

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2010 to April 12, 2010

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 12, 2010

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

Augusta, Maine
2010

Sec. 29. 10 MRSA §1447, as enacted by PL 1997, c. 427, §2, is amended to read:

§1447. Civil remedies

Any ~~manufacturer, warrantor, dealer or~~ recreational vehicle dealer who has been damaged by reason of a violation of a provision of this chapter may bring an action to enjoin ~~that violation a person from acting as a dealer without being properly licensed, from violating or continuing to violate any of the provisions of this chapter, or from failing or refusing to comply with the requirements of this chapter,~~ and to recover any damages arising from that violation of any part of this chapter. The injunction must be issued without bond. A single act in violation of the provisions of this chapter is sufficient to authorize the issuance of an injunction. A final judgment, order or decree rendered against a person in any civil, criminal or administrative proceeding under the federal antitrust laws, the Federal Trade Commission Act or under the Maine Revised Statutes is prima facie evidence against that person subject to the conditions set forth in the federal antitrust laws, 15 United States Code, Section 16. Each party is responsible for its own attorney's fees and court costs. Neither party has a claim on such expenses from the other party.

Sec. 30. 10 MRSA §1447-A is enacted to read:

§1447-A. Venue

Venue for a civil action authorized by this chapter is exclusively in the county in which the dealer's business is located. In an action involving more than one dealer, venue may be in any county in which any dealer that is party to the action is located.

See title page for effective date.

CHAPTER 563

H.P. 1117 - L.D. 1579

**An Act To Facilitate Voting by
Uniformed Service and
Overseas Voters**

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

Whereas, changes to current law are necessary to ensure that uniformed service and overseas voters are able to participate in elections; 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 preserva-

tion 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 §753-A, sub-§6, as amended by PL 2009, c. 253, §47, is further amended to read:

6. Application by electronic means. A municipal clerk ~~may opt to~~ shall accept absentee ballot applications by the electronic means authorized by the Secretary of State. ~~At least 120 days before any election administered by the State, the clerk shall notify the Secretary of State of the clerk's intention to accept absentee ballot applications by electronic means. The Secretary of State shall post on its publicly accessible website a list of municipalities that have opted to accept absentee ballot applications by electronic means along with procedures for requesting an absentee ballot by electronic means.~~ The Secretary of State shall design or approve the form of the absentee ballot application to be submitted by electronic means.

~~If the clerk opts to accept absentee ballot applications by electronic means, a~~ A voter may make an application for the voter's own ballot by electronic means using the form designed or approved by the Secretary of State. The voter may not designate an immediate family member or a 3rd person to deliver the ballot on the voter's behalf. The clerk shall verify that it is the voter who is requesting the ballot by confirming the voter's residence address and birth date with the information in the voter's record. The clerk shall print the electronically submitted application and write "electronic request" on the application.

Sec. 2. 21-A MRSA §753-B, sub-§1, as amended by PL 2007, c. 455, §41, is further amended to read:

1. Application or written request received. Upon receipt of an application, ~~or written request or telephone application~~ for an absentee ballot that is accepted pursuant to section 753-A, the clerk shall immediately issue an absentee ballot and return envelope by mail or in person to the applicant or to the immediate family member or to a 3rd person designated in a written application or request made by the voter, except that the clerk does not have to issue a ballot by mail to ~~an address outside the municipality for a voter whose request was received on the day before election day or to~~ any voter whose request was received on election day after 5:00 p.m. on the Thursday before election day. The clerk shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope.

Sec. 3. 21-A MRSA §777-A, as enacted by PL 2003, c. 407, §28, is amended to read:

§777-A. Registration and enrollment

Uniformed service voters or overseas voters may register or enroll at any time by completing a federal or state voter registration application form and filing it with the registrar or the Secretary of State in person, by mail or by electronic means authorized by the Secretary of State.

Sec. 4. 21-A MRSA §778, as amended by PL 2005, c. 453, §§60 and 61, is further amended to read:

§778. Duty of registrar

On receipt of an application under section 777-A, the registrar or the Secretary of State in consultation with the registrar shall register the applicant, unless it appears that the applicant is not qualified. If the applicant is not qualified, the registrar or the Secretary of State shall notify the applicant of the reason for rejection of the application.

1. Member specially designated. The registrar or the Secretary of State shall designate a uniformed service voter in the central voter registration system with the letter "S".

2. Overseas voter specially designated. The registrar or the Secretary of State shall designate an overseas voter in the central voter registration system with the letter "O".

Sec. 5. 21-A MRSA §780, as repealed and replaced by PL 2003, c. 407, §31, is amended to read:

§780. Absentee ballots; application

A uniformed service voter or an overseas voter may request an absentee ballot as provided in section 753-A or by submitting a federal application or form requesting an absentee ballot as provided in section 783. With respect to any election for federal office, a clerk or the Secretary of State may not refuse to accept or process any otherwise valid voter registration application or absentee ballot application submitted by a uniformed service voter or an overseas voter on the grounds that the voter submitted the application more than 3 months before the election for which the application will be used. An application or request for an absentee ballot for a uniformed service voter or overseas voter that is accepted pursuant to section 753-A or section 783 remains valid ~~through the next 2 regularly scheduled general elections for federal office~~ for 2 years from the date of receipt of the application and entitles the voter to receive absentee ballots for all federal and state elections during that period.

Sec. 6. 21-A MRSA §780-A, as enacted by PL 2003, c. 407, §32, is amended to read:

§780-A. Use of blank write-in absentee ballot

Prior to the time when regular absentee ballots are available, if an applicant requests a blank write-in absentee ballot or indicates that it takes more than 6

weeks to receive and return mail to the applicant's location, the ~~clerk~~ Secretary of State shall send a blank write-in absentee ballot to the voter or shall transmit the regular absentee ballot by an authorized electronic means if the voter has designated that the voter wishes to receive that ballot by that means. ~~Once the regular absentee ballots become available, the clerk shall issue a regular absentee ballot in response to any request under this section. If the clerk has issued a blank write-in absentee ballot to a voter before the regular absentee ballots become available, the clerk may send a regular absentee ballot to the voter, following the procedures for issuing a 2nd absentee ballot under section 753-B.~~

Sec. 7. 21-A MRSA §781-A, as enacted by PL 2003, c. 407, §34, is amended to read:

§781-A. Absentee ballot application; procedure on receipt

Upon receipt of an application, or written request ~~or telephone application~~ for an absentee ballot that is accepted pursuant to section 753-A or section 783, the clerk or the Secretary of State shall immediately issue an absentee ballot and return envelope by mail or in person to the applicant or to the immediate family member or to a 3rd person designated in a written application or request made by the voter the authorized means designated by the voter in the application. ~~The If the ballot is to be transmitted to the voter by mail, the clerk or the Secretary of State shall type or write in ink the name and the residence address of the voter in the designated section of the return envelope. The Secretary of State shall provide a return envelope which that moves free of postage under federal law.~~

Sec. 8. 21-A MRSA §782, as amended by PL 2003, c. 407, §35, is further amended to read:

§782. Absentee ballots; procedure on return

On receipt of a return envelope apparently containing an absentee ballot, the clerk or the Secretary of State shall follow the procedures for regular absentee voting under this subchapter.

Sec. 9. 21-A MRSA §783, as amended by PL 2003, c. 407, §35, is further amended to read:

§783. Authority of Secretary of State

The Secretary of State may act administratively to facilitate voting by uniformed service voters and overseas voters. ~~The Secretary of State and~~ may use federal or other facilities available for this purpose. These administrative actions may include, but are not limited to:

1. Central issuance of absentee ballots. Issuing absentee ballots to uniformed service voters and overseas voters from a central location in order to ensure expedited delivery of absentee ballots;

2. Central receipt of absentee ballots. Receiving absentee ballots from uniformed service voters and overseas voters at a central location in order to ensure that the ballots are received by the statutory deadline;

3. Central counting of absentee ballots. Counting absentee ballots from uniformed service voters and overseas voters at a central location and including the count of these votes in the statewide tabulation of the vote;

4. Electronic transmission of absentee ballots. Authorizing the electronic transmission of absentee ballots to uniformed service voters or overseas voters; and

5. Electronic receipt of absentee ballots. Authorizing the electronic receipt of an image of voted absentee ballots transmitted by e-mail or fax from uniformed service voters or overseas voters.

The Secretary of State shall adopt rules to administer the central issuance and processing of absentee ballots, including rules that provide for the examination, counting and storage of ballots in the same manner as regular absentee ballots. Rules adopted in accordance with this section are routine technical rules as described by Title 5, chapter 375, subchapter 2-A.

Sec. 10. Report. No later than March 1, 2011, the Secretary of State shall submit a report to the joint standing committee of the Legislature having jurisdiction over voting matters regarding the central issuance and processing of absentee ballots for uniformed service and overseas voters including the provisions adopted by rule to provide for examination, counting and storage of those ballots. The joint standing committee of the Legislature having jurisdiction over voting matters may submit a bill to the First Regular Session of the 125th Legislature.

Sec. 11. Application. This Act does not apply to the primary election scheduled to occur in June 2010.

Emergency clause. In view of the emergency cited in the preamble, this legislation takes effect when approved except as otherwise indicated.

Effective March 29, 2010.

CHAPTER 564

H.P. 1155 - L.D. 1627

An Act To Improve Access to Data in the Central Voter Registration System

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

Sec. 1. 21-A MRSA §22, sub-§3, ¶B, as enacted by PL 2005, c. 568, §2, is amended to read:

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~~ 196-A 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. A voter's address that is excluded from public inspection under this paragraph may be made available free of charge to a law enforcement officer or law enforcement 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. 2. 21-A MRSA §191, as amended by PL 2005, c. 364, §6; c. 453, §40; and c. 683, Pt. A, §§31 and 32, is repealed.

Sec. 3. 21-A MRSA §192, as amended by PL 2005, c. 12, Pt. SS, §21 and c. 453, §41, is repealed.

Sec. 4. 21-A MRSA §193, as amended by PL 2005, c. 453, §42, is repealed.

Sec. 5. 21-A MRSA §194, as amended by PL 2005, c. 453, §43, is further amended to read:

§194. Rules

~~The Secretary of State may adopt rules regarding implementation and administration of a central voter registration system to determine the pricing, accessibility and availability of information contained in the database and the appropriate use and resale of that information; to establish a plan to implement the system in stages for all municipal jurisdictions; and to identify additional system features or voter information to be included in the system or provide for the confidentiality of certain personal information or limitations on the use and distribution of that information; and to establish a system to identify duplicate records, including establishment of a voter identification indicator.~~

Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Sec. 6. 21-A MRSA §195, as amended by PL 2007, c. 397, §1, is further amended to read: