

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-NINTH LEGISLATURE

FIRST SPECIAL SESSION

August 26, 2019

SECOND REGULAR SESSION

January 8, 2020 to March 17, 2020

**THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION**

NON-EMERGENCY LAWS IS

NOVEMBER 25, 2019

**THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION**

NON-EMERGENCY LAWS IS

JUNE 16, 2020

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

**Augusta, Maine
2020**

mation, including digital images, produced by searching its records using facial recognition technology to law enforcement agencies. Rules adopted under this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 6. 29-A MRSA §2458, sub-§2, ¶V, as enacted by PL 2017, c. 327, §21, is amended to read:

V. Has exceeded the motor carrier adverse safety limits established by the Secretary of State using the methodology developed pursuant to section 562, subsection 3 by the bureau.

Sec. 7. 29-A MRSA §2458, sub-§6, ¶B, as enacted by PL 1997, c. 111, §2, is repealed.

Sec. 8. 29-A MRSA §2458, sub-§6, ¶E, as enacted by PL 1997, c. 111, §2, is amended to read:

E. Any entity that would have been suspended as a related entity but for the failure or refusal of the suspended person or named entity or its officers, directors or partners to disclose the required information is nevertheless suspended and subject to the same penalties and sanctions as the suspended person or the named entity for violation of the suspension. If an entity becomes a related entity or is created after the Secretary of State has made the decision to suspend or after the Motor Carrier Review Board makes its recommendation to suspend, the Secretary of State may immediately suspend the related entity.

See title page for effective date.

CHAPTER 635

S.P. 654 - L.D. 1902

**An Act To Define the Term
"Caucus Political Action
Committee"**

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

Sec. 1. 1 MRSA §1002, sub-§1-A, as amended by PL 2019, c. 323, §1, is further amended to read:

1-A. Membership. The Commission on Governmental Ethics and Election Practices, established by Title 5, section 12004-G, subsection 33 and referred to in this chapter as the "commission," consists of 5 members appointed as follows.

A. By December 1, 2001 and as needed after that date, the appointed leader from each political party in the Senate caucus leaders and the appointed leader from each political party in the House of Representatives House caucus leaders jointly shall establish and advertise a 30-day period to allow

members of the public and groups and organizations to propose qualified individuals to be nominated for appointment to the commission.

B. By January 1, 2002 and as needed after that date, the appointed leader from each political party in the Senate caucus leaders and the appointed leader from each political party in the House of Representatives House caucus leaders each shall present a list of 3 qualified individuals to the Governor for appointment of 4 members to the commission. The appointed leadership from each party in both bodies of the Legislature Senate caucus leaders and House caucus leaders jointly shall present a list of 3 qualified individuals to the Governor for appointment of a 5th member to the commission.

C. By March 15, 2002, the Governor shall appoint the members of the commission selecting one member from each of the lists of nominees presented in accordance with paragraph A. These nominees are subject to review by the joint standing committee of the Legislature having jurisdiction over legal affairs and confirmation by the Legislature. No more than 2 commission members may be enrolled in the same party.

D. Two initial appointees are appointed for one-year terms, 2 are appointed for 2-year terms and one is appointed for a 3-year term, according to a random lot drawing under the supervision of the Secretary of State. Subsequent appointees are appointed to serve 3-year terms. A person may not serve more than 2 consecutive terms, except that if a person is appointed to fill the unexpired portion of a term to fill a vacancy under paragraph F and that portion is less than 2 years, the person may serve 2 consecutive full terms thereafter.

E. The commission members shall elect one member to serve as chair for at least a 2-year term.

F. Upon a vacancy during an unexpired term, the term must be filled as provided in this paragraph for the unexpired portion of the term only. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the Senate caucus leader or House caucus leader of the party from the body of the Legislature that suggested the appointee who created the vacancy. If the vacancy during an unexpired term was created by the commission member who was appointed from the list of candidates presented to the Governor by the leaders of each party of each body of the Legislature Senate caucus leaders and House caucus leaders jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the leaders of each party of each body of the Legislature Senate caucus leaders and House caucus leaders. If the list of 3 qualified candidates required by this paragraph to be presented to the

Governor jointly by the leaders of each party from each body of the Legislature Senate caucus leaders and House caucus leaders is not produced within 60 days after the vacancy is created, then the leaders of each party from both bodies of the Legislature each Senate caucus leader and House caucus leader shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.

G. Upon a vacancy created by an expired term, the vacancy must be filled as provided in this paragraph. The nominee must be appointed by the Governor from a list of 3 qualified candidates provided by the Senate caucus leader or House caucus leader of the party from the body of the Legislature that suggested the appointee whose term expired. When a vacancy is created by an expired term of the commission member who was appointed from the list of candidates presented to the Governor by the leaders of each party of each body of the Legislature Senate caucus leaders and House caucus leaders jointly, the nominee must be appointed from a list of 3 qualified candidates provided jointly by the leaders of each party of each body of the Legislature Senate caucus leaders and House caucus leaders. If the list of 3 qualified candidates required by this paragraph to be presented to the Governor jointly by the leaders of each party from each body of the Legislature Senate caucus leaders and House caucus leaders is not produced within 60 days after the vacancy is created, then the leaders of each party from both bodies of the Legislature each Senate caucus leader and House caucus leader shall present within the subsequent 15 days a separate list of 3 qualified candidates to the Governor, who shall appoint a candidate from these lists within 30 days of receiving the lists. Nominees appointed pursuant to this paragraph are subject to review by the joint standing committee of the Legislature having jurisdiction over election practices and legislative ethics and to confirmation by the Legislature.

H. For the purposes of this subsection, "political party" has the same meaning as "party" as defined by Title 21-A, section 1, subsection 28. "Senate caucus leader" has the same meaning as in Title 21-A, section 1053-C, subsection 1, paragraph C and "House caucus leader" has the same meaning as in Title 21-A, section 1053-C, subsection 1, paragraph A.

Sec. 2. 21-A MRSA §1001, sub-§1-A is enacted to read:

1-A. Caucus political action committee. "Caucus political action committee" means a political action committee designated under section 1053-C to promote the election of nominees of a political party to the Senate or the House of Representatives.

Sec. 3. 21-A MRSA §1018-B, sub-§2, as amended by PL 2013, c. 334, §14, is further amended to read:

2. Limitations. After an election, candidates may receive donations for purposes of a recount. The donations must be within the limitations of section 1015, except that no limitation applies to donations from party committees and caucus campaign political action committees and from attorneys, consultants and their firms that are donating their services without reimbursement. Candidates may not spend revenues received under chapter 14 for recount expenditures.

Sec. 4. 21-A MRSA §1053-C is enacted to read:

§1053-C. Caucus political action committees

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "House caucus leader" means a member of a political party in the House of Representatives who has been elected the leader of that political party in the House of Representatives. For purposes of this paragraph, if the Speaker of the House of Representatives is a member of a political party, the Speaker of the House of Representatives is deemed the House caucus leader of that political party.

B. "Political party" has the same meaning as "party" as defined by section 1, subsection 28.

C. "Senate caucus leader" means a member of a political party in the Senate who has been elected the leader of that political party in the Senate. For purposes of this paragraph, if the President of the Senate is a member of a political party, the President of the Senate is deemed the Senate caucus leader of that political party.

2. Designation of caucus political action committee. Each Senate caucus leader and each House caucus leader may designate one caucus political action committee to promote the election of nominees of the caucus leader's political party to the body of the Legislature of which the caucus leader is a member. The designation must be made in a letter to the commission and remains effective until a new designation is made in a letter to the commission from the caucus leader of the same political party and same body of the Legislature.

Sec. 5. 21-A MRSA §1122, sub-§1-A is enacted to read:

1-A. Caucus political action committee. "Caucus political action committee" has the same meaning as in section 1001, subsection 1-A.

Sec. 6. 21-A MRSA §1125, sub-§6-F, as enacted by PL 2015, c. 116, §1 and affected by §2, is amended to read:

6-F. Participation in political action committees. A participating candidate or a certified candidate may not establish a political action committee for which the candidate is a treasurer or principal officer or for which the candidate is primarily responsible for fund-raising or decision making. This prohibition applies between April 1st immediately preceding a general election through:

- A. The date on which the candidate withdraws from a race;
- B. The date of the primary election or general election for a candidate who loses either election; or
- C. January 1st immediately preceding the next general election for a candidate who wins the general election.

This prohibition also applies to a participating candidate or certified candidate in a special election, except that the prohibition begins on the date of the candidate's nomination. This subsection does not prohibit a participating candidate or certified candidate, including a certified candidate who wins a general or special election, from engaging in fund-raising or decision making for a party caucus political action committee, a ballot question committee or a political action committee formed for the purpose of promoting or opposing a ballot question. This prohibition applies to a participating candidate or certified candidate regardless of the date on which the political action committee was established.

See title page for effective date.

CHAPTER 636

S.P. 656 - L.D. 1904

An Act To Amend Certain Laws Governing Elections

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

Sec. 1. 21-A MRSA §128, sub-§1, as amended by PL 2005, c. 453, §20, is further amended to read:

1. Registrar shall review records. The registrar shall review the records of marriage, death, change of name and change of address in the office of the clerk or the assessors or as provided by the Department of Health and Human Services, Office of Vital Records or the Department of the Secretary of State, Bureau of Motor Vehicles and shall revise the central voter registration system accordingly.

A. In addition to official records authorized by this subsection, the registrar or the Secretary of State may use the following notices of death as a basis to cancel a voter's record in the central voter registration system as long as the registrar or Secretary of State determines that the record matches the record of that registered voter.

(1) A published obituary may be used if it contains the name of the registered voter along with the date and place of death of that voter.

(2) A notice from an immediate family member of the registered voter may be used if it contains the name of the voter along with the date and place of death of that voter and is signed by the immediate family member. The Secretary of State shall design a form to be used for this purpose;

Sec. 2. 21-A MRSA §363, first ¶, as amended by PL 1993, c. 447, §3, is further amended to read:

The meeting of a political committee as required by sections 371, ~~373~~, 374-A, 381, 382 and 393 is governed by the following provisions.

Sec. 3. 21-A MRSA §363, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Changes in ballot. The Secretary of State shall ~~make the necessary changes in the ballot~~ produce new ballots or amend or supplement ballots already printed in accordance with section 376 or 604.

Sec. 4. 21-A MRSA §365, first ¶, as amended by PL 2003, c. 510, Pt. A, §13, is further amended to read:

The political committee that has jurisdiction over the choice of a candidate for nomination or a nominee to fill a vacancy under sections 371, ~~373~~, 374-A, 381 and 382 is as follows.

Sec. 5. 21-A MRSA §367, as amended by PL 2015, c. 447, §10, is further amended to read:

§367. Candidate withdrawal

A candidate who wishes to withdraw from an elective race shall notify the Secretary of State in writing of the candidate's intent to withdraw. This notice must be signed by the candidate. ~~If the reason for the withdrawal is catastrophic illness, condition or injury, the procedures set forth in section 374-A, subsection 1, paragraph B must be complied with if the candidate is to be replaced.~~

Sec. 6. 21-A MRSA §371, as amended by PL 2015, c. 447, §11, is repealed and the following enacted in its place:

§371. Primary election candidates; vacancy

3. Vacancy and replacement of candidates in uncontested races. If a candidate for nomination dies