

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

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liability for such disclosure or its consequences. "Clear and convincing evidence of lack of good faith" means evidence that clearly shows the knowing disclosure, with malicious intent, of false or deliberately misleading information. This section is supplemental to and not in derogation of any claims available to the former employee that exist under state law and any protections that are already afforded employers under state law.

See title page for effective date.

CHAPTER 398

H.P. 954 - L.D. 1302

An Act To Extend Fire Code Rules to Single-family Dwellings Used as Nursing Homes for 3 or Fewer Patients

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

Sec. 1. 25 MRSA §2452, first ¶, as amended by PL 2007, c. 632, §1, is further amended to read:

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. ~~These rules do not apply to nursing homes having 3 or fewer patients.~~ Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 399

H.P. 1015 - L.D. 1376

An Act To Preserve the Integrity of the Voter Registration and Election Process

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

Sec. 1. 21-A MRSA §121, sub-§1-A, as amended by PL 2005, c. 453, §12, is further amended to read:

1-A. Identification and proof. Registration applications taken by outside agencies must be transferred to the Secretary of State within 5 days of receipt. An applicant who attempts to register within 30 days of an election must be advised that the registrar might not receive the application before ~~that election the deadline for mail or 3rd-person registration~~, but that the applicant may register in person ~~before or on election day~~ no later than the deadline for in-person registration set forth in section 122, subsection 4-A.

Registration applications received by the Secretary of State from outside agencies 30 days or more before an election must be transferred to the appropriate registrar's office within 7 business days of receipt. Registration applications received by the Secretary of State from outside agencies less than 30 days before an election must be transferred to the appropriate registrar's office within 5 business days of receipt. Registration applications by mail or by a 3rd person must be received in the registrar's office by the close of business on the 21st day before election day in order for persons' names to appear on the incoming voting list for that election. The 20-day period before the election is the closed period for outside registrations. The registrar shall send the notice required by section 122 to all voters whose applications were received by mail or a 3rd person by the 21st day before election day no later than the 18th day before election day.

A person who registers ~~during the 20 days before election day or on election day~~ shall register in person and shall show proof of identity and residency. If satisfactory proof of identity and residency can not be provided to the registrar or deputy, the person's name is entered into the central voter registration system and placed on the incoming voting list and the person casts a challenged ballot.

Sec. 2. 21-A MRSA §122, first ¶, as amended by PL 2003, c. 584, §3, is further amended to read:

A person may register as a voter by appearing before the registrar, by the registration deadline in subsection 4-A, proving that the person meets the qualifications of section 111, subsections 1 to 3, and filing an application provided by the registrar containing the information required by section 152 or 154, if applicable. Township residents may register as provided in section 156.

Sec. 3. 21-A MRSA §122, sub-§4, as amended by PL 2005, c. 453, §16, is repealed.

Sec. 4. 21-A MRSA §122, sub-§4-A is enacted to read:

4-A. Deadline for registration. The deadline for receipt of registration applications submitted by mail or by a 3rd person is the close of business on the 21st day before election day. The deadline for in-person registration is the 3rd business day before election day by the close of the registrar's hours established under subsection 6.

Sec. 5. 21-A MRSA §122, sub-§5, as amended by PL 2007, c. 515, §3, is further amended to read:

5. Alternative registration schedule for absentee voters. If the clerk receives a properly completed absentee ballot application that is signed by a person who is not a registered voter in the municipality, a presumption of the person's qualification as a voter is established. The clerk shall send an absentee ballot to the voter at the address indicated, along with a voter registration application under section 152. The completed registration application must be returned to the clerk ~~by the close of the polls on election day no later than the deadline for in-person registration under subsection 4-A,~~ in order for the ballot to be counted and may not be sealed with the voted absentee ballot. If the application is received ~~during the closed period before the registration deadline~~ and the registrar is not satisfied as to the person's qualification as a voter, the registrar shall follow the requirements of section 121, subsection 1-A to place the person's name on the incoming voting list and challenge the absentee ballot. An application by telephone under section 753-A, subsection 4 or an application by e-mail under section 753-A, subsection 6 does not establish a presumption of qualification under this section and the requestor must submit a properly completed voter registration application before the clerk may issue an absentee ballot.

