

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

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

denial of financial assistance from the trust, to any person to whom the record belongs or pertains; ~~and~~

(3) Contains information about the energy usage profile of an identifiable customer of a transmission and distribution utility in the State or an identifiable customer of a distributor of heating fuel or other energy source; and

(4) Contains the social security number, address, telephone number or e-mail address of a customer that has participated or may participate in a program of the trust; and

See title page for effective date.

CHAPTER 344

H.P. 850 - L.D. 1144

An Act To Repeal Inactive Boards and Commissions

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

Sec. 1. 5 MRSA §82-B, as amended by PL 2009, c. 74, §§5 to 7, is repealed.

Sec. 2. 5 MRSA §12004-G, sub-§26-F, as enacted by PL 2007, c. 318, §1, is repealed.

Sec. 3. 5 MRSA §12004-G, sub-§31-C, as enacted by PL 2007, c. 285, §3, is repealed.

Sec. 4. 5 MRSA §12004-I, sub-§1-B, as enacted by PL 2005, c. 614, §1, is repealed.

Sec. 5. 5 MRSA §12004-I, sub-§4-A, as enacted by PL 1997, c. 752, §3, is repealed.

Sec. 6. 5 MRSA §12004-I, sub-§6-H, as enacted by PL 2007, c. 641, §1, is repealed.

Sec. 7. 5 MRSA §12004-I, sub-§10-A, as enacted by PL 1989, c. 899, §1, is repealed.

Sec. 8. 5 MRSA §12004-I, sub-§13-A, as enacted by PL 2007, c. 342, §1, is repealed.

Sec. 9. 5 MRSA §12004-I, sub-§24-E, as amended by PL 1997, c. 678, §1, is repealed.

Sec. 10. 5 MRSA §12004-I, sub-§57-C, as amended by PL 2003, c. 247, §1, is repealed.

Sec. 11. 5 MRSA §12004-I, sub-§84-A, as amended by PL 2009, c. 481, §1, is repealed.

Sec. 12. 5 MRSA §12004-I, sub-§86, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 13. 5 MRSA §12004-K, sub-§1, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 14. 5 MRSA §12006, sub-§2, as amended by PL 2009, c. 369, Pt. A, §11, is further amended to read:

2. Legislative repeal of inactive boards. The Secretary of State shall submit suggested legislation to the joint standing committee of the Legislature having jurisdiction over state government matters on or before January 30th in the ~~first~~ second regular session of each biennium to repeal those boards that have not reported on their activities to the Secretary of State under this section or section 12005-A ~~during either~~ for both of the prior 2 calendar years or have been inactive during the preceding 24 months. The joint standing committee of the Legislature having jurisdiction over state government matters may submit legislation to the ~~first~~ second regular session of each biennium to repeal those boards.

Sec. 15. 5 MRSA §13171, as corrected by RR 2009, c. 1, §8, is repealed.

Sec. 16. 7 MRSA §216, as corrected by RR 2005, c. 2, §6, is repealed.

Sec. 17. 12 MRSA §1864, as enacted by PL 1997, c. 678, §13, is repealed.

Sec. 18. 12 MRSA §6078-A, sub-§3, as enacted by PL 2003, c. 247, §19, is amended to read:

3. Expenditures; purpose. The commissioner may make expenditures from the fund to develop effective and cost-efficient water quality licensing and monitoring criteria, analyze and evaluate monitoring data and process lease applications. The commissioner shall expend the fund amounts in proportion to the amounts of revenue from finfish sources and shellfish sources. ~~In developing a program of expenditures, the commissioner shall consult with the Aquaculture Advisory Council established under Title 5, section 12004-I, subsection 57-C.~~ The commissioner may contract for services privately or under memoranda of agreement with other state agencies.

Sec. 19. 12 MRSA §6080, as amended by PL 2005, c. 92, §9, is repealed.

Sec. 20. 20-A MRSA c. 7, as amended, is repealed.

Sec. 21. 20-A MRSA c. 117, sub-c. 5, as amended, is repealed.

Sec. 22. 20-A MRSA §7802, sub-§7, as enacted by PL 1989, c. 899, §4, is repealed.

Sec. 23. 20-A MRSA §7803, as amended by PL 2007, c. 539, Pt. JJJJ, §6, is repealed.

Sec. 24. 20-A MRSA §7804, as amended PL 2009, c. 147, §§6 and 7, is repealed.

Sec. 25. 22 MRSA §255-A, as enacted by PL 2007, c. 318, §2, is repealed.