ The person must be enrolled in a party in that municipality to vote at a that party's caucus, convention or primary election, unless otherwise permitted by ~~a political~~ the party pursuant to section 340.

Sec. 2. 21-A MRSA §111-A, as enacted by PL 2003, c. 577, §1, is amended to read:

§111-A. Voting age qualification for primary elections

~~Notwithstanding section 111, subsection 2, a~~ A person who has not yet reached 18 years of age but will be 18 years of age at the time of a general election and meets all other qualifications in order to vote in a primary election may vote in the primary election for the selection of candidates to be on the ballot at that general election.

Sec. 3. 21-A MRSA §311, as amended by PL 2001, c. 310, §17, is further amended to read:

§311. Rules governing

A biennial municipal caucus ~~is~~ may be held by any political party for the purpose of electing delegates to a state convention and for any other business governed by the following provisions.

1. Call. The caucus may be called by the ~~chairman~~ chair or a majority of the members of the municipal committee of a political party. If the municipal committee fails to call a caucus, the county committee may call the caucus. At the request of that committee municipal officers shall provide available space in a public building for a caucus. A municipality may hold its caucus outside the municipality if several municipalities elect to meet on a consolidated basis or if the committee calling the caucus determines that a facility outside the municipality is more suitable.

2. Time. A biennial municipal caucus of any party ~~held biennially during the general election year for the purpose of electing delegates to a state convention and for any other business~~ must be held during the general election year before March 20th.

3. Notice. The secretary of the committee ~~must~~ shall have a notice of the caucus published in a newspaper having general circulation in the municipality at least 3 and not more than 7 days before it is to be held, or ~~must~~ shall post a notice in a conspicuous, public place in each voting district in the municipality at least 7 days before the caucus. The notice must contain the name of the party, the time and place of the caucus and the name of the person calling it.

A. If the notice is not published as required by this subsection, the caucus is void if challenged by any voter eligible to participate in the caucus who was prejudiced by the failure to publish notice.

B. The secretary of the committee ~~must~~ shall file a copy of the notice with the clerk who shall record it.

4. Procedure. The ~~chairman~~ chair of the municipal committee shall open the caucus. ~~In his~~ the ~~chair's~~ absence, the secretary or any resident voter enrolled in the party may open the caucus. The caucus shall elect a secretary and a ~~chairman~~ chair in that order. The ~~chairman~~ chair of the caucus shall then preside over the caucus and the secretary shall record the proceeding of the caucus. The caucus shall determine its own parliamentary procedure.

5. If no municipal committee. If there is no municipal committee, any resident voter enrolled in the party may call a special caucus for the purpose of electing the committee. ~~He must follow~~ following the notice procedure of subsection 3.

Sec. 4. 21-A MRSA §321, as enacted by PL 1985, c. 161, §6, is amended to read:

§321. Time and place; procedure

Each party shall hold a state convention between March 1st and August 1st biennially during each general election year.

1. Time, place and representation. The party's state committee shall determine the time, place and basis of representation for the convention. Delegates must be qualified to vote in the party's primary election unless otherwise permitted by party rules.

2. Proceedings at convention. The convention shall do the following:

A. Elect a secretary and a ~~chairman~~ chair of the convention in that order;

B. Adopt a platform for the next general election;

C. Nominate the number of presidential electors to which the State is entitled;

D. Determine the size of the state, district and county committees and the method of their election-;

E. Elect a district committee for each congressional district; and

F. Elect a county committee for each county from persons nominated at municipal caucuses held in the county, unless party rules provide for county committee members to be elected directly by their respective municipalities. If a municipality entitled to nominate a person for election to the county committee fails to do so, the convention may elect any resident of that municipality to the county committee.

Sec. 5. 21-A MRSA §322, as amended by PL 1997, c. 436, §46, is further amended to read:

§322. Committee functions

~~Committees elected at the convention~~ State, congressional district and county committees of qualified political parties are governed by the following provisions.

1. Committees to organize and report. ~~The committees elected at the convention shall organize within 30 days after the convention.~~ The secretary of each committee shall notify the state committee of the name and residence of its ~~chairman~~ chair and secretary within 10 days after their election. The state committee shall hold an organizational meeting within 30 days after the convention.

2. State committee to report organization. The chair and the secretary of the state committee

shall certify to the Secretary of State the platform adopted and the names of the party's candidates for presidential electors ~~elector~~ within 30 days after the convention. The chair and the secretary of the state committee shall certify to the Secretary of State the name and residence of the chair and secretary of each committee and of each committee member within 20 days after their election.

3. Term of office and duties of committees. The committees and their officers shall hold office as prescribed in their bylaws and shall perform the duties imposed upon them by the convention and their bylaws.

4. Certain officers of state committee. The ~~chairman~~ chair, ~~vice chairman~~ vice-chair, treasurer and finance ~~chairman~~ chair of the state committee may be chosen from outside the membership of the state committee.

See title page for effective date.

CHAPTER 388
H.P. 712 - L.D. 1027**An Act To Ensure the Safety of Victims of Domestic Violence**

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

Whereas, privacy and confidentiality are critical to the safety of a domestic violence victim, and disclosure of information that directly or indirectly reveals the identity and location of a victim who has sought domestic violence services can create a serious risk of physical harm to the victim or to the victim's family members; and

Whereas, it is necessary to protect the privacy of victims of domestic violence and, in doing so, clarify that privileged communication between a victim and a domestic violence advocate includes the personal identifying information of that victim; 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:

Sec. 1. 16 MRSA §53-B, sub-§1, ¶A-1 is enacted to read: