

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND THIRTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 7, 2022 to March 30, 2023

FIRST SPECIAL SESSION
April 5, 2023 to July 26, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NONEMERGENCY LAWS IS
JUNE 29, 2023

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NONEMERGENCY LAWS IS
OCTOBER 25, 2023

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

Augusta, Maine
2023

Whereas, there is an urgent need for testing and drug checking due to increasingly dangerous substances in the drug supply; 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 preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 22 MRSA §2383-B, sub-§2, ¶E, as amended by PL 2021, c. 434, §10, is further amended to read:

E. Physicians, dentists, podiatrists, pharmacists or other persons authorized by law or rule to administer, dispense, prescribe or sell scheduled or prescription drugs or controlled substances while acting within the course of their professional practice; and

Sec. 2. 22 MRSA §2383-B, sub-§2, ¶G, as enacted by PL 2013, c. 266, §10, is amended to read:

G. Persons conducting research at a school of pharmacology that is accredited or is a candidate for accreditation in good standing; and

Sec. 3. 22 MRSA §2383-B, sub-§2, ¶H is enacted to read:

H. Persons possessing, receiving, transporting or storing one or more drug samples contained in one or more sample collection instruments or drug paraphernalia for the purpose of drug checking. Possessing, receiving, transporting or storing one or more drug samples in accordance with this paragraph does not constitute a crime under Title 17-A, sections 1103, 1104 and 1106.

Sec. 4. 22 MRSA §2383-B, sub-§3, ¶A-3 is enacted to read:

A-3. "Controlled substance analog" means a substance that has a substantially similar chemical structure to that of a controlled substance.

Sec. 5. 22 MRSA §2383-B, sub-§3, ¶A-4 is enacted to read:

A-4. "Drug checking" means the testing of a controlled substance, prescription drug or scheduled drug to determine its chemical composition or to assist in determining whether it contains contaminants, toxic substances or hazardous compounds.

Sec. 6. 22 MRSA §2383-B, sub-§3, ¶A-5 is enacted to read:

A-5. "Drug paraphernalia" has the same meaning as in Title 17-A, section 1111-A, subsection 1.

Sec. 7. 22 MRSA §2383-B, sub-§3, ¶A-6 is enacted to read:

A-6. "Drug sample" means a substance containing one or more scheduled or prescription drugs or controlled substances or controlled substance analogs in an amount insufficient to result in a person possessing the substance to be in violation of Title 17-A, section 1107-A.

Sec. 8. 22 MRSA §2383-B, sub-§3, ¶B-2 is enacted to read:

B-2. "Person" means any individual, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision or any other legal, commercial or informal entity or group.

Sec. 9. 22 MRSA §2383-B, sub-§3, ¶C-1 is enacted to read:

C-1. "Sample collection instrument" means an instrument used to collect a drug sample for purposes of drug checking.

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

Effective June 26, 2023.

CHAPTER 304

S.P. 809 - L.D. 1980

**An Act to Improve Election
Laws and Notarial Laws**

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

Whereas, the effective date of the provisions regarding a marriage officiant license and communication technology used to perform remote or electronic notarization, for which the fees in this legislation are related, is July 1, 2023; and

Whereas, the fees should be in place when those provisions become effective; 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 preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 21-A MRSA §122-A, as amended by PL 2019, c. 409, §1 and affected by §9, is further 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~~ submit a completed registration application to the elections division of the Secretary of State's office, using the assigned voter code instead of the voter's name and the designated program address instead of the voter's actual residence street address, and provide the certification expiration date. ~~The registrar may contact the Address Confidentiality Program administrator in the Secretary of State's office to shall determine the voter's eligibility to register in the municipality listed on the Address Confidentiality Program application and to shall verify the electoral district districts in which the voter is voting for purposes of issuing an absentee ballot eligible to vote so that the elections division may register the voter and issue absentee ballots for state elections~~ 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 elections division offices. 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. A-2. 21-A MRSA §152, sub-§6, as enacted by PL 2021, c. 439, §13 and affected by §15, is amended to read:

6. Design of online voter registration application; rulemaking. ~~The No later than February 1, 2024,~~ the Secretary of State shall design the online voter registration application that meets the requirements of subsection 1 and that can be submitted online through the Secretary of State's publicly accessible website. The online registration application must be designed to prevent an applicant from registering to vote unless the applicant discloses a current, valid Maine driver's license number or nondriver identification number or the last 4 digits of the applicant's social security number.

~~The No later than February 1, 2024,~~ the Secretary of State shall adopt rules governing the online voter registration process, which must, at a minimum, include the following:

A. A process for informing an applicant who discloses a current, valid Maine driver's license number or nondriver identification card number that disclosure of that number constitutes consent to the

use of the applicant's signature on the driver's license or nondriver identification card for all purposes for which a signature on a written application for voter registration is used under this Title;

B. A process for an applicant who discloses the last 4 digits of the applicant's social security number to include with the online voter registration application an electronic image of the applicant's signature and for the applicant to consent to the use of that electronic image of the applicant's signature for all purposes for which a signature on a written application for voter registration is used under this Title;

C. A process for transmitting any driver's license number or nondriver identification card number from an online voter registration application along with the applicant's name and date of birth to the central voter registration system and for determining whether the information entered in the central voter registration system matches the information in the driver's license or nondriver identification card records maintained by the Department of the Secretary of State, Bureau of Motor Vehicles and, if a match is found, for transmitting an electronic image of the applicant's signature on that driver's license or nondriver identification card from the bureau to the central voter registration system;

D. A process for matching the last 4 digits of a social security number provided in an online voter registration application and the applicant's name and date of birth with the information available from the United States Social Security Administration;

E. A process for transmitting the contents of each online voter registration application and the electronic image of the signature of that applicant to the appropriate registrar of voters;

F. Minimum procedures and security measures for ensuring the accuracy and security of online voter registration applications;

G. A process and form for a registered voter whose name is changed by marriage or other process of law or who has moved within a municipality to notify the appropriate registrar of voters pursuant to section 129 of the registered voter's new name or address through the online voter registration application; and

H. A process and form for a registered voter to enroll in a party pursuant to section 142, to change the voter's party enrollment pursuant to section 144 or to withdraw from a party pursuant to section 145 through the online voter registration application.

Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-3. 21-A MRSA §158, as amended by PL 2009, c. 253, §14, is repealed.

Sec. A-4. 21-A MRSA §311, sub-§1, as amended by PL 2017, c. 248, §4, is further amended to read:

1. Call and location of caucus. The caucus may be called by the chair or a majority of the members of the municipal committee of a political party. If the municipal committee fails to call a caucus, the county committee may call the caucus. At the request of ~~that the~~ the municipal committee, municipal officers shall provide available space in a public building for a caucus. The municipality may charge a rental fee or janitorial service fee for the available space. A municipal committee may hold its caucus remotely using a conference system that may include telephonic or video technology allowing simultaneous reception of information and may include other means. A ~~municipality municipal committee~~ may hold its caucus outside the municipality if several municipalities elect to meet on a consolidated basis or if the committee calling the caucus determines that a facility outside the municipality is more suitable.

Sec. A-5. 21-A MRSA §336, first ¶, as corrected by RR 2019, c. 2, Pt. B, §43, is amended to read:

The written consent of each candidate must be filed either with that candidate's primary petition or at any earlier time during which signatures may be collected under section 335 or, if applicable, subchapter 8.

Sec. A-6. 21-A MRSA §355, first ¶, as corrected by RR 2019, c. 2, Pt. B, §47, is amended to read:

The written consent of each candidate must be filed either with that candidate's nomination petition or at any earlier time during which signatures may be collected under section 354 or, if applicable, subchapter 8.

Sec. A-7. 21-A MRSA §363, sub-§2, as corrected by RR 2019, c. 2, Pt. B, §49, is amended to read:

2. Duties of committee. The committee shall choose a qualified person to fill the vacancy. The secretary of the committee shall immediately deliver a certificate to the Secretary of State containing the name of the person chosen, that person's residence and political party, the title of the office sought and the method by which that person was chosen. The certificate must be signed by the chair of the committee and attested to by the secretary and may be submitted by facsimile or scanned image.

A. In an electoral division consisting of more than one municipality, the municipal committee of each municipality shall meet jointly, elect a secretary and a chair for the meeting and then fill the vacancy.

Sec. A-8. 21-A MRSA §367, as amended by PL 2019, c. 636, §5, 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 and submitted to the Secretary of State by the appropriate deadline provided in article 2. The notice may be submitted by facsimile or scanned image.

Sec. A-9. 21-A MRSA §681, sub-§4, as amended by PL 2015, c. 422, §1, is further amended to read:

4. Outside the guardrail enclosure. If sufficient space exists, party workers and others, in addition to the pollwatchers allowed pursuant to section 627, may remain in the voting place outside the guardrail enclosure as long as they do not attempt to influence voters or interfere with their free passage. If a person attempts to influence voters or interfere with their free passage, the warden shall have the person removed from the voting place. A person video recording or engaging in still photography in the voting place must remain outside the guardrail and may not conduct video recording or still photography closer than 15 feet from a voter being recorded or photographed, including when a voter is where a person is collecting voters' signatures, except that a person may take a still photograph that depicts only the person taking the photograph. A person who video records or photographs a voter in violation of this subsection may be removed from the voting place by the municipal clerk at the recommendation of the warden as provided in section 662, subsection 2.

Sec. A-10. 21-A MRSA §691, sub-§2, as amended by PL 2009, c. 253, §29, is further amended to read:

2. Write-in vote. If the voter wishes to vote for a write-in candidate, the voter must write the name of the candidate in the blank space provided ~~at the end of the list of candidates for nomination to the office in question next to the write-in indicator.~~ The voter must then mark the ~~ballot~~ write-in indicator as instructed ~~in the directions~~ on the ballot to indicate a vote for the write-in candidate. A sticker may not be used to vote for a write-in candidate.

Sec. A-11. 21-A MRSA §692, sub-§2, as amended by PL 2009, c. 253, §30, is further amended to read:

2. Write-in vote. If the voter wishes to vote for a write-in candidate, the voter must write the name of the candidate in the blank space provided ~~at the end of the list of nominees for the office in question next to the write-in indicator.~~ The voter must then mark the ~~ballot~~ write-in indicator as instructed ~~in the directions~~ on the ballot to indicate a vote for the write-in candidate. A sticker may not be used to vote for a write-in candidate.

Sec. A-12. 21-A MRSA §696, sub-§2, ¶C, as amended by PL 2009, c. 253, §32, is further amended to read:

C. If a voter marks a write-in indicator for an office, but does not write the name of a declared write-in candidate in the blank space provided ~~to the right of~~ next to the write-in indicator, that vote for that office may not be counted, unless a determination of choice under subsection 4 is possible.

Sec. A-13. 21-A MRSA §722-A, as amended by PL 2015, c. 447, §26, is further amended to read:

§722-A. Determination of declared write-in candidate

To be considered a declared write-in candidate, a person must file a declaration of write-in candidacy with the Secretary of State, on a form approved by the Secretary of State, on or before 5 p.m. on the ~~60th~~ 70th day prior to the election. The candidate must meet all the other qualifications for that office.

Sec. A-14. 21-A MRSA §723-A, sub-§1, ¶A, as enacted by IB 2015, c. 3, §5, is repealed.

Sec. A-15. 21-A MRSA §723-A, sub-§1, ¶G, as amended by PL 2019, c. 320, §9, is repealed.

Sec. A-16. 21-A MRSA §723-A, sub-§4, ¶B, as amended by PL 2019, c. 320, §14, is repealed.

Sec. A-17. 21-A MRSA §723-A, sub-§5-B, as amended by PL 2021, c. 273, §11, is further amended to read:

5-B. Presidential primary elections; selection of delegates. Notwithstanding any provision of this section to the contrary, for presidential primary elections, ~~batch elimination may not be used for any candidates with more than 100 votes~~, tabulation must continue until only 2 continuing candidates remain, separate tabulations must be conducted statewide and for each congressional district and selection and allocation of delegates to a party's national presidential nominating convention must be in accordance with any reasonable procedures established at the state party convention.

Sec. A-18. 21-A MRSA §723-A, sub-§5-B, as amended by PL 2021, c. 750, §11 and affected by §14, is further amended to read:

5-B. Presidential primary elections; selection of delegates. Notwithstanding any provision of this section to the contrary, for presidential primary elections, ~~batch elimination may not be used for any candidates with more than 100 votes~~, tabulation must continue until only 2 continuing candidates remain, separate tabulations must be conducted statewide and for each congressional district and selection and allocation of delegates to a party's national presidential nominating convention must be in accordance with any reasonable procedures established at the state party convention, except that unenrolled voters who participate in the party's primary election must be considered members of the party for purposes of allocating delegates.

Sec. A-19. 21-A MRSA §723-A, sub-§5-C is enacted to read:

5-C. Cast vote record posted. The Secretary of State shall post the complete cast vote record on its publicly accessible website as soon as the certified results are reported.

Sec. A-20. 21-A MRSA §737-A, first ¶, as amended by PL 2021, c. 536, §3, is repealed and the following enacted in its place:

Once a recount is requested for any federal, state or county office, the Secretary of State shall request that the State Police, sworn law enforcement officers employed by the Department of the Secretary of State or other sworn law enforcement officers take physical control of the ballots and other related materials needed for the recount as soon as possible and deliver them to the recount facility. When the recount involves an office that encompasses more than one county, the Secretary of State may organize retrieval of ballots from certain jurisdictions so that the recount may be conducted in stages until the requesting candidate or lead applicant for a referendum recount concedes or until all the ballots are recounted.

Sec. A-21. 21-A MRSA §737-A, 2nd ¶, as amended by PL 2019, c. 371, §29, is further amended to read:

The Secretary of State shall store and maintain exclusive control over the ballots and other materials pending and during the recount and until the ~~courier, sworn law enforcement officers~~ or the State Police ~~if requested, retrieves~~ retrieve the materials for return to the municipalities.

Sec. A-22. 21-A MRSA §737-A, sub-§1, as amended by PL 2019, c. 371, §30, is further amended to read:

1. Deposit for legislative or single county office recount. This subsection applies to a recount for an election for the office of State Senator or State Representative or for a county office that does not encompass more than one county. All deposits required by this section must be made with the Secretary of State when a recount is requested by a losing candidate or an undeclared write-in candidate. Once the ~~courier, sworn law enforcement officers~~ or the State Police ~~if requested, has have~~ has taken custody of the ballots and other election materials from the municipalities, the deposit made by the candidate requesting the recount is forfeited to the State if the resulting count fails to change the outcome of the election. If the recount reverses the election, the deposit must be returned to the candidate requesting the recount. The amount of the deposit is calculated as follows.

A. If the percentage difference shown by the official tabulation between the leading candidate and

the requesting candidate is 1.5% or less of the total votes cast for that office, a deposit is not required.

B. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 1.5% and less than or equal to 4% of the total votes cast for that office, the deposit is \$500.

C. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 4% and less than or equal to 6% of the total votes cast for that office, the deposit is \$1,000.

D. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 6% and less than or equal to 8% of the total votes cast for that office, the deposit is \$2,500.

E. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 8% and less than or equal to 10% of the total votes cast for that office, the deposit is \$5,000.

F. If the percentage difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 10% of the total votes cast for that office, the deposit is \$10,000.

¶B, Sec. A-23. 21-A MRSA §737-A, sub-§1-A, as amended by PL 2019, c. 371, §31, is further amended to read:

B. If the difference shown by the official tabulation between the leading candidate and the requesting candidate is more than 1% of the total votes cast for that office or more than 1,000 votes, whichever is less, the deposit is \$5,000 or 10% of the reasonable estimate of the cost to the State of performing the first stage of the recount, whichever is greater. After completion of the recount, if the recount has not changed the result of the election, the Secretary of State shall calculate the actual cost of the procedure, which must be paid by the requesting candidate. If the deposit is greater than the actual cost, the overpayment must be refunded to the candidate. If the actual cost is greater than the deposit, the candidate shall pay the remainder of the actual cost to the State. Once the ~~courier~~, sworn law enforcement officers or the State Police ~~if requested, has~~ have taken custody of the ballots and other election materials for the first stage of the recount, the deposit made by the candidate requesting the recount is forfeited to the State even if the candidate withdraws from the recount before the recount begins. If a recount reverses the election, the deposit must be returned to the candidate requesting the recount.

