

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

- (9) A violation of a condition of probation when requested by a probation officer or juvenile community corrections officer;
- (10) Violation of a condition of release in violation of Title 15, section 1026, subsection 3; Title 15, section 1027, subsection 3; Title 15, section 1051, subsection 2; and Title 15, section 1092;
- (11) Theft involving a detention under Title 17, section 3521;
- (12) Harassment, as set forth in section 506-A;
- (13) Violation of a protection order, as specified in Title 5, section 4659, subsection 2; Title 15, section 321, subsection 6; former Title 19, section 769, subsection 2; former Title 19, section 770, subsection 5; Title 19-A, section 4011, subsection 3; and Title 19-A, section 4012, subsection 5;
- (14) A violation of a sex offender registration provision under Title 34-A, chapter 15;
- (15) A violation of a requirement of administrative release when requested by the attorney for the State;
- (16) A violation of a condition of supervised release for sex offenders when requested by a probation officer;
- (17) A violation of a court-imposed deferment requirement of a deferred disposition when requested by the attorney for the State;
- (18) A violation of a condition of release as provided in Title 15, section 3203-A, subsection 9;
- (19) A violation of a condition of supervised community confinement granted pursuant to Title 34-A, section 3036-A when requested by a probation officer;
- (20) A violation of a condition of placement on community reintegration status granted pursuant to Title 34-A, sections 3810 and 4112 when requested by a juvenile community corrections officer; ~~or~~
- (21) A violation of a condition of furlough or other rehabilitative program authorized under Title 34-A, section 3035 when requested by a probation officer or juvenile community corrections officer; ~~and~~
- (22) A violation of preconviction or post-conviction bail pursuant to Title 15, section 1095, subsection 2 or section 1098, subsection 2 upon request of the attorney for the State;

(23) Failure to appear in violation of Title 15, section 1091, subsection 1, paragraph A; or

(24) A Class D or Class E crime committed while released on preconviction or post-conviction bail; and

See title page for effective date.

CHAPTER 342

H.P. 1122 - L.D. 1528

An Act To Amend the Election Laws and Other Related Laws

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

Sec. 1. 1 MRSA §353, as amended by PL 2009, c. 538, §1, is further amended to read:

§353. Explanation of proposed amendments and statewide referenda

With the assistance of the Secretary of State, the Attorney General shall prepare a brief explanatory statement that must fairly describe the intent and content and what a "yes" vote favors and a "no" vote opposes for each direct initiative, bond issue, constitutional resolution or statewide referendum that may be presented to the people ~~and that must include any information prepared by the Treasurer of State under Title 5, section 152. The explanatory statement may not include comments of proponents or opponents as provided by section 354. In addition to the explanatory statement, the~~ The Office of Fiscal and Program Review shall prepare an estimate of the fiscal impact of each constitutional resolution or statewide referendum on state revenues, appropriations and allocations of each measure that may appear on the ballot, within the following time frames: for a direct initiative, within 15 business days after the receipt of the application and full text of the proposed law by the applicant has given consent to the Secretary of State for the final language of the proposed law; and for a statewide referendum, bond issue or constitutional resolution, within 30 days after adjournment of the legislative session in which the measure was passed. The fiscal impact estimate must summarize the aggregate impact that the constitutional resolution ~~or, statewide referendum, direct initiative or bond issue~~ will have on the General Fund, the Highway Fund, Other Special Revenue Funds and the amounts distributed by the State to local units of government.

Sec. 2. 1 MRSA §354, as enacted by PL 2005, c. 316, §2, is amended to read:

§354. Public comment on proposed amendments and statewide referenda; rules; fees

The Secretary of State shall adopt rules regarding the publication of public comment by proponents and opponents of direct initiatives, bond issues, constitutional resolutions or statewide referenda. These rules must include, but are not limited to, a word limit, the labeling of public comment as supporting or opposing a measure and the identification of the person or persons responsible for the comment. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A. Beginning with the November 2006 election and every election thereafter, the Secretary of State shall publish the public comment, along with the explanatory statement and fiscal estimate required under section 353, on a publicly accessible site on the Internet and in pamphlets distributed to the municipalities of the State. A person filing a public comment for publication shall pay a fee of \$500 to the Secretary of State. Fees collected pursuant to this section must be deposited in the Public Comment Publication Fund established under Title 5, section 90-D.

Sec. 3. 5 MRSA §152, as amended by PL 2007, c. 515, §1, is further amended to read:

§152. Ratification of bond issue; signed statement

In accordance with the Constitution of Maine, Article IX, section 14, the Treasurer of State shall prepare a signed statement, called the Treasurer's Statement, to accompany any question submitted to the electors for ratification of a bond issue setting forth the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors should be ratified. The Treasurer of State shall also set forth in that statement an estimate of costs involved, including explanation of, based on such factors as interest rates that may vary, the interest cost contemplated to be paid on the amount to be issued, the total cost of principal and interest that will be paid at maturity and any other substantive explanatory information relating to the debt of the State as the Treasurer of State considers appropriate. To meet the requirement that the signed statement of the Treasurer of State accompany any ballot question for ratification of a bond issue, the statement may be printed on the ballot or it may be printed as a separate document that is ~~posted in each voting booth on election day and, in the case of absentee voting, the statement must be made available to each voter who votes in the presence of the municipal clerk or provided along with the ballot to each absentee voter who does not vote in the presence of the municipal clerk voters as provided in Title 21-A, sections 605 and 651.~~

Sec. 4. 21-A MRSA §1, sub-§21, as amended by PL 2007, c. 515, §2, is further amended to read:

21. Incoming voting list. "Incoming voting list" means the printed 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 for each voter and may not include any other information: name; year of birth; residence address; enrollment status; electoral district; voter status, active or inactive; voter record number; designations regarding challenged ballots, absentee ballots or whether a voter needs to show identification before voting; 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. 5. 21-A MRSA §22, sub-§7 is enacted to read:

7. Incoming voting list. After the incoming voting list is unsealed following the election, the list must be made available for public inspection and copying in accordance with Title 1, section 408.

Sec. 6. 21-A MRSA §23, sub-§7, as amended by PL 1985, c. 383, §1, is further amended to read:

7. Ballots and other election materials. The clerk shall keep the ballots, envelopes and applications from voters who voted by absentee ballot and other election materials listed in section 698 ~~in his other than the incoming voting list in the clerk's office or other secure location under the control of the clerk for 22 months and incoming voting lists for 2 years following the election~~, unless sooner released to the Secretary of State or required by the Secretary of State to be kept longer. Once released to the Secretary of State, they ~~shall~~ must be kept by ~~him~~ the Secretary of State until any appeal period bearing on the validity of the election has expired. Notwithstanding this subsection, ballots used for municipal elections conducted under this Title, referenda elections or special legislative elections ~~shall~~ must be kept for 2 months.

Sec. 7. 21-A MRSA §23, sub-§7-A is enacted to read:

7-A. Incoming voting lists. The clerk shall keep the incoming voting lists in the clerk's office for 2 years following the election.

Sec. 8. 21-A MRSA §155, first ¶, as amended by PL 2005, c. 453, §30, is further amended to read:

The registrar shall conditionally accept the registration and enrollment of any person who is 17 years

of age and will attain 18 years of age by the next election, and who is otherwise qualified to be a voter. The conditional registration automatically becomes effective on the person's 18th birthday and the registrant then is eligible to vote.

Sec. 9. 21-A MRSA §337, sub-§2, ¶D, as amended by PL 2003, c. 447, §11, is further amended to read:

D. A challenger or a candidate may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section. This action must be commenced within 5 days of the date of the decision of the Secretary of State ~~and must be tried, without a jury, within 10 days of the date of that decision.~~ Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petitions, unless the applicant's interest is adequately represented by existing parties. The court shall issue a written decision containing its findings of fact and conclusions of law and setting forth the reasons for its decision within 20 days of the date of the decision of the Secretary of State.

Sec. 10. 21-A MRSA §356, sub-§2, ¶D, as amended by PL 2009, c. 253, §22, is further amended to read:

D. A challenger or a candidate may appeal the decision of the Secretary of State by commencing an action in the Superior Court. This action must be conducted in accordance with the Maine Rules of Civil Procedure, Rule 80C, except as modified by this section. This action must be commenced within 5 days of the date of the decision of the Secretary of State ~~and must be tried, without a jury, within 10 days of the date of that decision.~~ Upon timely application, anyone may intervene in this action when the applicant claims an interest relating to the subject matter of the petition, unless the applicant's interest is adequately represented by existing parties. The court shall issue its written decision containing its findings of fact and conclusions of law and setting forth the reasons for its decision within 20 days of the date of the decision of the Secretary of State.

Sec. 11. 21-A MRSA §371, as amended by PL 2007, c. 455, §15, is further amended to read:

§371. Candidates for nomination; vacancy

If a candidate for nomination dies, withdraws at least 60 days before the primary or becomes disqualified after having filed the candidate's primary petition, so that a party has fewer candidates than there are offices to be filled, the vacancy may be filled by a political committee pursuant to section 363. The Secretary

of State shall declare the vacancy pursuant to section 362-A. ~~A candidate for nomination may not withdraw less than 60 days before the primary election.~~ Less than 60 days before the primary election, a candidate may withdraw from the primary by providing a written notice to the Secretary of State that the candidate is withdrawing and will not serve if elected. The candidate's name will not be removed from the ballot, but upon receipt of the notice of late withdrawal, the Secretary of State shall instruct the local election officials in the candidate's electoral district to distribute notices with absentee ballots requested after that date and to post a notice at each voting place in the district informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. Notice of the late withdrawal must also be posted on the Secretary of State's publicly accessible website.

Sec. 12. 21-A MRSA §374-A, sub-§1, ¶A, as amended by PL 1993, c. 447, §4, is further amended to read:

A. Withdraws on or before 5 p.m. of the 2nd Monday in July preceding the general election in accordance with section 367;

Sec. 13. 21-A MRSA §374-A, sub-§3, as enacted by PL 2007, c. 455, §16, is amended to read:

3. Deadline for withdrawal. A candidate for an office on the general election ballot ~~may not must~~ withdraw less than at least 60 days before the general election in order for the candidate's name to be removed from the ballot. Less than 60 days before the general election, a candidate may withdraw from the election by providing a written notice to the Secretary of State that the candidate is withdrawing and will not serve if elected. The candidate's name will not be removed from the ballot, but upon receipt of the notice of late withdrawal, the Secretary of State shall instruct the local election officials in the candidate's electoral district to distribute notices with absentee ballots requested after that date and to post a notice at each voting place in the district informing voters that the candidate has withdrawn and that a vote for that candidate will not be counted. Notice of the late withdrawal must also be posted on the Secretary of State's publicly accessible website.

Sec. 14. 21-A MRSA §605, as amended by PL 2007, c. 455, §22, is repealed.

Sec. 15. 21-A MRSA §605-A is enacted to read:

§605-A. Instructions

1. For election officials. The Secretary of State shall provide the clerk, registrar and election officials of each municipality with printed instructions and information to assist them in performing the requirements of this Title.

2. For voters. The Secretary of State shall prepare instructional materials and posters and provide them to each municipality to assist voters in registering to vote and in voting.

A. The voting instruction poster must include information on how to mark the ballot, including how to mark a write-in vote; how to replace the ballot if the voter makes a mistake; and how to receive assistance in marking the ballot. It may include other voting information.

B. The voting rights poster or notice must contain information advising prospective registrants and voters of their voting rights.

C. The election penalty poster or notice must contain information regarding penalties for voting law violations.

D. The Treasurer's Statement must be prepared according to Title 5, section 152 to accompany ballots containing any statewide bond issues. The Secretary of State must include written instructions on each referendum ballot that indicate where the voter may view the Treasurer's Statement on the Secretary of State's publicly accessible website.

E. For each referendum ballot, a citizen's guide to the referendum election must be prepared and include the full text of each measure; the Attorney General's explanatory statement prepared under Title 1, section 353; the Treasurer's Statement prepared under Title 5, section 152; the Office of Fiscal and Program Review's estimate of the fiscal impact prepared under Title 1, section 353; and any public comment submitted pursuant to Title 1, section 354. The Secretary of State must post a citizen's guide to the referendum election on the Secretary of State's publicly accessible website and provide a printed copy to each municipality and to each public library in the State.

Each municipality must post the voter instructional materials as described in section 651.

Sec. 16. 21-A MRSA §606, as amended by PL 2007, c. 455, §23, is repealed and the following enacted in its place:

§606. Official ballots

Within a reasonable time before any election, the Secretary of State shall furnish each municipality with official ballots to be used for absentee voting and for voting on election day.

1. Number of ballots furnished. The Secretary of State shall review the number of votes cast at the last election of that type as well as current registration and enrollment statistics in each voting district when determining the number of ballots to be furnished to each municipality. If the clerk believes that extra bal-

lots will be needed, the clerk must request them from the Secretary of State a reasonable time before the election and provide a written justification for the request. The Secretary of State may send the requested number to the clerk and may furnish as many additional ballots as the Secretary of State believes necessary.

2. How packaged. The ballots must be bundled and sealed in units as determined by the Secretary of State. Each package to be shipped must be labeled on the outside with the name of the municipality for which it is intended and indicate that it contains state ballots. If the municipality has more than one voting place or voting district, then each package of ballots for election day must be labeled on the outside to indicate the voting place or voting district for which it is intended.

3. Receipt issued; inspection of ballots by the clerk. Upon receipt of one or more packages of official ballots for an election, the clerk shall use the following process to inspect and verify the contents of the packages.

A. Upon receipt of absentee ballots or blank absentee ballots, the clerk shall open each sealed package and verify that the ballots do not have any errors and that the correct amount of ballots has been received. The clerk shall immediately complete and return the receipt form provided by the Secretary of State, confirming receipt and noting any discrepancies in the type or amount of ballots received. The clerk shall then proceed to issue absentee ballots or blank absentee ballots in response to pending requests.

B. Upon receipt of regular ballots to be used on election day, the clerk shall open, in the presence of one or more witnesses, each sealed package and verify that the ballots do not have any errors and that the correct amount of ballots has been received. The clerk shall immediately complete and return the receipt form provided by the Secretary of State, confirming receipt and noting any discrepancies in the type or amount of ballots received. The clerk may remove ballots to be used for testing electronic tabulating systems or other voting devices and mark them as provided by section 854. The clerk shall complete the clerk's portion of the warden's receipt of ballots and shall then reseal each package of regular ballots and secure each package until election day when it is delivered to the warden at the voting place.

4. Records kept. The Secretary of State shall keep a record of the time when and the manner in which the ballots were furnished to each municipality.

5. Reproducing official ballots. It is unlawful for a person to copy or reproduce an unmarked official

ballot without the express authorization of the Secretary of State.

Sec. 17. 21-A MRSA §609 is enacted to read:

§609. Ballot security materials

The Secretary of State shall furnish each municipality with tamper-proof ballot security containers and locks, which must be used for securing used ballots and other election materials for statewide elections conducted under this Title. If a state-supplied container or lock becomes defective, lost or destroyed, the clerk must apply in writing to the Secretary of State for a replacement. The Secretary of State shall supply or approve a replacement at the expense of the municipality. If a municipality wishes to use a tamper-proof ballot security container to seal municipal election ballots and materials, that municipality must obtain the container and lock at its own expense. For each election, the Secretary of State also must furnish uniquely numbered seals to be used to secure the containers.

