

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

4. Administration. The Bureau of Health shall administer the fund allocations with the review and advice of an advisory board established by the department pursuant to section 1323. Preference must be given to programs that reach high-risk or underserved populations. The bureau may contract for professional services to carry out the purposes of this section.

§1322-F. Lead poisoning prevention fee

1. Fee imposed. Beginning July 1, 2006, a fee is imposed on manufacturers or wholesalers of paint sold in the State to support the Lead Poisoning Prevention Fund under section 1322-E. The fee must be imposed at the manufacturer or wholesaler level, in the amount of 25¢ per gallon of paint estimated to have been sold in the State during the prior year, as determined by rule adopted by the department.

2. Rules. By July 1, 2006, the department shall adopt rules to implement this section, including rules to determine which manufacturers or wholesalers of paint sold in the State are responsible for the fees imposed under subsection 1 and rules establishing the estimated number of gallons of paint sold in the State in the prior year for each manufacturer and rules determining the manner of payment. The rules must provide for waivers of payment for manufacturers and wholesalers of paint that is sold in low quantities in the State. The costs for development of these rules and for administration of the Lead Poisoning Prevention Fund must be reimbursed from the fees collected. The rules must specify that the first payment of fees is due by April 1, 2007. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

3. Enforcement. The Attorney General shall enforce payment of fees under this section through an action in Superior Court in Kennebec County and may collect costs and attorney's fees.

4. Repeal. This section is repealed July 1, 2011.

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

HEALTH AND HUMAN SERVICES, DEPARTMENT OF

Lead Poisoning Prevention Fund

Initiative: Provides a base allocation of \$500 beginning in fiscal year 2006-07 for the costs of the development of rules, the administration of the fund and allocations from the fund to be funded by fees authorized to be imposed for the purposes of the fund.

OTHER SPECIAL REVENUE

FUNDS	2005-06	2006-07
Unallocated	\$0	\$500

OTHER SPECIAL REVENUE		
FUNDS TOTAL	\$0	\$500

See title page for effective date.

CHAPTER 404

S.P. 446 - L.D. 1266

**An Act Regarding Distribution of
Information from the Central Voter
Registration System**

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

Sec. 1. 21-A MRSA §1, sub-§13, as enacted by PL 1985, c. 161, §6, is amended to read:

13. Distinguishing mark. "Distinguishing mark" means a mark on a ballot of a type or in a place not specifically permitted by this Title, which indicates the apparent intent of the voter to make his the voter's ballot distinguishable in a manner that is fraudulent or inconsistent with an honest purpose. A stray mark on the ballot or mark made on or in the voting indicator or near the candidate's name or space for a write-in candidate that differs from the instructions at the top of the ballot is not a distinguishing mark unless it is of such a character or is made in such a manner that it manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose. Marking the write-in space on a ballot with the name of a fictitious person, a deceased person or a person from outside the State who could not be a candidate for that office is not a distinguishing mark unless it is made in such a manner that manifests an intent to make the ballot distinguishable for a fraudulent or dishonest purpose.

Sec. 2. 21-A MRSA §196 is enacted to read:

**§196. Use and distribution of central voter
registration information**

For the purposes of Title 1, section 402, information contained electronically in the central voter registration system and any printed reports generated by the system that contain both the name of a voter and that voter's voter identification or voter record number are confidential and may be accessed only by municipal and state election officials except as provided in this section.

1. Individual voter records. An individual voter may obtain a copy of any information contained in that voter's record within the central voter registration system either from the registrar in the voter's municipality of residence or from the Secretary of

State. The following information must be made available to the individual voter upon request and free of charge: the voter's name, residence address, mailing address, enrollment status, electoral district, date of birth, voter record number, signature and voter status and any voter identification numbers; the last election in which the voter participated; any designation that the voter cast a challenged or absentee ballot in the last election; and any special designation indicating whether the voter is a uniformed service voter, an overseas voter or township voter. The voter may obtain copies of any additional information in the voter's registration record within the central voter registration system for a fee of \$1 for the first page and 25¢ per page for any additional pages.

2. Voter lists or reports identifying voters. A person may purchase a list or report of voter information containing some or all of the information from the central voter registration system by making a request to the Secretary of State or to a municipal registrar if the information requested concerns voters in that municipality. The Secretary of State or the municipal registrar shall make available the following information, subject to the fees set forth in subsection 4 and the restrictions on use and redistribution of data set forth in subsection 7: the voter's name, residence address, mailing address, date of birth, enrollment status, electoral district, voter status, voter participation in previous elections including whether the voter cast a challenged or absentee ballot and voter record number, any voter identification numbers and any special designations indicating uniformed service voters, overseas voters or township voters. In addition, municipal clerks or registrars shall make available upon request the list of persons who requested or were furnished absentee ballots created and maintained pursuant to section 753-B subject to the fees set forth in subsection 4.

3. Other reports. Any other reports generated from the central voter registration system, including reports that contain both the name of a voter and that voter's voter identification number or voter record number that indicate whether the voter has voted or changed enrollment status, may be obtained from the Secretary of State upon request, or from a municipal registrar if the information requested concerns voters in that municipality, subject to the fees set forth in subsection 4 of this section but not subject to the restrictions on use and redistribution of data in subsection 7.

