

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-SECOND LEGISLATURE**

**SECOND SPECIAL SESSION**  
**July 29, 2005**

**SECOND REGULAR SESSION**  
**January 4, 2006 to May 24, 2006**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**OCTOBER 28, 2005**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 23, 2006**

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

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2006**

for its good faith actions to comply with this section. The department shall defend and hold harmless, including compensation for attorney's fees, a wireless service provider that acts in good faith to carry out the requirements of this section.

**8. Rulemaking.** The department shall adopt rules to carry out this section. Rules adopted under this subsection are routine technical rules as provided in Title 5, chapter 375, subchapter 2-A.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 11, 2006.

## CHAPTER 567

S.P. 695 - L.D. 1778

### An Act To Protect Children from Contact with Convicted Sex Offenders

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

**Sec. 1. 19-A MRSA §1653, sub-§3, ¶P,** as amended by PL 2001, c. 665, §2, is further amended to read:

P. If the child is under one year of age, whether the child is being breast-fed; ~~and~~

**Sec. 2. 19-A MRSA §1653, sub-§3, ¶Q,** as enacted by PL 2001, c. 665, §3, is amended to read:

Q. The existence of a parent's conviction for a sex offense or a sexually violent offense as those terms are defined in Title 34-A, section 11203; and

**Sec. 3. 19-A MRSA §1653, sub-§3, ¶R** is enacted to read:

R. If there is a person residing with a parent, whether that person:

(1) Has been convicted of a crime under Title 17-A, chapter 11 or 12 or a comparable crime in another jurisdiction;

(2) Has been adjudicated of a juvenile offense that, if the person had been an adult at the time of the offense, would have been a violation of Title 17-A, chapter 11 or 12; or

(3) Has been adjudicated in a proceeding, in which the person was a party, under Title

22, chapter 1071 as having committed a sexual offense.

See title page for effective date.

## CHAPTER 568

H.P. 1329 - L.D. 1889

### An Act To Amend the Election Laws

**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.

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

**Whereas,** the Maine Revised Statutes, Title 21-A governs the conduct of statewide elections in the State, and changes to that law must be in place by the June 13, 2006 primary election in order for the Secretary of State to properly administer these laws and for the municipal election officials to properly conduct the election; 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. 21-A MRSA §1, sub-§21,** as amended by PL 2005, c. 364, §1, is further amended to read:

**21. Incoming voting list.** "Incoming voting list" means the list of all of the voters in a municipality 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: 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. The residence address for any voter whose address has been made confidential pursuant to section 22, subsection 3, paragraph B may not be printed on the incoming voting list, and the words "address is confidential" must be printed on the list instead.

**Sec. 2. 21-A MRSA §22, sub-§3,** as amended by PL 2005, c. 364, §2, is further amended to read:

**3. Confidential information.** Notwithstanding subsection 1 and Title 1, section 408, if a registered voter 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 meets certain conditions, the voter's information must be kept confidential as provided in this subsection.

A. For a 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, all records maintained by the registrar pertaining to that voter must be kept confidential and must be excluded from public inspection.

B. For a voter who submits to the registrar a signed statement that the voter has a good reason to believe that the physical safety of the voter or a member of the voter's immediate family residing with the voter would be jeopardized if the voter's residence address were open to public inspection, that voter's residence address and mailing address, if the mailing address is the same as or discloses the voter's residence address, must be kept confidential and must be excluded from public inspection. The remainder of the information in that voter's record that is designated as public information in section 196 remains a public record and may be made available to the public according to the use and distribution requirements provided in that section. The voter's signed statement is also a public record.

**Sec. 3. 21-A MRSA §101, sub-§2,** as repealed and replaced by PL 1999, c. 426, §3, is amended to read:

**2. Appointment.** The municipal officers of each municipality shall appoint in writing a qualified registrar of voters by January 1st of each odd-numbered year. The registrar shall serve for 2 years and until a successor is appointed and sworn. The municipal clerk may be appointed to serve as registrar, but the term of the clerk has no effect on the term of the registrar. If the clerk is not appointed to serve as

registrar, the clerk must be appointed by the registrar to serve as a deputy registrar and has the same authority as the registrar to make determinations of voter eligibility and to perform the duties of voter registration as provided in this Title.

