

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-SEVENTH LEGISLATURE

SECOND REGULAR SESSION
January 6, 2016 to April 29, 2016

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 29, 2016

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

Augusta, Maine
2016

Sec. 2. Delay using measurements of student learning and growth in the performance evaluation and professional growth system.

Prior to the 2017-2018 school year, the Commissioner of Education may not require a school administrative unit to implement the measurements of student learning and growth as part of the performance evaluation and professional growth system established pursuant to the Maine Revised Statutes, Title 20-A, chapter 508.

Sec. 3. Delay using statewide assessment data of student academic achievement in school performance grading system.

Notwithstanding the Maine Revised Statutes, Title 20-A, chapter 222 or any other provision of law, prior to the 2017-2018 school year, neither the Department of Education nor any other state agency may use statewide assessment data of student academic achievement as part of a system to evaluate or rate the performance of public schools in the State that is similar to or different from the school performance grading system developed by the Department of Education and introduced on May 1, 2013.

Nothing in this section may be construed to prevent or inhibit the Department of Education from providing an annual report of the results of the state assessment program required by the Maine Revised Statutes, Title 20-A, section 6204 to meet the federal statutes and regulations pertaining to student assessment as required by the federal No Child Left Behind Act of 2001, 20 United States Code, Chapter 70 and the federal Every Student Succeeds Act of 2015, 20 United States Code, Chapter 70.

See title page for effective date.

CHAPTER 406

H.P. 1050 - L.D. 1539

An Act To Expand the Early Processing of Absentee Ballots

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

Whereas, this legislation makes changes to improve the administration of absentee voting; and

Whereas, required planning necessary for administration of absentee voting for the next general election must begin well before the election; 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 §760-B, as amended by PL 2013, c. 457, §4, is further amended to read:

§760-B. Procedures when clerk processes absentee ballots prior to election day

Any municipality or jurisdiction that conducts its own elections may opt to process absentee ballots ~~on the beginning on the 3rd day~~ immediately prior to election day, except that processing on a Sunday is not permitted. The clerk shall use the following procedure when processing the absentee ballots during this time.

1. Time for processing. In a municipality that has opted to process absentee ballots on ~~the day immediately~~ one or more of the days prior to election day authorized by this section, the municipal clerk or the clerk's designees may process absentee ballots at the times designated by the clerk, between the hours of 9:00 a.m. and 9:00 p.m., except that if an inspection is requested pursuant to subsection 3, processing may not begin until after the inspection period has concluded.

2. Notice of early processing. The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using the notice of election under section 621-A, stating the time days and times that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 60 days before election day, the clerk shall provide a copy of the notice of election to the Secretary of State and the chairs of each political party of the municipality indicating that early processing of absentee ballots will occur. The notice to the political parties must be considered sufficient as long as it is mailed to the last address of each municipal chair that is known to the clerk. The notice to the Secretary of State may be delivered by mail or facsimile or as a scanned attachment to an e-mail address established by the Secretary of State. If the notice is not received by the Secretary of State by 5:00 p.m. on the 60th day before election day, the municipality may not process absentee ballots prior to election day.

3. Inspection of absentee envelopes before processing. A member of the public may make a written request of the clerk to inspect absentee ballot applications and envelopes before they are processed if the request is made by 9:00 a.m. on ~~the each day immediately~~ that the clerk will process absentee ballots as specified on the notice of election prior to election day. The clerk shall make the absentee ballot applications and envelopes received by that time available for public inspection for one hour before the starting time specified in the notice of election for processing the absentee ballots. The clerk may imme-

diately proceed to process the ballots after the one-hour inspection time has elapsed.

4. Processing and other procedures. The clerk shall use the procedure described in this section when processing the absentee ballots during the designated times. Procedures for handling full ballot boxes, poll-watching and challenging ballots are conducted in the same manner as election day or as close as practicable.

5. Counting and results prohibited before the polls close. The absentee ballots may not be counted, voter intent may not be determined and election results may not be obtained or released until after the polls have closed on election day; and all election day ballots have been cast and all absentee ballots have been processed. A municipality that uses a high-speed ballot tabulator and receives results at the completion of the ballot scanning may not view the results until after the polls close on election day.

6. Security of processed ballots and tabulating equipment. At the conclusion of absentee ballot processing on ~~the any day immediately~~ prior to election day, the clerk shall ensure that the early processed absentee ballots are locked and sealed in the ballot box, automatic tabulating equipment ballot box or tamper-proof containers provided by the Secretary of State and secured in a vault or other locked secure location, until the voting resumes on election day or until the ballots are counted after the polls close. The Secretary of State shall publish uniform guidelines for securing ballots and other materials under this subsection.

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

Effective March 24, 2016.

CHAPTER 407
S.P. 215 - L.D. 622

**An Act To Require Training of
Mandated Reporters under the
Child Abuse Laws**

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

Sec. 1. 22 MRSA §4011-A, sub-§9 is enacted to read:

9. Training requirement. A person required to make a report under subsection 1 shall complete at least once every 4 years mandated reporter training approved by the department.

See title page for effective date.

CHAPTER 408

H.P. 1033 - L.D. 1510

**An Act To Improve the
Disclosure of Financial
Activities by Political Action
Committees and Ballot
Question Committees**

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

Sec. 1. 21-A MRSA §1052, sub-§5, ¶A, as amended by PL 2011, c. 389, §32, is further amended to read:

A. Includes:

(1) Any separate or segregated fund established by any corporation, membership organization, cooperative or labor or other organization whose purpose is to initiate or influence a campaign;

(4) Any ~~organization person~~, including any corporation or association, other than an individual, that has as its major purpose initiating or influencing a campaign and that receives contributions or makes expenditures aggregating more than \$1,500 in a calendar year for that purpose; and

(5) Any ~~organization person~~, other than an individual, that does not have as its major purpose influencing candidate elections but that receives contributions or makes expenditures aggregating more than \$5,000 in a calendar year for the purpose of influencing the nomination or election of any candidate to political office; and

Sec. 2. 21-A MRSA §1052-A, sub-§1, ¶A, as amended by PL 2013, c. 588, Pt. A, §23, is further amended to read:

A. A political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (1) or (4) that receives contributions or makes expenditures in the aggregate in excess of \$1,500 and a political action committee as defined under section 1052, subsection 5, paragraph A, subparagraph (5) that receives contributions or makes expenditures in the aggregate in excess of \$5,000 for the purpose of influencing the nomination or election of any candidate to political office shall register with the commission within 7 days of exceeding the applicable amount.

Sec. 3. 21-A MRSA §1056-B, as amended by PL 2011, c. 389, §§38 to 42 and affected by §62, is further amended to read: