

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

See title page for effective date.

CHAPTER 409

H.P. 1070 - L.D. 1463

**An Act To Create an
Automatic Voter Registration
System**

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

Sec. 1. 21-A MRSA §122-A, as enacted by PL 2005, c. 364, §4, is amended to read:

**§122-A. Alternative registration procedure for
participants in Address Confidentiality
Program**

Notwithstanding sections 122 and 152 and subchapter 9, a person who is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B may register to vote using the designated address and voter code assigned to that person pursuant to rules adopted to implement the program. To register to vote, a voter must present the registrar with that voter's authorization card assigned to the voter pursuant to rules adopted by the Secretary of State showing that voter's name, voter code, designated address and certification expiration date. The registrar may contact the Address Confidentiality Program administrator in the Secretary of State's office to determine the voter's eligibility to register in the municipality and to verify the electoral district in which the voter is voting for purposes of issuing an absentee ballot to the voter pursuant to section 753-C. All registration records for such voters must be designated as confidential and kept sealed in the registrar's office. The name of any voter certified as a program participant in the Address Confidentiality Program may not be placed on any voter list that is available for public inspection or copying.

Sec. 2. 21-A MRSA §129, first ¶, as amended by PL 2011, c. 399, §11, is further amended to read:

When Notwithstanding subchapter 9, when a voter's name is changed by marriage or other process of law; or when the voter moves within a municipality, the following provisions apply.

Sec. 3. 21-A MRSA §152, sub-§1, as amended by PL 2015, c. 447, §§4 and 5, is further amended to read:

1. Application. In addition to the ~~procedure~~ procedures provided by section 122 and subchapter 9, a person may register to vote or enroll in a political party, or both, by completing an application that is designed by the Secretary of State. The application must include, but is not limited to:

A. The legal name of the voter, in one of the following combinations:

- (1) First name and last name;
- (2) First initial, middle name and last name; or
- (3) First name, middle name or middle initial and last name;

B. Residence address, including street, street number, apartment number, town and zip code;

C. Mailing address;

D. Date of birth;

F. Most recent prior residence where registered to vote, including the municipality, county and state, and the name under which previously registered, if changed;

H. Notification that failure to complete the entire application may prevent registration;

J. Date of application;

K. Signature of applicant collected in a way that ensures the quality and integrity of the signature;

L. Choice of political party if the applicant desires to enroll in a political party or an indication that the applicant chose not to enroll in a party;

M. A place for the person's current, valid Maine driver's license number, if applicable; or, if the applicant has no driver's license number, the last 4 digits of the person's social security number, if applicable; or, if the applicant has neither number, a place to put "none" or "not applicable"; and

N. A place for the applicant to respond to the questions concerning the voter's qualifications as required by the federal Help America Vote Act of 2002, Public Law 107-252.

Sec. 4. 21-A MRSA §155, first ¶, as amended by PL 2011, c. 342, §8, is further amended to read:

The registrar shall conditionally accept the registration and enrollment of any person who is 16 or 17 years of age and who is otherwise qualified to be a voter. The conditional registration automatically becomes effective on the person's 18th birthday and the registrant then is eligible to vote.

Sec. 5. 21-A MRSA §195, as amended by PL 2009, c. 564, §6, is repealed and the following enacted in its place:

§195. Report

The Secretary of State shall report annually by January 15th to the joint standing committee of the Legislature having jurisdiction over voter registration matters on the administration of the central voter regis-

tration system and the automatic voter registration system established pursuant to subchapter 9.

1. Automatic registration efforts. Beginning January 15, 2023, the report required under this section must include the following information regarding the actions taken pursuant to subchapter 9:

A. The number of pending voter registration records that have been created by source agencies;

B. The number of voters added to the central voter registration system because of pending voter registration records created by source agencies;

C. The number of voters in the central voter registration system whose information was updated because of pending voter registration records created by source agencies;

D. The number of pending voter registration records created, by source agency, that do not relate to individuals affirmatively identified as eligible to vote;

E. The number of individuals who chose to not register to vote; and

F. The number of voters who submitted requests to update or correct registration information through the system established in subchapter 9, by type of information updated.

As used in this subsection, "pending voter registration record" and "source agency" have the same meanings as in section 231, subsections 2 and 4, respectively.

2. Public access. The report required under this section may address issues of public access to the information from the central voter registration system.

3. Legislation. The report required under this section may include suggested legislation necessary to administer the central voter registration system and the automatic voter registration system implemented pursuant to subchapter 9. The joint standing committee of the Legislature having jurisdiction over voter registration matters may report out legislation regarding the central voter registration system and the automatic voter registration system to the Legislature.

Sec. 6. 21-A MRSA c. 3, sub-c. 9 is enacted to read:

SUBCHAPTER 9

AUTOMATIC VOTER REGISTRATION

§231. Definitions

As used in this subchapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Bureau. "Bureau" means the Department of the Secretary of State, Bureau of Motor Vehicles.

2. Pending voter registration record. "Pending voter registration record" means the electronic record created by a source agency that contains the personal identification information, including name, age, citizenship and legal residence, and other information required by section 152 of a person who is in the process of being considered for voter registration.

3. Proof of voter eligibility. "Proof of voter eligibility" means reliable evidence of a person's eligibility to vote and must include proof of age, citizenship and residence.

4. Source agency. "Source agency" means the bureau and a state agency or department or other entity designated as a source agency pursuant to section 233, subsection 1 that, as part of the normal course of business of that entity, collects documents that contain personal identification information that provides proof of voter eligibility.

§232. Automatic registration by the bureau

1. Application; creation of pending voter registration record. If an individual applies for a driver's license or nondriver identification card from the bureau, the bureau shall scan the documentation provided by the individual and create a pending voter registration record for that individual, which must be stored electronically in the bureau's database. The pending voter registration record and the accompanying scanned documentation must be in a searchable, auditable format.

2. Proof of citizenship. If an individual in the course of business with the bureau provides a document that proves the individual is a United States citizen, the pending voter registration record of that individual in the bureau's database must indicate that the individual has fulfilled the citizenship eligibility requirement for the purpose of registering to vote.

3. Electronic transmission of voter registration data. Unless the individual has opted out of automatic voter registration as provided in section 234, if an individual's pending voter registration record establishes voter eligibility, the bureau shall transmit electronically the individual's pending voter registration record to the applicable registrar of voters in a format that may be reviewed by the registrar and converted and uploaded into the central voter registration system.

4. Registration of individual or update of individual's registration record. The registrar of voters shall determine whether an individual whose pending voter registration record was transmitted under subsection 3 is eligible to and registered to vote in the central voter registration system. If the individual is eligible to vote but is not registered in the central voter registration system, the registrar shall enter the individual's information into the central voter registration system. If the individual is registered to vote, the registrar shall enter any changes to the address or name of the indi-

vidual in the central voter registration system to ensure that the voting lists are kept current.

§233. Automatic registration by source agencies other than the bureau

1. Designation of source agencies. The Secretary of State may designate a state agency or department as a source agency if the Secretary of State verifies that the agency or department, as part of the normal course of business of that agency or department, collects documents that provide proof of voter eligibility. The Secretary of State may designate as source agencies other entities designated by Section 7 of the National Voter Registration Act of 1993, 52 United States Code, Section 20506, including, but not limited to, public or private universities or colleges or entities that provide services to persons with disabilities, as long as those entities, as part of the entities' normal course of business, collect documents that provide proof of voter eligibility.

2. Automatic registration. An agency designated as a source agency pursuant to this section shall follow the procedures established by the Secretary of State by rule for automatic voter registration. Those procedures, to the extent possible, must be the same as the procedures for automatic voter registration by the bureau under section 232.

§234. Voluntary opt-out from voter list

1. Opportunity to opt out. Any document or application used by a source agency in the normal course of business of that agency to collect proof of voter eligibility data must contain notice that, unless the applicant declines, the information provided by the applicant could be used to register the applicant to vote and that some of the applicant's information would be sent to a central voter database where it would be accessible to entities other than the State or the source agency.

2. Opportunity to opt out prior to voter registration transaction. The Secretary of State shall ensure that, prior to the creation of a pending voter registration record by a source agency, an individual is given the opportunity to opt out of any voter registration transaction. If an individual opts out of voter registration, information about that individual may not be transmitted from the source agency that obtained the information to a registrar of voters.

§235. Protection against liability of individuals on basis of information transferred; false information

1. No individual liability for error by State. If an individual who is ineligible to vote becomes a registered voter pursuant to this subchapter, that individual's registration is deemed to be the fault of the State and not attributable to or the fault of the individual.

2. Providing false information. Notwithstanding subsection 1, an individual who knowingly and willfully provides false information under this subchapter is subject to prosecution pursuant to Title 17-A, section 452.