Sec. 18. 21-A MRSA §626, sub-§1, as amended by PL 1997, c. 436, §88, is further amended to read:

1. Opening time flexible. The polls must be opened no earlier than 6 a.m. and no later than ~~9 a.m. on election day; except that in municipalities with a population of less than 4,000, the polls must be opened no later than 10:00~~ 8 a.m. on election day, ~~except that in municipalities with a population of less than 500, the polls must be opened no later than 10:00 a.m.~~ The municipal officers of each municipality shall determine the time of opening the polls within these limits. The municipal clerk shall notify the Secretary of State of the poll opening times at least 30 days before each election conducted under this Title.

Sec. 19. 21-A MRSA §629, sub-§1, ¶D-1, as amended by PL 2009, c. 538, §8, is repealed.

Sec. 20. 21-A MRSA §629, sub-§3, as amended by PL 1995, c. 459, §52, is further amended to read:

3. Described. Each booth must have within it a pencil or marker without an eraser and a shelf on which a voter may mark a ballot conveniently. An instruction poster provided under section ~~605~~ 605-A, subsection 2 must be securely placed above the shelf to assist the voter. Each booth must have back and side panels large enough to screen the voter from the observation of others.

Sec. 21. 21-A MRSA §631-A, sub-§3 is enacted to read:

3. Change of voting place. If the municipal officers wish to change the location of a voting place, they must apply to the Secretary of State at least 60 days before the next statewide election, unless an

emergency exists. The Secretary of State shall design the application form. The Secretary of State must approve the application before the voting place may be changed.

Sec. 22. 21-A MRSA §651, sub-§2, as amended by PL 2009, c. 253, §25, is further amended to read:

2. Election materials distributed and posted.

At any time after the materials are received and before the polls are open, the clerk may open the packages or boxes of election materials, break the seals on the packages not marked "ballots," and use the materials for instructional purposes. ~~The election officials shall post one instruction poster in each voting booth and at least one instruction poster outside the guardrail where it is visible to voters before they have voted. The election officials shall also post one set of sample ballots or one set of sample ballot labels for each ballot being used in that voting place, along with one poster of the constitutional resolutions and statewide referenda, outside the guardrail where they are visible to voters. The election officials shall post a list of any declared write-in candidates for that voting district, with the office sought, next to the sample ballot. On election day, the clerk or the election officials must post the voter instructional materials described in section 605-A, if applicable to the election, as follows:~~

A. In each voting booth: one voting instruction poster prepared under section 605-A; and

B. Outside the guardrail enclosure at each voting place:

(1) At least one voting instruction poster prepared under section 605-A;

(2) One set of sample ballots for each ballot style being used in that voting place;

(3) A list of any declared write-in candidates for that voting district, with the office sought, next to the sample ballots;

(4) One voting rights poster or notice prepared under section 605-A;

(5) One election penalty poster or notice prepared under section 605-A;

(6) One Treasurer's Statement prepared under Title 5, section 152;

(7) One citizen's guide to the referendum election prepared under section 605-A; and

(8) One copy of the Office of Fiscal and Program Review's estimate of the fiscal impact prepared under Title 1, section 353.

Sec. 23. 21-A MRSA §674, sub-§1, ¶D, as repealed and replaced by PL 1993, c. 473, §18 and affected by §46, is repealed.

Sec. 24. 21-A MRSA §674, sub-§1, ¶G is enacted to read:

G. Having been entrusted with another voter's marked ballot, intentionally or knowingly discloses the content of that ballot to another person.