**Sec. 4. 21-A MRSA §102, first ¶,** as amended by PL 1995, c. 459, §3, is further amended to read:

The registrar may appoint one or more deputies, except that if the registrar does not also serve as the clerk, the registrar shall appoint the clerk to serve as a deputy registrar. If the registrar is unavailable for a period exceeding 15 consecutive days, the registrar shall appoint a deputy registrar who must be available to perform the duties of the registrar. If the registrar and the appointed deputy are unavailable for more than 15 consecutive days, the municipal clerk shall serve as registrar pro tem.

**Sec. 5. 21-A MRSA §102, sub-§2,** as enacted by PL 1985, c. 161, §6, is amended to read:

**2. Term of office.** He shall serve A deputy registrar serves at the will of the registrar, except that if the clerk is a deputy registrar and the registrar leaves office, the clerk becomes the registrar pro tem until a new registrar is appointed and sworn, at which point the clerk must be appointed as a deputy to the new registrar.

**Sec. 6. 21-A MRSA §153-A, sub-§3,** as enacted by PL 2005, c. 196, §3, is amended to read:

**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 a candidate, 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.

**Sec. 7. 21-A MRSA §156, sub-§1,** as amended by PL 2005, c. 453, §31, is further amended to read:

**1. Registration and enrollment.** A township resident who lives in a township for which the county commissioners have not established a voting place as provided in section 632 may register and enroll in any

municipality within the applicant's representative district or, if the applicant lives in a portion of a township not easily accessible to a municipality within the representative district, the township resident may register and enroll in a more convenient municipality within or outside the county. The township resident may register and enroll on election day. The registrar shall designate the applicant as a township voter with the letter "T" in the central voter registration system and on the incoming voting list.

**Sec. 8. 21-A MRSA §157**, as amended by PL 1997, c. 436, §37, is repealed.

**Sec. 9. 21-A MRSA §172**, as amended by PL 2005, c. 364, §5, is further 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 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 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 a voter's registration is cancelled from the central voter registration system, the registrar shall indicate on the voter's registration documents the date that the voter's registration was cancelled and retain the documents for 5 years the time period specified in section 23, 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. 10. 21-A MRSA §196, sub-§10** is enacted to read:

**10. Disclosure of address.** A voter's address that is excluded from public inspection pursuant to section 22, subsection 3, paragraph B 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.

**Sec. 11. 21-A MRSA §322, sub-§2**, as amended by PL 2005, c. 387, §5, is further amended to read:

**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 elector within 30 days after the convention. The chair ~~and~~ or the secretary of the state committee shall ~~certify to~~ provide upon request by the Secretary of State the name ~~and~~ and residence ~~and~~ and contact information of the chair and secretary of ~~each any~~ committee and of ~~each any~~ committee member ~~within 20 days after their election.~~

**Sec. 12. 21-A MRSA §505, sub-§7**, as amended by PL 2001, c. 415, §3 and affected by §5, is further amended to read:

**7. Report to the Secretary of State.** Report the return of votes cast and other voter registration or election information to the Secretary of State upon request or as otherwise required by this Title. The clerk shall notify the Secretary of State of the name of the clerk and any deputy or assistant clerks within 10 days after the official is elected or appointed and sworn by revising the election official's information listing within the central voter registration system;

**Sec. 13. 21-A MRSA §606, sub-§5** is enacted to read:

**5. Reproducing official ballots.** It is unlawful for any person to copy or reproduce an unmarked official ballot without the express authorization of the Secretary of State.