§236. Nondiscrimination

A person acting under color of law may not discriminate against an individual on the basis of the individual's absence from the central voter registration system, the information supplied by the individual for voter registration purposes at a source agency or the individual's declining to supply such information, except as required to administer elections or enforce the laws against election crimes.

§237. Secretary of State duties

1. Audit of data. The Secretary of State shall audit the central voter registration system for quality of data prior to implementation of the automatic voter registration system pursuant to this subchapter and shall periodically thereafter conduct regular audits and random checks to ensure the accuracy and reliability of the data.

2. Rulemaking. The Secretary of State may adopt rules to implement this subchapter. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

§238. Rule of construction

1. No change to authority to maintain voting lists. This subchapter may not be construed to interfere with any election official's authority or obligation, under state or federal law, to:

A. Determine whether an individual is qualified to be a voter; or

B. Conduct regular, nondiscriminatory voting list maintenance designed to ensure that persons who are ineligible to vote are not reflected as voters in the central voter registration system.

2. Right to opt out. This subchapter may not be construed to interfere with the right of an individual to decline for any reason to be registered to vote.

Sec. 7. Report. By January 1, 2020, the Secretary of State shall submit a report to the Joint Standing Committee on Veterans and Legal Affairs on the progress made toward implementing automatic voter registration and the estimated time required to complete all activities necessary for implementation. The report may include recommended legislation for the proper implementation of the automatic voter registration system, including recommended adjustments to the implementation date. The Joint Standing Committee on Veterans and Legal Affairs may report out legislation to the Second Regular Session of the 129th Legislature based on the report.

Sec. 8. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF Elections and Commissions 0693

Initiative: Provides one-time funding for computer programming costs to scan automatic voter registration information and transfer pending voter registration applications to the central voter registration system.

FEDERAL EXPENDITURES FUND	2019-20	2020-21
All Other	\$0	\$140,000
FEDERAL EXPENDITURES	\$0	\$140,000
FUND TOTAL		

Sec. 9. Effective date. That section of this Act that amends the Maine Revised Statutes, Title 21-A, section 155, first paragraph takes effect January 1, 2020. Those sections of this Act that amend Title 21-A, section 122-A, section 129, first paragraph and section 152, subsection 1 and that section of this Act that enacts Title 21-A, chapter 3, subchapter 9 take effect January 1, 2022. That section of this Act that repeals and replaces Title 21-A, section 195 takes effect January 1, 2023.

See title page for effective date, unless otherwise indicated.

CHAPTER 410

H.P. 1077 - L.D. 1475

An Act To Eliminate Profiling in Maine

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

Sec. 1. 5 MRSA §200-K is enacted to read:

§200-K. Attorney General procedures and programs to eliminate profiling

1. Complaints. The Attorney General shall implement procedures for receiving, investigating and responding to complaints alleging profiling by law enforcement officers or law enforcement agencies.

2. Rules. In consultation with interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations, the Attorney General may adopt rules for the operation of administrative complaint procedures and independent audit programs to ensure that programs and procedures provide an appropriate response to allegations of profiling by law enforcement

officers or law enforcement agencies. Rules may contain guidelines and ensure the fairness, effectiveness and independence of the administrative complaint procedures and independent auditor programs. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §2803-B, sub-§1, ¶E, as enacted by PL 1993, c. 744, §5, is amended to read:

E. Hate or bias crimes. A policy adopted under this paragraph must include a policy statement that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of the law enforcement agency, states that individuals may be stopped or detained only when legal authority exists to do so and states that members of the law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information;

Sec. 3. 25 MRSA §2804-C, sub-§2-E is enacted to read:

2-E. Training regarding bias-based profiling. The board shall include in the basic law enforcement training program a block of instruction aimed specifically at the prohibition of bias-based profiling that prohibits stops, detentions, searches or asset seizures and forfeitures efforts based on race, ethnicity, gender, sexual orientation, gender identity, religion, socioeconomic status, age, national origin or ancestry by members of a law enforcement agency, that provides that individuals may be stopped or detained only when legal authority exists to do so and that provides that members of a law enforcement agency must base their enforcement actions solely on an individual's conduct and behavior or specific suspect information.

Sec. 4. Collection and compilation of data on profiling. The Attorney General, in consultation with interested parties, including law enforcement agencies and community, professional, research, civil liberties and civil rights organizations, shall explore available techniques for the collection and compilation of profiling data and shall report findings and recommendations to the Joint Standing Committee on Judiciary no later than March 15, 2020. The joint standing committee may report out legislation based on the recommendations to the Second Regular Session of the 129th Legislature.

See title page for effective date.