Sec. 6. 21-A MRSA §122, sub-§6, as amended by PL 2005, c. 453, §18, is repealed and the following enacted in its place:

6. Schedule for acceptance of registrations. The registrar shall accept registrations on any business day or other day that the clerk's office is open prior to the registration deadline established by subsection 4-A. The names and other information from the voter registration applications of any persons registering by this deadline must be recorded as provided in subsection 7. On the 3rd business day before election day, the registrar must be available to accept the registrations of applicants who appear in person as follows:

A. For at least 2 hours, in a municipality with a population of 500 or fewer;

B. For at least 4 hours, in a municipality with a population of more than 500 but fewer than 2,500; or

C. For at least 6 hours, including at least 2 hours in the evening between 5:00 p.m. and 9:00 p.m.,

in a municipality with a population of 2,500 or more.

The registrar shall publish the hours for registration required by this section according to section 125.

Sec. 7. 21-A MRSA §122, sub-§7, as amended by PL 2005, c. 453, §19, is repealed and the following enacted in its place:

7. Record of names. The registrar shall, after finding the applicant qualified, enter the voter's name and other information from the voter registration application into the central voter registration system before the incoming voting list is printed. Before the polls are opened, the registrar shall deliver the incoming voting list to the clerk. The inclusion of a person's name on the incoming voting list entitles that person to vote on election day.

Sec. 8. 21-A MRSA §122, sub-§8, as enacted by PL 1985, c. 307, §1, is repealed.

Sec. 9. 21-A MRSA §122, sub-§9, as amended by PL 2003, c. 395, §1, is further amended to read:

9. Regulation of registration monitors. Anyone who wishes to monitor the names and addresses of persons who are registering at the registrar's office or the clerk's office shall inform the registrar or clerk of that intent. ~~Anyone who wishes to monitor the names and addresses of persons who are registering at the polling place shall inform the registrar or clerk of that intent~~ by submitting a written, signed statement containing the proposed monitor's name, address and intent. The registrar or clerk may designate a place where a person monitoring registrations may stand. The registrar or clerk shall then announce the name and address of individuals registering to vote in a loud and clear voice. A person monitoring registrations shall direct any questions the person has to the registrar or clerk. These questions must be limited to information pertinent to the qualifications of an individual to register. A person monitoring registrations may not ask questions of individuals waiting to register concerning their eligibility to vote. ~~A polling place registration monitor may not handle or inspect registration cards, files or other materials used by the registrar or clerk except as provided in section 22.~~ A monitor may not inhibit the work of the registrar or clerk. ~~If the work of a registrar or clerk appears to be inhibited, the warden may request a reduction in the number of monitors present in the polling place.~~ A registrar or clerk may require a person monitoring registrations who violates the provisions of this subsection to leave the building.

Sec. 10. 21-A MRSA §125, as amended by PL 1997, c. 436, §24, is further amended to read:

§125. Notice of schedule

The registrar shall publish the schedule established under section 122, subsection 6 ~~or as changed by the municipal officers under subsection 8~~, in a newspaper having general circulation in the municipality at least 7 10 to 15 business days before the ~~schedule becomes effective~~ election, except that, in municipalities with a population of 2,500 or fewer, ~~the publication of the time schedule by the registrar is discretionary rather than compulsory may be done by another means the registrar considers sufficient to provide adequate notice to the residents of the municipality.~~

Sec. 11. 21-A MRSA §129, first ¶, as amended by PL 1985, c. 383, §2, is further amended to read:

When a voter's name is changed by marriage or other process of law, or when ~~he~~ the voter moves within a municipality, the following provisions apply.

Sec. 12. 21-A MRSA §129, sub-§1, as enacted by PL 1985, c. 161, §6, is amended to read:

1. Notice. The voter must give written notice to the registrar of ~~his~~ the voter's new and former names or ~~addresses before the close of registrations~~ changes of address within the municipality prior to casting a ballot on election day.