Sec. 25. 21-A MRSA §696, sub-§6, as amended by PL 2009, c. 253, §33, is further amended to read:

6. Rules. The Secretary of State is authorized to adopt rules pursuant to Title 5, chapter 375, subchapter 2-A for determining voter intent based on relevant case law and provisions of this Title. These rules must be used by election officials in tabulating the results of state and local elections and in all recounts conducted pursuant to this Title. A copy of the rules must be included with the instructional materials provided to the clerk, registrar and election officials in each municipality pursuant to section ~~605~~ 605-A, subsection 1 and must be used by the Secretary of State in the training of election officials pursuant to section 505. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 26. 21-A MRSA §698, sub-§2-A, as amended by PL 2005, c. 568, §17, is repealed and the following enacted in its place:

2-A. Used ballots secured. The election officials shall use the tamper-proof ballot security containers described in section 609 to seal the used state ballots, wrapped with their tabulations if hand counted or loose if machine tabulated; spoiled ballots; defective ballots; void ballots; unopened envelopes containing rejected absentee ballots; envelopes containing challenge certificates; and the official tally tape from the electronic tabulating system. The containers must be further secured as follows.

A. Each tamper-proof ballot security container must be locked with a state-supplied lock and sealed with a uniquely numbered seal before leaving the voting place. The lock and seal numbers must correlate with a certificate identifying the person sealing the container and the time of the sealing.

B. Ballots and election materials for municipal elections conducted at the same time as a state election must be sealed separately from state ballots and other state election materials and may not be sealed in the state-supplied tamper-proof ballot security containers. If municipalities wish to use tamper-proof ballot security containers to seal municipal election materials, they must obtain the containers and locks at their own expense.

The sealed tamper-proof ballot security containers of used ballots must remain sealed for at least 2 months after the election, unless the Secretary of State author-

izes the clerk to open the containers prior to that date. After 2 months, the clerk shall open the containers in the presence of one or more witnesses and transfer the ballots to other containers for the remainder of the retention period described in section 23. The new containers must be securely sealed.

Sec. 27. 21-A MRSA §698, sub-§3-A is enacted to read:

3-A. Absentee envelopes sealed in separate containers. The election officials shall seal the used absentee envelopes, from which the voted ballots have been removed and counted, with the applicable applications attached, in one or more tamper-proof ballot security containers or other containers separate from the containers with the used or unused ballots. The municipal clerk shall keep these containers of used absentee envelopes sealed for 5 business days after the election or until the time for any recount conducted under section 737-A, contested election or appeal has passed, whichever is longer. At the end of the 5th business day after the election, if the municipal clerk verifies that a recount has not been requested, the municipal clerk shall unseal the containers of used absentee envelopes and keep them in the clerk's office as a public record for the time required for retention of ballots under section 23.

Sec. 28. 21-A MRSA §711, sub-§4 is enacted to read:

4. Authority to open tamper-proof ballot security containers. After giving notice to the state chair of each political party, the Secretary of State may authorize the municipal clerk, in the presence of one or more witnesses and in the presence of the warden and an election clerk from each of the major parties, to open the sealed tamper-proof ballot security containers as described in section 609 holding used ballots to retrieve the incoming voting list or a copy of any election return forms that were improperly sealed in the containers. The Secretary of State also may authorize these election officials to review and make copies of tabulation sheets that would assist in properly reporting or correcting the results recorded on election night, as well as to review machine-tabulated ballots that were hand counted because they were not read by the tabulator or because they contained write-in votes, and to correct errors in the hand tabulation. The clerk must reseat the containers and secure them for the remainder of the time required for retention of ballots under section 23.

Sec. 29. 21-A MRSA §753-B, sub-§9 is enacted to read:

9. Restrictions on absentee voting in presence of clerk. Except as allowed by subsection 5, a municipal clerk may not remove absentee ballots from the municipal office for the purpose of conducting absentee voting in the presence of the clerk except upon

receipt of an application or written request from the voter. The clerk may not be assisted in delivering or providing an absentee ballot by any person who is a candidate or a member of a candidate's immediate family. Assistance includes, but is not limited to, providing transportation to a clerk who is delivering absentee ballots to a voter who is not marking the absentee ballot in the municipal clerk's office.

