

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**September 27, 2011**

**SECOND REGULAR SESSION**  
**January 4, 2012 to May 31, 2012**

**THE EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**LAWS IS**  
**SEPTEMBER 28, 2011**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 30, 2012**

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

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**Augusta, Maine**  
**2012**

**Sec. 19. 21-A MRSA §753-B, sub-§4**, as amended by PL 2011, c. 40, §1, is further amended to read:

**4. Duplicate ballot.** The clerk may issue a duplicate state absentee ballot to an applicant if the initially issued ballot has not already been marked and returned to the clerk, the applicant requests one by an acceptable method outlined in this subchapter and:

A. The applicant states good cause, including, but not limited to, loss of, spoiling of or damage to the first absentee ballot. Good cause does not include an applicant's decision to change the applicant's vote after the applicant has returned the ballot to the clerk; or

B. An absentee ballot for the applicant that was furnished to a designated 3rd person was not returned to the clerk's office within the time limit provided in subsection 3. If a ballot for an applicant is not returned to the clerk within that time limit, the clerk shall mail or hand deliver a ballot to that applicant and may not issue another ballot to the applicant except for good cause as provided in this subsection. This paragraph does not affect the deadline for delivery of absentee ballots under section 755.

The clerk may issue a 2nd state absentee ballot to a voter from whom the clerk has received a return envelope apparently containing a state absentee ballot when the State has provided the clerk with replacement ballots to reflect the removal of a candidate's name or the addition of a new candidate's name or the correction of an error or when the absentee ballot envelope has a defect in the affidavit that would cause the ballot to be rejected. When a 2nd state absentee ballot is issued to a voter under this section, the clerk must write the words "second ballot issued" on the return envelope.

**Sec. 20. 21-A MRSA §753-B, sub-§5**, as corrected by RR 2001, c. 2, Pt. A, §28, is amended to read:

**5. Alternate method of balloting by residents of certain licensed facilities.** The municipal clerk shall designate one or more times during the 30-day period prior to an election during which the municipal clerk shall be present in each licensed nursing home subject to the provisions of Title 22, chapter 405; licensed residential care facility subject to the provisions of Title 22, chapter 1664; and assisted housing program subject to the provisions of Title 22, chapter 1664, in the municipality for the purpose of conducting absentee voting by residents of these facilities. The licensed residential care facilities or assisted housing programs referred to in this subsection are those that are licensed as Level II facilities to have 6 or more beds. The clerk shall designate which areas in these facilities constitute the voting place, the voting booth

and the guardrail enclosure. Sections 681 and 682 apply to voting in these facilities within the areas designated by the clerk.

**Sec. 21. 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 121-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.

**Sec. 22. 21-A MRSA §781-A**, as amended by PL 2009, c. 563, §7, is further amended to read:

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

~~Upon~~ Notwithstanding the absentee ballot application deadline in section 753-B, subsection 2, paragraph D, upon receipt of an application or written request for an absentee ballot from a uniformed service voter or overseas voter 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 the authorized means designated by the voter in the application. 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 that moves free of postage under federal law.

See title page for effective date.

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**CHAPTER 535**

**H.P. 1247 - L.D. 1695**

**An Act To Provide Additional  
In-store Space for Maine's  
Businesses by Removing  
License and Permit Posting  
Requirements**

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

**Sec. 1. 22 MRSA §1552-A**, as amended by PL 1997, c. 305, §1, is further amended to read:

**§1552-A. Production of license; notices**

**1. Production of licenses.** A licensee shall ~~publicly display~~ make available a copy of the license on the premises ~~and on each machine to which the license applies~~ for inspection by the commissioner, the com-

missioner's representatives and agents or authorized municipal officials.

**2. Display of prohibition against sales to juveniles.** All licensees shall post notice of the prohibition on tobacco sales to juveniles pursuant to section 1555-B. Notices must be publicly and conspicuously displayed in the licensee's place of business in letters at least 3/8 inches high. Signs required by this section must be provided at cost by the department. Any person who violates this subsection commits a civil violation for which a forfeiture of not less than \$50 nor more than \$200 may be adjudged for any one offense.

**Sec. 2. 22 MRSA §2167, first ¶,** as amended by PL 2003, c. 452, Pt. K, §15 and affected by Pt. X, §2, is further amended to read:

A person, firm, corporation or copartnership may not operate a food establishment; or a food salvage establishment or act as a salvage broker unless licensed for that purpose by the commissioner. In the case of retail food establishments, licenses issued must be ~~displayed in a place visible to~~ made available at the retail food establishment for inspection by customers or other persons using a ~~licensed~~ the retail food establishment.

**Sec. 3. 28-A MRSA §604,** as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**§604. Production of licenses**

All licensees shall ~~publicly display~~ make available for inspection their licenses ~~on~~ at the premises to which ~~they~~ those licenses apply.

**Sec. 4. 30-A MRSA §3703** is enacted to read:

**§3703. Production of licenses or permits**

The municipal officers may not require a licensee or permittee to publicly display the licensee's or permittee's license or permit on the premises to which that license or permit applies. The municipal officers may require a licensee or permittee to make available for inspection the license or permit at the premises to which the license or permit applies.

**Sec. 5. 36 MRSA §1754-B, sub-§2,** as amended by PL 2009, c. 496, §17, is further amended to read:

**2. Registration certificates.** Application forms for sales tax registration certificates must be prescribed and furnished free of charge by the assessor. The assessor shall issue a registration certificate to each applicant that properly completes and submits an application form. A separate application must be completed and a separate registration certificate issued for each place of business. A registration certificate issued pursuant to this section is nontransferable and is not a license within the meaning of that term in the Maine Administrative Procedure Act. Each application for a registration certificate must contain a state-

ment as to the type or types of tangible personal property that the applicant intends to purchase for resale and the type or types of taxable services that the applicant intends to sell, and each retailer registered under this section must inform the assessor in writing of any changes to the type or types of tangible personal property that it purchases for resale or to the type or types of taxable services that it sells.

If the retailer maintains a place of business in this State, the retailer shall make available a copy of the registration certificate ~~must be conspicuously displayed at~~ issued for that place of business at that place of business for inspection by the assessor, the assessor's representatives and agents or authorized municipal officials. If the retailer does not have a fixed place of business and makes sales from one or more motor vehicles, each motor vehicle is deemed to be a place of business.

See title page for effective date.

**CHAPTER 536**

**S.P. 627 - L.D. 1815**

**An Act To Establish "The Dirigo March" as the Official March of the State**

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

**Sec. 1. 1 MRSA §210-A** is enacted to read:

**§210-A. State march**

The official march of the State is the march entitled "The Dirigo March," written by Leo Pepin.

See title page for effective date.

**CHAPTER 537**

**H.P. 1212 - L.D. 1603**

**An Act To Amend the Law Relating to Concealed Firearms Locked in Vehicles**

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

**Sec. 1. 26 MRSA §600, sub-§1,** as enacted by PL 2011, c. 393, §1, is amended to read:

**1. Firearms in vehicles.** An employer or an agent of an employer may not prohibit an employee who has a valid permit to carry a concealed firearm under Title 25, chapter 252 from keeping a firearm in the employee's vehicle as long as the vehicle is locked and the firearm is not visible. This subsection applies