Sec. 13. 21-A MRSA §129, sub-§3, as amended by PL 1995, c. 459, §15, is further amended to read:

3. Failure to notify. If a voter fails to notify the registrar of a change of name or ~~change of address within the municipality before the close of registrations~~ registration deadline in section 122, subsection 4-A, the voter must appear before the registrar on election day and follow the procedure outlined in section 661 if the voter wishes to vote, unless the registrar has already made the correction in following the procedure prescribed by section 128. If the voter wishes to exercise the right to vote, the voter must vote using the ballot or ballots for the new polling place, if applicable, on election day.

Sec. 14. 21-A MRSA §130, as amended by PL 2005, c. 453, §22, is further amended to read:

§130. Applications for voter registration

A person who completes an application for registration to vote, as provided in section 152, may mail the application or have the application delivered to the registrar before the closed period for the acceptance of mail or 3rd-person registrations in the person's municipality, to be entered into the central voter registration system and placed on the incoming voting list prior to the next election; except that applications completed under section 122, subsection 5 may be delivered by the voter during the closed period by the

in-person registration deadline under section 122, subsection 4-A for immediate placement on the incoming voting list.

Sec. 15. 21-A MRSA §156, sub-§1, as amended by PL 2005, c. 568, §7, 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~~ must register ~~and enroll on election day according to the deadlines established in section 122, subsection 4-A.~~ 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. 16. 21-A MRSA §661, sub-§1, ¶B, as amended by PL 2005, c. 453, §54, is further amended to read:

B. If the name or address of the voter was omitted by error from or placed incorrectly on the incoming voting list and the registrar is able to determine that an error has been made, the registrar shall issue a certificate to the voter containing the voter's correct name and address and directed to the warden of the appropriate voting place. The registrar shall correct the name and address on the incoming voting list and in the central voter registration system.

Sec. 17. 21-A MRSA §661, sub-§1, ¶D is enacted to read:

D. If the registrar is unable to determine that an error was made, but the voter declares the voter is registered to vote and eligible to vote in the municipality, the voter must be permitted to vote a provisional ballot pursuant to section 673-A.

Sec. 18. 21-A MRSA §671, sub-§2, as amended by PL 2003, c. 584, §9, is further amended to read:

2. Enters guardrail enclosure. The election clerk in charge of the incoming voting list shall place a check mark or a horizontal line, in red ink, on the list beside the voter's name and allow the voter to enter the area enclosed by the guardrail. If the person's name does not appear on the incoming voting list, the warden shall inform the person of the provisional voting process and, if the person meets the requirements to be a provisional voter, shall allow the person to cast a provisional ballot as provided in section 673-A.

Sec. 19. 21-A MRSA §673, sub-§1, ¶A, as amended by PL 2007, c. 455, §32, is further amended to read:

A. A voter or an election official may challenge another voter only upon personal knowledge or a reasonably supported belief that the challenged voter is unqualified. Only the following reasons for challenges may be accepted by the warden. The challenged person:

- (1) ~~Is not a registered voter;~~
- (2) Is not enrolled in the proper party, if voting in a primary election;
- (3) Is not qualified to be a registered voter because the challenged person:
 - (a) Does not meet the age requirements as specified in sections 111, subsection 2 and section 111-A;
 - (b) Is not a citizen of the United States; or
 - (c) Is not a resident of the municipality or appropriate electoral district within the municipality;
- (4) Registered to vote during the closed period ~~or on election day~~ and did not provide satisfactory proof of identity and residency to the registrar pursuant to section 121, subsection 1-A, except that only an election official may challenge for this reason;
- (5) Did not properly apply for an absentee ballot;
- (6) Did not properly complete the affidavit on the absentee return envelope;
- (7) Did not cast the ballot or complete the affidavit before the appropriate witness;
- (8) Communicated with someone as prohibited by section 754-A, subsection 1, paragraph B or subsection 3, paragraph B or D;
- (9) Did not have the ballot returned to the clerk by the time prescribed;
- (10) Voted using the name of another;
- (11) Committed any other specified violation of this Title; or
- (12) Voted using the wrong ballot for the appropriate electoral district or political party, if applicable.

Sec. 20. 21-A MRSA §673, sub-§6, as reallocated by RR 2003, c. 1, §12, is repealed.