4. Fees. The fee for information provided pursuant to this section in electronic form is 5¢ per record for up to 100 records and 1¢ per record for any additional records requested. The fee for information provided in printed form is \$1 for the first page and 25¢ per page for all additional pages, except that the fee for additional pages of mailing labels is 50¢ per

page. For the purpose of calculating fees pursuant to this section, a record includes the information on one individual voter. Fees paid to the Secretary of State must be deposited into a dedicated fund to offset the cost of providing the information and maintaining the central voter registration system. Municipalities may provide any of the information contained in the incoming voting list to requestors free of charge.

5. Supplemental information for candidates. Any candidate in a primary or general election for a state or federal office who has purchased a list or report of voter information for registered voters in that municipality from the central voter registration system pursuant to this section is entitled to obtain a list of all additions, deletions and changes to the purchased list or report for the following periods of time upon request and free of charge.

A. A candidate in a primary election is entitled to the list of additions, deletions and changes under this subsection from the time of becoming a declared candidate in that primary election until the day of the primary election. A candidate who is nominated in that primary election to be a candidate in the general election is entitled to those additions, deletions and changes from the day of the primary until the day of the general election.

B. A candidate in a general election is entitled to the list of additions, deletions and changes under this subsection from the time of becoming a declared candidate in that general election until the day of the general election.

6. Response to requests. Municipal registrars and the Secretary of State's office shall respond to all requests for information from the central voter registration system pursuant to this section within 5 business days of receipt of a written request and upon payment of any applicable fee. A municipal registrar may only provide information concerning voters registered within that municipal jurisdiction.

7. Restrictions on use and redistribution of data. Information obtained from the central voter registration system pursuant to this section may not be used for any commercial purpose, including, but not limited to, the sales and marketing of products and services, or for solicitations of any kind not directly related to activities of a political party, so-called "get out the vote" efforts or activities directly related to a campaign as defined in section 1052. Any person obtaining information from the central voter registration system is prohibited from selling or distributing it to others to use for commercial purposes and also is prohibited from making publicly available the dates of birth or mailing addresses of individual voters. This subsection does not prohibit political parties, party committees, candidate committees, political action

committees or any other organizations that have purchased information from the central voter registration system from providing access to such information to their members for purposes directly related to party activities, get out the vote efforts or a campaign as defined in section 1052.

8. Limited access for law enforcement purposes. Any information pertaining to individual voters, other than Address Confidentiality Program participants, that is contained in the central voter registration system may be made available free of charge to a law enforcement officer or 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. Information pertaining to individual voters who are Address Confidentiality Program participants that is contained in the central voter registration system may be made available for inspection to a law enforcement agency that is authorized by the Secretary of State pursuant to Title 5, section 90-B to obtain Address Confidentiality Program information.

9. Secretary of State to report. By March 15, 2007, the Secretary of State shall issue a report to the joint standing committee of the Legislature having jurisdiction over voter registration matters, including suggested legislation, with regard to public access to the information from the central voter registration system, taking into consideration the compelling state interests to prevent voter fraud and the potential disenfranchisement of voters and to ensure that voters are not discouraged from participating in the voting process. The committee is authorized to introduce legislation based on information contained in the report to the First Regular Session of the 123rd Legislature.

This section is repealed September 30, 2007.

Sec. 3. 21-A MRSA §696, sub-§2, ¶¶D and E, as amended by PL 1997, c. 436, §101, are further amended to read:

D. If a voter writes in a name and municipality of residence, or pastes a sticker containing the candidate's name and municipality of residence in the write-in space pursuant to section 691, but does not mark the write-in indicator, that vote for that office may not be counted if a determination of choice under subsection 4 is possible.

E. If a voter writes in a write-in space a fictitious name, the name of a deceased person or the name of a person from outside the State who could not be a candidate for that office, the vote for that office may not be counted. A name written in this manner is not a distinguishing mark.

Sec. 4. 21-A MRSA §696, sub-§3, ¶C is enacted to read:

C. A ballot is not defective if the Secretary of State has given prior approval for its use at the election.

Sec. 5. 21-A MRSA §696, sub-§4, as amended by PL 2001, c. 310, §41, is further amended to read:

4. Determination of choice possible. If a voter marks the voter's ballot in a manner that differs from the instructions at the top of the ballot but in such a manner that it is possible to determine the voter's choice, then the vote for the office or question concerned must be counted. A mark made on or in the voting indicator that differs from the instructions at the top of the ballot but that clearly indicates the voter's choice is not a distinguishing mark.

Sec. 6. 21-A MRSA §696, sub-§5, ¶A, as enacted by PL 2001, c. 310, §42, is amended to read:

A. A ballot on which a voter has clearly manifested an intention to make a distinguishing mark or to mark the ballot in a manner inconsistent with an honest purpose or to act in a fraudulent manner made a distinguishing mark is void.

Sec. 7. 21-A MRSA §696, sub-§6 is enacted to read:

6. Guidelines. The Secretary of State shall publish uniform guidelines for determining voter intent based on relevant case law and provisions of this Title. These guidelines must be used as a reference by election officials in tabulating the results of state and local elections and in all recounts conducted pursuant to this Title. The guidelines must be included with the instructional materials provided to the clerk, registrar and election officials in each municipality pursuant to section 605 and must be used by the Secretary of State in the training of election officials pursuant to section 505.

See title page for effective date.

CHAPTER 405

H.P. 946 - L.D. 1363

An Act To Make Supplemental Highway Allocations for the Expenditures of State Government and To Change Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2006 and June 30, 2007