

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-EIGHTH LEGISLATURE

SECOND SPECIAL SESSION
June 19, 2018 to September 13, 2018

THE GENERAL EFFECTIVE DATE FOR
SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
DECEMBER 13, 2018

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST REGULAR SESSION
December 5, 2018 to June 20, 2019

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 2019

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

Augusta, Maine
2019

CHAPTER 64
H.P. 371 - L.D. 514

**An Act To Amend the Laws
Governing the Political Party
Representation of Election
Clerks**

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

Sec. 1. 21-A MRSA §503, as amended by PL 2013, c. 131, §14, is repealed.

Sec. 2. 21-A MRSA §503-A is enacted to read:

§503-A. Election clerks

Election clerks are governed by the following provisions.

1. Qualifications; compensation. Election clerks must be at least 18 years of age, must be registered to vote and must be residents of the municipality or the county in which they serve, except that residents of a municipality or county who are 17 years of age and who are conditionally registered to vote pursuant to section 155 also qualify to serve as election clerks. Election clerks are entitled to reasonable compensation as determined by the municipal officers.

2. Nomination. All nominations for election clerks must be submitted to the municipal officers by April 1st of each general election year. Nominations may be submitted by the municipal, county or state committees of the parties, by the municipal clerk or by any registered voter in the municipality or county.

3. Appointment. The municipal officers shall appoint election clerks by May 1st of each general election year to serve at each voting place during the time the polls are open and as counters after the polls close. In making the appointments, the municipal officers shall consider all nominations received by April 1st but may appoint any qualified voters. The municipal officers shall appoint a sufficient number of election clerks to meet the requirements of subsections 4 and 5. A list of the election clerks appointed under this subsection must be posted at each voting place for each election during the 2-year term following appointment. For each election, the municipal clerk shall select the election clerks from the list of appointees and assign their duties.

4. Minimum number of election clerks. There must be at least 2 election clerks, one from each of the major parties, selected from the list of appointees to serve at each voting place during the entire time the polls are open and as counters after the polls close. The municipal clerk may select additional election clerks for each voting place as needed in accordance with subsection 5.

5. Selection of additional clerks; representation of parties. If a municipality requires more election clerks than the minimum number prescribed in subsection 4, the municipal clerk must select additional election clerks from the list of appointees to work at each election as follows.

A. The number of election clerks selected from one major party may not exceed the number of election clerks from another major party by more than one.

B. The number of election clerks selected from the major parties must comprise at least half of the total number of election clerks selected. The remaining number of election clerks may be enrolled in a minor party or may be unenrolled.

C. If the municipal officers did not appoint a sufficient number of election clerks representing the major parties or there is an insufficient number of appointees from the major parties who are available to serve at an election, the municipal clerk may select as many election clerks from minor parties or who are unenrolled as needed to serve at that election.

6. Vacancies. Notwithstanding subsection 5, if a sufficient number of appointed election clerks are not available to serve on election day, the municipal clerk may appoint the necessary number of election clerks, without regard to party affiliation, to fill the vacancies at that election.

7. Oath of office. Before assuming the duties of office, election clerks are sworn by the municipal clerk or the warden, and the oath is recorded.

8. Term of office. An election clerk holds office for 2 years from the date of appointment and until a successor is appointed and qualified.

9. Duties. Election clerks shall attend the voting places for which they are appointed at each election during the time the polls are open or during the counting of the ballots after the polls close, as required by the terms of their appointment. They are under the direction of the warden and shall assist the warden as requested.

Sec. 3. 21-A MRSA §631, sub-§3, as enacted by PL 1985, c. 161, §6, is amended to read:

3. Appointment of wardens and ward clerks. At least 10 days before the election, the municipal officers shall appoint a warden, a ward clerk in a city and at least 2 election clerks for each voting place created by the division. Election clerks must be nominated as provided in section ~~503~~ 503-A.

Sec. 4. 30-A MRSA §2528, sub-§8, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

8. Ballot clerks. Before the polls are opened, the ~~selectmen~~ municipal officers shall appoint the necessary number of ballot clerks as provided in Title 21-A, section ~~503~~ 503-A. When there are vacancies after the polls are opened, the moderator shall appoint replacement clerks. The ballot clerks ~~shall~~ must be sworn before assuming their duties.

A. On election day, before the polls are opened, the clerk shall deliver the ballots to the ballot clerks and shall post an instruction card at each voting compartment and at least 3 instruction cards and 5 specimen ballots in the voting room outside the guardrail enclosure.

B. The ballot clerks shall give a receipt to the clerk for the ballots received by them. The clerk shall keep the receipt in the clerk's office for 6 months.

C. Ballots may not be delivered to the voters until the moderator has been elected. The moderator may appoint a qualified person to act as temporary moderator during a temporary absence from the polling place.

D. The ~~selectmen~~ municipal officers shall prepare a duplicate incoming voting list for the use of the ballot clerks. The law pertaining to incoming voting lists applies equally to duplicate incoming voting lists.

See title page for effective date.

CHAPTER 65

H.P. 385 - L.D. 528

An Act To Increase the Number of Clubs That May Be Issued a Special Dog Training Area License

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

Whereas, there are individuals in the State who are unable to obtain a special dog training area license due to the current cap on licenses per county; and

Whereas, this Act needs to become effective before 90 days after the adjournment of the First Regular Session of the 129th Legislature in order for those individuals to receive licenses and open their businesses; 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. 12 MRSA §12052, sub-§2, as enacted by PL 2003, c. 414, Pt. A, §2 and affected by c. 614, §9, is amended to read:

2. Application and issuance. Upon application of a club or organization having 25 or more resident members, the commissioner may issue to the club or organization a license authorizing the following.

A. The licensee may establish and maintain on land owned by the licensee, or over which the licensee has legal control, a special dog training area in which and on which dogs may be trained at any time during the year.

B. The licensee may at any time during the year train the licensee's own dogs or the dogs of other persons on that area.

C. The licensee may hold field trials at any time on that area or permit, in writing, others to hold field trials on that area under such conditions as are mutually agreed on.

No more than ~~5~~ 8 clubs in any one county may be issued a license.

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

Effective April 30, 2019.

CHAPTER 66

H.P. 121 - L.D. 139

An Act To Address the Unmet Workforce Needs of Employers and To Improve the Economic Future of Workers

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

Sec. 1. 26 MRSA §773-A, sub-§3, ¶E, as enacted by PL 2017, c. 286, §4, is amended to read:

E. Who has graduated from high school, or who has successfully attained a high school equivalency diploma or its equivalent, and who has graduated from a vocational, career and technical or cooperative education program approved by the Department of Education and is hired by an employer to work in an occupation for which the minor has been trained and certified by the vocational program may work for that employer in that occupation.