Sec. A-24. 21-A MRSA §753-A, sub-§8, as enacted by PL 2021, c. 398, Pt. UUUU, §3 and affected by §7, is amended to read:

8. Application for ongoing absentee voter status. A No later than February 1, 2024, the Secretary of State shall design the ongoing absentee ballot application that allows a voter who will be at least 65 years of age by the next election or who self-identifies as having a disability ~~may~~ to apply for status as an ongoing absentee voter. Each qualified applicant must automatically receive an absentee ballot for each ensuing statewide election, municipal election and any other election for which the voter is entitled to vote and need not submit a separate request for each election.

A. An application for status as an ongoing absentee voter must be made by a voter using procedures designed by the Secretary of State. These procedures must include a process for notifying the voter that if the voter moves out of the municipality, that voter's status as an ongoing absentee voter in that municipality terminates. A voter may obtain assistance in completing an application for ongoing absentee voter status pursuant to subsection 5.

B. The clerk or Secretary of State shall terminate a voter's ongoing absentee voter status only upon:

- (1) The written request of the voter;
- (2) The death or disqualification of the voter;
- (3) The cancellation of the voter's registration record in the central voter registration system;
- (4) The return of an absentee ballot as undeliverable;
- (5) The failure of the voter to vote by absentee ballot for a general election; or
- (6) The designation of the voter's status as inactive in the central voter registration system.

This subsection does not apply to uniformed service voters or overseas voters who are covered by the federal Uniformed and Overseas Citizens Absentee Voting Act, 52 United States Code, Section 20302 (2019).

Sec. A-25. 21-A MRSA §753-B, sub-§6, ¶A, as amended by PL 2021, c. 273, §20, is further amended to read:

A. The list of absentee voters must include each voter's name, residence address, voting district and party affiliation; the date and manner by which the voter's ballot was requested, issued and received; and a notation of whether ~~the application and the ballot were~~ was accepted or rejected. If the clerk determines that there is a defect on the return envelope of an absentee ballot under section 756, subsection 2 and that defect is cured pursuant to section 756-A, the clerk shall note whether the ballot was accepted or accepted but challenged and shall

list the date that the defect was cured as the date that the ballot was received. The clerk must also indicate on the list when the absentee voter is a uniformed service voter, overseas voter or township voter. By the time that all absentee ballots have been processed on election day, the clerk must update the central voter registration system or annotate the printed list of absentee voters to reflect all ballots that were received by the close of the polls on election day, including a notation of whether the ballots were accepted, accepted but challenged or rejected and the reasons for such rejections. This list, reflecting all absentee ballots received by the close of the polls, must be made available for public inspection. Any absentee voter certified as a participant in the Address Confidentiality Program pursuant to Title 5, section 90-B must be listed by the voter code assigned to that individual under the program instead of by the voter's name and reflect the Address Confidentiality Program address assigned to the voter. The list of absentee voters must be sorted so that the program participants appear at the end of the list and must be printed on a separate page of the list. The portion of the list of absentee voters relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection.

Sec. A-26. 21-A MRSA §753-B, sub-§6, ¶A, as amended by PL 2021, c. 750, §12 and affected by §14, is further amended to read:

A. The list of absentee voters must include each voter's name, residence address, voting district and party affiliation; the date and manner by which the voter's ballot was requested, issued and received; if the voter is unenrolled, which party's ballot the voter requested for the primary election, if applicable; and a notation of whether ~~the application and the ballot were~~ was accepted or rejected. If the clerk determines that there is a defect on the return envelope of an absentee ballot under section 756, subsection 2 and that defect is cured pursuant to section 756-A, the clerk shall note whether the ballot was accepted or accepted but challenged and shall list the date that the defect was cured as the date that the ballot was received. The clerk must also indicate on the list when the absentee voter is a uniformed service voter, overseas voter or township voter. By the time that all absentee ballots have been processed on election day, the clerk must update the central voter registration system or annotate the printed list of absentee voters to reflect all ballots that were received by the close of the polls on election day, including a notation of whether the ballots were accepted, accepted but challenged or rejected and the reasons for such rejections. This list, reflecting all absentee ballots received by the close of the polls, must be made available for public inspection. Any absentee voter

certified as a participant in the Address Confidentiality Program pursuant to Title 5, section 90-B must be listed by the voter code assigned to that individual under the program instead of by the voter's name and reflect the Address Confidentiality Program address assigned to the voter. The list of absentee voters must be sorted so that the program participants appear at the end of the list and must be printed on a separate page of the list. The portion of the list of absentee voters relating to Address Confidentiality Program participants must be kept under seal and excluded from public inspection.

Sec. A-27. 21-A MRSA §753-B, sub-§7, as enacted by PL 1999, c. 645, §6, is amended to read:

7. Registration verified. If the applicant is registered ~~and enrolled when necessary~~, the ballot must be sent to the applicant. If the applicant has registered ~~and enrolled when necessary~~ under section 155 and will attain 18 years of age on or before the date of the election, the registrar or clerk shall ~~so certify on the application. If accept the application in the central voter registration system and issue a ballot to the applicant; if not, the registrar or clerk shall write "not registered" or "not enrolled" on the face of reject the application and sign the registrar's or clerk's name in the central voter registration system.~~ Whenever an application for an absentee ballot is ~~denied~~ rejected, the municipal clerk shall immediately notify the applicant in writing or by e-mail of the reason for the ~~denial~~ rejection.

Sec. A-28. 21-A MRSA §753-C, as enacted by PL 2005, c. 364, §8, is amended to read:

§753-C. Absentee ballots for program participants in Address Confidentiality Program

Any registered voter who is certified by the Secretary of State as a program participant in the Address Confidentiality Program pursuant to Title 5, section 90-B is entitled to receive an absentee ballot for every election during the period of the voter's participation in the program. The Secretary of State shall mail the absentee ballot for the statewide elections and the clerk shall mail the absentee ballot for the local elections to the voter at the voter's designated address as soon as possible after the regular ballots are available in the municipality. The voter shall mark the absentee ballot in accordance with the procedures set forth in section 754-A and shall return the statewide ballot to the Secretary of State and the local ballot to the registrar in the manner provided in section 754-A, except that the voter may sign the voter's voter code under the Address Confidentiality Program on the absentee ballot envelope envelopes instead of the voter's name.

Sec. A-29. 21-A MRSA §759, sub-§8, as amended by PL 2009, c. 538, §11, is further amended by enacting at the end a new last blocked paragraph to read:

The Secretary of State may adopt rules necessary for the inspection of absentee ballot applications and envelopes before they are processed. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-30. 21-A MRSA §760-B, sub-§1, as amended by PL 2015, c. 406, §1, is further amended to read:

1. Time for processing. In a municipality that has opted to process absentee ballots on 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~~ 7:00 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.

Sec. A-31. 21-A MRSA §760-B, sub-§2, as amended by PL 2021, c. 11, §2, is further amended to read:

2. Notice of early processing. The clerk must give notice of the municipality's intent to process absentee ballots prior to election day using a notice of early processing form provided by the Secretary of State, stating the days and times that the clerk intends to begin processing absentee ballots and the inspection period provided in subsection 3. At least 30 days before election day, the clerk shall provide a copy of the notice of early processing 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 30th day before election day, the municipality may not process absentee ballots prior to election day. ~~The clerk shall post a copy of the notice of early processing with the notice of election as provided in section 621-A.~~ Secretary of State shall post the list of municipalities that will process absentee ballots prior to election day on its publicly accessible website at least one week prior to the start of early processing.

Sec. A-32. 21-A MRSA §760-B, sub-§3, as amended by PL 2019, c. 371, §38, is further amended to read:

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.~~ 4:00 p.m. on the day prior to each day that the clerk will process absentee ballots as

specified on the notice of early processing under subsection 2. 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 early processing for processing the absentee ballots. The clerk may immediately proceed to process the ballots after the one-hour inspection time has elapsed. The Secretary of State may adopt rules necessary for the inspection of absentee ballot applications and envelopes before they are processed. Rules adopted pursuant to this subsection are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. A-33. 21-A MRSA §777-A, as amended by PL 2019, c. 636, §17, is further amended to read:

§777-A. Registration and enrollment

Notwithstanding the registration deadline in section 121-A, uniformed service voters or overseas voters may register or enroll at any time prior to ~~5 p.m.~~ noon on the day before election day 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. A-34. 21-A MRSA §781-A, as amended by PL 2019, c. 636, §18, is further amended to read:

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

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 prior to ~~5 p.m.~~ noon on the day before election day 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.

Sec. A-35. 21-A MRSA §903-A, first ¶, as amended by PL 2015, c. 99, §1, is further amended to read:

~~Petitions issued under this chapter may be circulated by any Maine resident who is a registered voter acting as a circulator of a petition.~~ A circulator of a petition solicits signatures for the petition by presenting the petition to the voter, asking the voter to sign the petition and personally witnessing the voter affixing the voter's signature to the petition. The circulator of the petition must comply with the provisions of section 902.

Sec. A-36. 21-A MRSA §905-A, as amended by PL 2021, c. 570, §11, is further amended to read:

§905-A. Public comment on initiative questions

No later than 15 business days after the Secretary of State issues a written decision under section 905, subsection 1 finding a petition for a direct initiative to be valid, the Secretary of State shall give public notice of a proposed ballot question for that initiative by posting the question on the Secretary of State's publicly accessible website. The Secretary of State may also publish notice for one day in newspapers having general circulation in the State. After giving public notice of the proposed ballot question in accordance with this section, the Secretary of State shall provide a 30-day public comment period for the purpose of receiving comments on the content and form of the proposed question. No later than ~~40~~ 15 business days after receiving public comments in accordance with this section and after review of those comments, the Secretary of State shall write the ballot question for the initiative. An aggrieved voter may appeal the final decision of the Secretary of State under this section using the procedures for court review provided for in section 905, subsections 2 and 3.

Sec. A-37. PL 2021, c. 398, Pt. UUUU, §7 is amended to read:

Sec. UUUU-7. Effective date. That section of this Part that enacts the Maine Revised Statutes, Title 21-A, section 161, subsection 2-B takes effect January 1, 2023. Those sections of this Part that enact Title 21-A, section 753-A, subsections 8 and 9 and those sections of this Part that amend Title 21-A, section 752, subsection 3 and section 753-B, subsection 1 take effect ~~November~~ October 1, 2023.

Sec. A-38. PL 2021, c. 439, §15 is amended to read:

Sec. 15. Effective date. This Act takes effect November 1, 2023, except that that section of this Act that enacts the Maine Revised Statutes, Title 21-A, section 152, subsection 6 takes effect October 1, 2023.

Sec. A-39. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 21-A, section 152, subsection 6 and that section of this Part that amends Title 21-A, section 753-A, subsection 8 take effect October 1, 2023, and that section of this Part that amends Title 21-A, section 723-A, subsection 5-B as amended by Public Law 2021, chapter 750, section 11 and that section of this Part that amends Title 21-A, section 753-B, subsection 6, paragraph A as amended by Public Law 2021, chapter 750, section 12 take effect January 1, 2024.

PART B

Sec. B-1. 4 MRSA §1916, sub-§2, as enacted by PL 2021, c. 651, Pt. A, §4 and affected by §8, is amended to read:

2. Stamp required requirements. If a notarial act regarding a tangible record is performed by a ~~notary public~~ notarial officer, an official stamp ~~must~~ may be affixed to or embossed on the certificate. ~~If a notarial act is performed regarding a tangible record by a notarial officer other than a notary public and the certificate contains the information specified in subsection 1, paragraphs B, C and D, an official stamp may be affixed to or embossed on the certificate.~~ If a notarial act regarding an electronic record is performed by a ~~notarial officer~~ notary public and the certificate contains the information specified in subsection 1, paragraphs B, C and D, an official stamp ~~may~~ must be attached to or logically associated with the certificate.

Sec. B-2. 5 MRSA §86, 7th ¶, as corrected by RR 2001, c. 2, Pt. B, §2 and affected by §58, is amended to read:

For filing, copying, comparing or authenticating any document required or permitted to be filed under Title 13-B, that fee specified in Title 13-B, chapter 14; ~~and~~

Sec. B-3. 5 MRSA §86, 8th ¶, as amended by PL 2003, c. 518, §1, is further amended to read:

For filing a federal tax lien or other federal liens, certificates or notices affecting the liens of which under any Act of Congress or any federal regulation are required or permitted to be filed under Title 33, chapter 39, that fee specified in Title 33, section 1906-2;

Sec. B-4. 5 MRSA §86, 9th ¶, as enacted by PL 2003, c. 149, §1, is amended to read:

For filing and recording a designated office for service of trustee process under Title 14, section 2608-A, \$25-2;

Sec. B-5. 5 MRSA §86, as amended by PL 2003, c. 518, §1, is further amended by enacting after the 9th paragraph a new paragraph to read:

For filing a new or renewal application for a marriage officiant license under section 90-G, \$25; and

Sec. B-6. 5 MRSA §86, as amended by PL 2003, c. 518, §1, is further amended by enacting at the end a new paragraph to read:

For filing a new or renewal application for approval to be a provider of communication technology used to perform remote or electronic notarization under Title 4, section 1915, \$250.

Sec. B-7. Effective date. This Part takes effect July 1, 2023.

PART C

Sec. C-1. 30-A MRSA §7005, as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

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

Effective June 26, 2023, unless otherwise indicated.

**CHAPTER 305
S.P. 14 - L.D. 22**

**An Act to Impede the Transfer
of Firearms to Prohibited
Persons**

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

Sec. 1. 15 MRSA §394 is enacted to read:

§394. Prohibited sale or transfer of firearms to certain persons

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

A. "Antique firearm" means any of the following:

(1) A firearm manufactured in or before 1898, including a firearm with a matchlock, flintlock, percussion cap or similar type of ignition system;

(2) A replica of a firearm described in subparagraph (1), if that replica:

(a) Is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or

(b) Uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade; or

(3) A muzzle-loading firearm, as defined in Title 12, section 10001, subsection 42.

"Antique firearm" does not include a firearm or a muzzle-loading firearm that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breechblock or any combination of the barrel, bolt or breechblock.

B. "Firearm" has the same meaning as in Title 17-A, section 2, subsection 12-A.

C. "Sell" has the same meaning as in Title 17-A, section 554-A, subsection 1, paragraph C.

D. "Transfer" has the same meaning as in Title 17-A, section 554-A, subsection 1, paragraph A.

2. Sale or transfer prohibited. A person may not knowingly or intentionally sell or transfer a firearm to a person who is prohibited from owning, possessing or

having under that person's control a firearm pursuant to section 393 and who does not have a permit issued under section 393. This subsection does not apply to the sale or transfer of an antique firearm.

Violation of this subsection is a Class D crime.

See title page for effective date.

**CHAPTER 306
S.P. 91 - L.D. 187**

**An Act to Eliminate the Energy
Efficiency and Renewable
Resource Fund and to Provide
Needs-based Low-income
Assistance**

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

Sec. 1. 35-A MRSA §3210, sub-§9, ¶B, as amended by PL 2021, c. 199, §1, is further amended to read:

B. The commission shall collect alternative compliance payments to meet the requirements of subsections 3-A and 3-B made by competitive electricity providers and shall ~~deposit~~ use all funds collected under this paragraph ~~in the Energy Efficiency and Renewable Resource Fund established under section 10121, subsection 2 to be used to fund research, development and demonstration projects relating to renewable energy technologies and to fund rebates for cost-effective renewable energy technologies to provide financial assistance for low-income households in accordance with section 3214, subsection 2.~~

Sec. 2. 35-A MRSA §3214, sub-§2, ¶A, as enacted by PL 1997, c. 316, §3, is amended to read:

A. Receive funds collected by all transmission and distribution utilities in the State at a rate set by the commission in periodic rate cases; ~~and~~

Sec. 3. 35-A MRSA §3214, sub-§2, ¶A-1 is enacted to read:

A-1. Receive funds collected by the commission for alternative compliance payments in accordance with section 3210, subsection 9, paragraph B; and

Sec. 4. 35-A MRSA §10121, as amended by PL 2011, c. 637, §8, is repealed.

See title page for effective date.