Sec. 30. 21-A MRSA §854, as amended by PL 1995, c. 459, §106, is further amended to read:

§854. Test of electronic tabulating equipment

The clerk shall have the electronic tabulating equipment tested prior to the polls opening to ascertain that it accurately counts the votes cast for all offices and on all measures. The test must be conducted by processing a preaudited group of ballots marked to record a predetermined number of valid votes for each candidate and on each measure. In the presence of one or more witnesses, the clerk shall clearly mark each ballot used for testing with the word "TEST" across the front side of the ballot in black or blue indelible ink. The test must include one or more ballots that have votes for each office in excess of the number allowed by law in order to test the ability of the electronic tabulating equipment to reject those votes. In this test, valid votes must be assigned to each candidate for an office and for and against each measure. If any error is detected, the cause for the error must be ascertained and corrected and an errorless count must be made and certified by the clerk before the polls open on election day. The test ballots, the hand tally and the tapes generated as a result of the tests must be packed and sealed in a container labeled "Test Ballots." The container must remain sealed ~~until~~ for at least ~~60 days~~ 2 months after the election, unless needed for recount purposes. The tests provided for in this section must be open to the public.

Sec. 31. 21-A MRSA §902, 2nd ¶, as amended by PL 2009, c. 611, §2, is further amended to read:

The petitions must be signed, verified and certified in the same manner as are nonparty nomination petitions under section 354, subsections 3 and 4 and subsection 7, paragraphs A and C. The circulator of a petition must sign the petition and verify the petition by oath or affirmation as described in section 354, subsection 7, paragraph A prior to submitting the petition to the registrar. If the petitions submitted to the registrar are not signed and verified in accordance with this paragraph, the registrar may not certify the petitions and is required only to return the petitions. The clerk or registrar shall keep a log of petitions submitted to the municipal office for verification. The log must contain the title of the petition, the name of the person submitting the petition, the date of submission, the number of petition forms submitted and the date and manner by which the petitions were returned.

Sec. 32. 30-A MRSA §371-B, sub-§3, ¶C, as repealed and replaced by PL 1997, c. 562, Pt. D, §6 and affected by §11, is amended to read:

C. The candidate applies to the Secretary of State for a criminal background investigation; ~~and~~

Sec. 33. 30-A MRSA §371-B, sub-§3, ¶D, as amended by PL 1999, c. 338, §1, is further amended to read:

D. The candidate submits written certification from the Maine Criminal Justice Academy that the candidate has:

- (1) Met the basic law enforcement training standards under Title 25, section 2804-C; or
- (2) Met the basic corrections training standards under Title 25, section 2804-D ~~and has 5 years of supervisory employment experience; and~~

Sec. 34. 30-A MRSA §371-B, sub-§3, ¶E is enacted to read:

E. The candidate swears to or affirms that the candidate has at least 5 years of supervisory employment experience and submits the name, address and telephone number for the relevant employer or employers.

See title page for effective date.

CHAPTER 343

S.P. 478 - L.D. 1516

**An Act To Protect Consumer
Information at the Efficiency
Maine Trust**

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

Sec. 1. 35-A MRSA §10106, sub-§1, ¶A, as enacted by PL 2009, c. 372, Pt. B, §3, is amended to read:

A. A record obtained or developed by the trust that:

- (1) A person, including the trust, to whom the record belongs or pertains has requested be designated confidential; ~~and~~
- (2) The board has determined contains information that gives the owner or a user an opportunity to obtain business or competitive advantage over another person who does not have access to the information, except through the trust's records, or access to which by others would result in a business or competitive disadvantage, loss of business or other significant detriment, other than loss or