**Sec. 14. 21-A MRSA §682, sub-§2**, as repealed and replaced by PL 2003, c. 447, §22, is amended to read:

**2. Influence prohibited.** ~~Within~~ On public property within 250 feet of the entrance to the voting place as well as within the voting place itself, a person may not:

A. Influence another person's decision regarding a candidate or ~~ballot issue~~ question that is on the ballot for the election that day; or

B. Attempt to influence another person's decision regarding a candidate or ~~ballot issue~~ question that is on the ballot for the election that day.

These limitations do not prohibit a candidate from attending the voting place and orally communicating with voters as long as the candidate does not attempt to influence their vote. A candidate may not state the name of the office sought or request a person's vote.

**Sec. 15. 21-A MRSA §682, sub-§3**, as repealed and replaced by PL 2003, c. 447, §22, is amended to read:

**3. Advertising prohibited.** A person may not display advertising material; operate an advertising medium, including a sound amplification device; or distribute campaign literature, posters, palm cards, buttons, badges or stickers containing a candidate's name or otherwise intending to influence the opinion of any voter regarding a candidate or question that is on the ballot for the election that day on any public property located within 250 feet of the entrance to either the voting place or the building in which the registrar's office is located. The term "sound amplification device" includes, but is not limited to, sound trucks, loudspeakers and blowhorns.

A. This subsection does not apply to advertising material on automobiles traveling to and from the voting place. It does not prohibit a person from passing out stickers at the voting place to be pasted on the ballot at a primary election. It does not prohibit a person who is at the polls solely for the purpose of voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

B. Nonpolitical charitable activities and other nonpolitical advertising may be allowed at the discretion of the clerk if arrangements are made prior to election day. If arrangements are not made in advance of the election day, the warden may, at the warden's discretion, either allow or prohibit nonpolitical charitable activities and other nonpolitical advertising.

**Sec. 16. 21-A MRSA §696, sub-§2, ¶D**, as amended by PL 2005, c. 404, §3, is 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.~~

**Sec. 17. 21-A MRSA §698, sub-§2-A, ¶A**, as amended by PL 1995, c. 459, §66, is further amended to read:

A. Transfer and resealing of the ballots to other containers for permanent storage must be done ~~60 or more days~~ not less than 2 months following the election. The municipal clerk shall make the transfer in the presence of one or more witnesses. The containers must be securely sealed.

**Sec. 18. 21-A MRSA §753-B, sub-§6, ¶B**, as amended by PL 2003, c. 407, §24, is repealed and the following enacted in its place:

B. The clerk creates the list of absentee voters as required in paragraph A by marking the records of registered voters in the central voter registration system. The clerk must sign and date each official printed copy of the list of absentee voters that is created for public inspection, certifying that the list is a true and accurate list of absentee voters for the applicable election. No additional certification is required by the registrar of voters.

**Sec. 19. 21-A MRSA §753-B, sub-§8**, as enacted by PL 1999, c. 645, §6, is amended to read:

**8. Absentee voting in presence of clerk.** A person who wishes to vote by absentee ballot may, without completing an application, vote by absentee ballot in the presence of the clerk. The method of voting is otherwise as prescribed in this article. After the person has voted, the clerk shall sign the affidavit on the return envelope as a witness, indicate on the envelope that the voter voted in the presence of a clerk and ensure that the affidavit on the return envelope is properly completed by the voter. For the 45 days preceding an election, during the hours when the clerk's office is open and may be conducting absentee voting, the display or distribution of any advertising material intended to influence a voter's decision regarding a candidate or ~~ballot issue~~ question on the ballot for that election is prohibited within the clerk's office and on public property within 250 feet of the entrance to the building in which the clerk's office is located.

This subsection does not apply to the display or distribution of any campaign advertising material on private property that is within 250 feet of the entrance to the building in which the clerk's office is located.

This subsection does not apply to campaign advertising material on automobiles traveling to and from the municipal office or parked on municipal property while the occupants are visiting the municipal office to conduct municipal business. It does not prohibit a person who is at the municipal office for the purpose of conducting municipal business or for absentee voting from wearing a campaign button when the longest dimension of the button does not exceed 3 inches.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective April 11, 2006.