Sec. 21. 21-A MRSA §673-A is enacted to read:

§673-A. Provisional voting

If a person declares that the person is a registered voter in the jurisdiction in which the person desires to vote and that the person is eligible to vote in an election for federal office, but the name of the person does not appear on the incoming voting list for the voting place, such person must be permitted to cast a provisional ballot as follows.

1. How issued. The person must complete and sign a provisional ballot affidavit, swear to or affirm the information before the warden and show proof of identity and current residency in the municipality and voting district, if applicable. The provisional ballot affidavit must be on a form designed by the Secretary of State and must include, at a minimum, the person's name, address, party affiliation, if any, and reason that the person believes the person is a registered voter in that jurisdiction.

2. Ballot and provisional envelope issued. As soon as the provisional ballot affidavit form has been completed, the election clerk in charge of ballots shall give a provisional ballot and a provisional ballot envelope to the warden. The warden shall write a provisional ballot number on the affidavit form and the provisional ballot envelope and give them to the voter. The warden also shall give the voter a notice about provisional voting, on a form designed by the Secretary of State, that includes the provisional ballot number assigned to the voter's ballot.

3. Proceed to vote. After the voter marks the provisional ballot, the voter shall seal it in the provisional ballot envelope and return it to the warden.

4. Provisional ballots segregated and logged. The warden shall place every provisional ballot envelope containing a completed provisional ballot in a tamper-proof container until a determination of the person's eligibility to vote can be made. The warden also shall complete a provisional ballot log, on a form provided by the Secretary of State, that indicates for each provisional ballot the name of the voter, the provisional ballot number and a notation of whether the provisional ballot was resolved and cast or rejected. The sealed tamper-proof containers of provisional ballots that are not resolved must be returned to the municipal clerk after the polls are closed, along with all provisional ballot affidavits and the provisional ballot log form.

5. Ballots relating to court order. In an election for federal office, if a federal or state court has issued an order extending the time established for closing the polls, any ballots cast during the period of that extension must be treated as provisional ballots according to this section.

6. Resolution and counting of provisional ballots. By the close of the polls if possible, but no later than 3 business days after election day, the municipal

clerk or registrar shall review the information on the provisional ballot affidavits and determine whether each voter is eligible to vote in the election. In making this determination, the municipal clerk or registrar must review all voter registration information on file with the municipality, including, but not limited to, the voter registration applications and attached documentation, the incoming voter list from any previous election and information or records in the central voter registration system. After reviewing the voter registration information, the municipal clerk or registrar must proceed as follows:

A. If the person's eligibility to vote in the election is confirmed by the close of the polls on election day, the clerk or registrar shall designate on the provisional ballot log that the provisional ballot was accepted. The warden shall remove the provisional ballot from the sealed provisional ballot envelope and place it into the ballot box or tabulator to be counted with the other ballots after the polls close. The warden shall annotate the incoming voting list to add the voter's name and address, along with an indication that the voter voted.

B. If the person's eligibility to vote in the election is confirmed after the close of the polls on election day, the clerk or registrar shall designate on the provisional ballot log that the provisional ballot was accepted. The clerk or registrar, in the presence of one or more witnesses, shall remove the provisional ballot from the sealed provisional ballot envelope and place it into a ballot box in a manner that preserves the secrecy of the vote. After all accepted provisional ballots have been placed into the ballot box, the clerk or registrar shall remove and count the provisional ballots in the same manner as regular ballots. After the incoming voting list is unsealed following the election, the clerk or registrar shall annotate the list to add the names and addresses of the voters under this subsection, along with an indication that the voters voted.

C. If the eligibility of a voter cannot be confirmed, the clerk or registrar shall write "rejected" on the provisional ballot envelope and return the unopened envelope to the tamper-proof container. The clerk or registrar shall update the provisional ballot log to indicate the ballot was rejected.

7. Report to Secretary of State. After all provisional ballots have been resolved, but no later than 3 business days after election day, the clerk shall report the status of all provisional ballots to the Secretary of State by providing a copy of the provisional ballot log. In addition to annotating the provisional ballot log to indicate whether provisional ballots were accepted or rejected, the clerk shall update the municipality's return of votes cast to include the votes cast by all provi-

sional voters who were determined to be eligible to vote in the election.

8. Secretary of State to make status available. Within 20 days after any election, the Secretary of State shall make available the status of the provisional ballots on the Secretary of State's publicly accessible website, including whether the ballot was counted and if not, the reason the ballot was not counted.

Sec. 22. 21-A MRSA §753-B, sub-§1, as amended by PL 2009, c. 563, §2, is further amended to read:

1. Application or written request received. Upon receipt of an application or written request 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 any voter whose request was received after 5:00 p.m. on the Thursday before election day as provided in subsection 2. 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. 23. 21-A MRSA §753-B, sub-§2, as enacted by PL 1999, c. 645, §6, is repealed and the following enacted in its place:

2. Restrictions on issuing ballot. The clerk may not issue an absentee ballot:

A. To any 3rd person who is a candidate or a member of a candidate's immediate family;

B. To an immediate family member or to a 3rd person if the absentee ballot was requested by telephone;

C. To a 3rd person who already has been issued 5 absentee ballots for voters in the municipality, until the 3rd person has returned one of those ballots; or

D. To any voter, immediate family member or 3rd person whose request was received in the municipal office after the 3rd business day before election day, unless the voter signs an application, designed by the Secretary of State, stating one of the following reasons for requesting an absentee ballot on that day:

(1) Unexpected absence from the municipality during the entire time the polls are open on election day;

(2) Physical disability or an incapacity or illness that has resulted in the voter's being unable to leave home or a treatment facility; or

(3) Inability to travel to the polls if the voter is a resident of a coastal island ward or precinct.

Sec. 24. 21-A MRSA §753-B, sub-§8, as amended by PL 2009, c. 253, §48, is further 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, except as provided in subsection 2. 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 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. For purposes of this section, "private property" includes privately owned property subject to a public right-of-way that is an easement right-of-way.

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.

Sec. 25. 21-A MRSA §777-A, as amended by PL 2009, c. 563, §3, is further amended to read:

§777-A. Registration and enrollment

Uniformed Notwithstanding the registration deadline in section 122, subsection 4-A, 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.

See title page for effective date.

CHAPTER 400
H.P. 436 - L.D. 553

**An Act To Improve Maine's
Energy Security**

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

Sec. 1. 2 MRSA §9, sub-§3, ¶C, as amended by PL 2011, c. 55, §1, is further amended to read:

C. In consultation with the Efficiency Maine Trust Board, established in Title 5, section 12004-G, subsection 10-C, prepare and submit a comprehensive state energy plan to the Governor and the Legislature by January 15, 2009 and submit an updated plan every 2 years thereafter. Within the comprehensive state energy plan, the director shall identify opportunities to lower the total cost of energy to consumers in this State and transmission capacity and infrastructure needs and recommend appropriate actions to lower the total cost of energy to consumers in this State and facilitate the development and integration of new renewable energy generation within the State and support the State's renewable resource portfolio requirements specified in Title 35-A, section 3210 and wind energy development goals specified in Title 35-A, section 3404. The comprehensive state energy plan must include a section that specifies the State's progress in meeting the oil dependence reduction targets in subsection 5. The office shall make recommendations, if needed, for additional legislative and administrative actions to ensure that the State can meet the reduction targets in subsection 5. The recommendations must include a cost and resource estimate for technology development needed to meet the reduction targets;

Sec. 2. 2 MRSA §9, sub-§5 is enacted to read:

5. Oil dependence reduction plan. The office, with input from stakeholders and in consultation with the Efficiency Maine Trust, shall develop a plan to reduce the use of oil in all sectors of the economy in this State. The plan must:

A. Be designed to achieve the targets of reducing the State's consumption of oil by at least 30% from 2007 levels by 2030 and by at least 50% from 2007 levels by 2050;

B. Focus on near-term policies and infrastructure changes that set the State on a reasonable trajectory to meet the 2030 and 2050 targets in paragraph A;

C. Prioritize the improvement of energy efficiency and the transition to the use of alternative energy sources for heating and transportation; and