

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

FIRST REGULAR SESSION
December 6, 2006 to June 21, 2007

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 20, 2007

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

Penmor Lithographers
Lewiston, Maine
2007

12. Report. The advisory board shall submit a report on the innovation economy action plan developed under subsection 11 to the Maine Economic Growth Council by the first Wednesday in March every 5 years, beginning in 2010. The advisory board shall submit a progress report on the innovation economy action plan to the joint standing committee of the Legislature having jurisdiction over business, research and economic development matters and to the Governor by the first Wednesday in March of each year, beginning in 2008.

Sec. 8. Maine Innovation Economy Advisory Board; staggered terms for initial appointees. Notwithstanding the Maine Revised Statutes, Title 10, section 949, subsection 3, of the members initially appointed to the Maine Innovation Economy Advisory Board, 10 serve for one-year terms, 10 for 2-year terms and 10 for 3-year terms.

Sec. 9. Maine Revised Statutes headnote amended; revision clause. In the Maine Revised Statutes, Title 10, chapter 107, in the chapter headnote, the words "Maine Development Foundation" are amended to read "Maine Development Foundation; Maine Economic Growth Council," and the Revisor of Statutes shall implement this revision when updating, publishing or republishing the statutes.

Sec. 10. Appropriations and allocations. The following appropriations and allocations are made.

DEVELOPMENT FOUNDATION, MAINE

Development Foundation 0198

Initiative: Provides ongoing funds to the Maine Development Foundation for the additional staff and materials cost associated with the Maine Economic Growth Council's developing specific annual budget recommendations for research and development and preparing an annual accountability update.

GENERAL FUND	2007-08	2008-09
All Other	\$5,000	\$5,000
GENERAL FUND TOTAL	\$5,000	\$5,000

See title page for effective date.

**CHAPTER 421
H.P. 208 - L.D. 274**

An Act To Promote Mandatory Assignments and Training for Assistant Game Wardens

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

Sec. 1. 12 MRSA §10352, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Compensation. The compensation of the wardens appointed pursuant to section 10351, subsection 1 is determined under the Civil Service Law. Assistant game wardens appointed pursuant to section 10351, subsection 2 are not entitled to compensation but, at the discretion of the Game Warden Colonel and approval of the commissioner, may be compensated for mandatory assignments and for attendance at mandatory training or other required meetings or classes and reimbursed for approved expenses.

See title page for effective date.

**CHAPTER 422
H.P. 29 - L.D. 27**

An Act To Clarify Election Laws Concerning Election Clerks' Qualifications

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

Whereas, because this legislation concerns the elections to be held in June of 2007, it needs to take effect before the normal statutory effective date; 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 §503, sub-§1, as repealed and replaced by PL 1995, c. 459, §33, is amended to read:

1. Qualifications; appointment; compensation. Election clerks must be at least 18 years of age, registered to vote and ~~a resident~~ residents of the municipality, except that, if the municipal officers, after providing timely notice to state and local chairs of political parties of the lack of available election clerks, are unable to appoint a sufficient number of election clerks who are residents of the municipality, the municipal clerk may appoint election clerks who are not residents of the municipality but who are residents of the county and are otherwise qualified to fill the vacancies. The municipal officers of each municipality shall appoint election clerks no later than May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls

close. A list of the election clerks appointed by the ~~municipal officers~~ under this subsection must be posted at each voting place. Election clerks are entitled to a reasonable compensation as determined by the municipal officers.

Sec. 2. 21-A MRSA §503, sub-§2, as amended by PL 2003, c. 584, §4, is further amended to read:

2. Representation of parties. The municipal officers shall consider the following for appointment as election clerks.

A. The municipal officers shall consider persons nominated by the municipal, county or state committees of the major parties to serve as election clerks. The municipal officers shall appoint at least one election clerk from each of the major parties to serve at each voting place during the time the polls are open. The municipal officers shall also appoint a sufficient number of election clerks to serve as counters after the polls close. The election clerks must be selected so that the number of election clerks from one major party does not exceed the number of election clerks from another major party by more than one.

B. The municipal officers shall appoint at least one election clerk nominated by the municipal committee of a qualified minor party represented on the last general election ballot for each voting place at the committee's request.

C. Notwithstanding subsection 1, the municipal officers may also consider persons who are 17 years of age to serve as student election clerks for a specific election. A student election clerk may perform all the functions of an election clerk as prescribed by this Title.

All nominations for election clerks must be submitted to the municipal officers no later than April 1st of each general election year. If a municipal committee of a major party fails to submit a list of nominees to serve as election clerks, the municipal officers may appoint registered voters enrolled in that party to serve as election clerks.

If the municipal officers are unable to appoint a sufficient number of election clerks as set forth in paragraphs A, B and C, they may appoint any other registered voter, as long as the balance between major political parties is maintained. The municipal clerk shall complete a form provided by the Secretary of State when a registered voter changes party enrollment status in order to be available to serve as an election clerk and to maintain a balance between the major political parties and that election clerk participates in the counting of ballots. The form must be included with all ballots separated into lots in accordance with section 695, subsection 2 when an election clerk who has changed party enrollment status as described in

this subsection made the count for that lot of ballots and with tabulation results submitted to the Secretary of State. By January 15th after a general election, the Secretary of State shall report to the joint standing committee of the Legislature having jurisdiction over legal affairs the number of forms required by this subsection that were submitted with tabulation results and whether any election that resulted in a recount included ballots that were counted by an election clerk who changed party enrollment status as described in this subsection.

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

Effective June 27, 2007.

CHAPTER 423

H.P. 730 - L.D. 970

An Act to Repeal Delayed Estate Recovery

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

Sec. 1. 22 MRSA §14, sub-§2-I, ¶C-1, as enacted by PL 2005, c. 12, Pt. DDD, §9 and affected by §17, is repealed.

See title page for effective date.

CHAPTER 424

H.P. 368 - L.D. 484

An Act To Adjust the School Funding Formula with Regard to Unorganized Territories

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

Sec. 1. 20-A MRSA §3252, sub-§4, as repealed and replaced by PL 1985, c. 490, §3, is amended to read:

4. Tuition. The commissioner shall pay tuition for each tuition student in the amount approved as the receiving administrative unit's official tuition cost pursuant to section 5804 or 7302 ~~in an amount agreed upon between the commissioner and the school board of the unit.~~

Sec. 2. 20-A MRSA §3253-A, sub-§3, as amended by PL 1985, c. 603, §1 and PL 2005, c. 397, Pt. D, §3, is repealed and the following enacted in its place: