

MAINE STATE LEGISLATURE

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STATE OF MAINE
123RD LEGISLATURE
FIRST REGULAR SESSION



Summaries of bills and adopted amendments and laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature coming from the

**JOINT STANDING COMMITTEE ON LEGAL AND
VETERANS' AFFAIRS**

July 2007

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STATE OF MAINE

123RD LEGISLATURE

FIRST REGULAR SESSION

LEGISLATIVE DIGEST OF BILL SUMMARIES AND ENACTED LAWS



This *Legislative Digest of Bill Summaries and Enacted Laws* summarizes all bills and adopted amendments and all laws enacted or finally passed during the First Regular Session of the 123rd Maine Legislature, which was in session from December 6, 2006 to June 21, 2007.

The *Digest* is arranged alphabetically by committee, and within each committee by LD number. The committee report(s), prime sponsor and lead co-sponsor(s), if designated, are listed below each bill title. All adopted amendments are summarized and listed by paper number. A subject index is included with each committee. The appendices include a summary of relevant session statistics, an index of all bills by LD number and an index of enacted laws by law type and chapter number.

Final action on each bill is noted to the right of the bill title. The abbreviations used for various categories of final action are as follows:

CON RES XXX.....	Chapter # of Constitutional Resolution passed by both Houses
CONF CMTE UNABLE TO AGREE.....	Committee of Conference unable to agree; bill died
DIED BETWEEN BODIES.....	House & Senate disagree; bill died
DIED IN CONCURRENCE.....	One body accepts ONTP report; the other indefinitely postpones the bill
DIED ON ADJOURNMENT.....	Action incomplete when session ended; bill died
EMERGENCY.....	Enacted law takes effect sooner than 90 days
FAILED EMERGENCY ENACTMENT/FINAL PASSAGE.....	Emergency bill failed to get 2/3 vote
FAILED ENACTMENT/FINAL PASSAGE.....	Bill failed to get majority vote
FAILED MANDATE ENACTMENT.....	Bill imposing local mandate failed to get 2/3 vote
NOT PROPERLY BEFORE THE BODY.....	Ruled out of order by the presiding officers; bill died
INDEF PP.....	Bill Indefinitely Postponed
ONTP (or Accepted ONTP report).....	Ought Not To Pass report accepted
OTP-ND.....	Committee report Ought To Pass In New Draft
P&S XXX.....	Chapter # of enacted Private & Special Law
PASSED.....	Joint Order passed in both bodies
PUBLIC XXX.....	Chapter # of enacted Public Law
RESOLVE XXX.....	Chapter # of finally passed Resolve
UNSIGNED.....	Bill held by Governor
VETO SUSTAINED.....	Legislature failed to override Governor's Veto

Please note that the effective date for non-emergency legislation enacted in the First Regular Session is **September 20, 2007**. The effective date for legislation enacted as an emergency measure is specified in the enacted law summary for those bills.

Joint Standing Committee on Legal and Veterans Affairs

State.

LD 1761 An Act To Amend the Election Laws

PUBLIC 455

<u>Sponsor(s)</u>	<u>Committee Report</u>	<u>Amendments Adopted</u>
PATRICK	OTP-AM	H-489 S-389 MARTIN

This bill adds a definition for "domestic partner" and includes a domestic partner in the definition of "immediate family." The bill also adds definitions for "voting booth," "voting station," "accessible voting system" and "voting system." The bill clarifies who is ineligible to serve as registrar of voters. It also makes changes to the process for a voter registration appeals hearing by specifying the minimum time period for written notice, establishing that the hearing is a de novo hearing and requiring that a voter be kept in the central voter registration system and allowed to cast a challenged ballot until the appeals are exhausted. The bill specifies that a person loses a voting residence when that person registers to vote in another state. It also clarifies the requirements for the name by which a voter may register to vote and for how a candidate's name may be listed on a state ballot. The bill clarifies the requirements for change of enrollment, including the restrictions during the 15-day period until the change becomes effective. The bill also makes the language on prohibited party names or political designations consistent with other laws on prohibited names. The bill prohibits a candidate from withdrawing less than 60 days before a primary or general election. The bill clarifies the Secretary of State's authority to determine the format of all instructional election materials. The bill clarifies that the requirements for providing test ballots apply to other voting devices, such as the accessible voting system. It also clarifies that the minimum requirement to allow one poll watcher from each of the qualified parties applies to each segment of the incoming voting list if the municipality divides the list by voting district or by the alphabetic listing of the voters' names. This bill clarifies the requirements for the accessible voting system and prohibits the municipality from using the accessible voting system for purposes other than voting. This bill also clarifies the process for establishing and consolidating voting places, as distinct from the process of establishing or consolidating voting districts. It also clarifies the process for facilitating a voter's use of the accessible voting system. The bill clarifies how a voter may receive assistance from another person in voting. This bill clarifies the process for an election official to challenge a voter as well as the process for the registrar to resolve the status of challenged voters after the election. The bill eliminates the use of stickers for write-in candidates at a primary election. It also changes the deadline for a write-in candidate to file a declaration of write-in candidacy to 5 p.m. on the 3rd business day prior to the election and provides that a write-in vote may not be counted as valid unless the name is of a person who has filed a declaration of write-in candidacy by the deadline. This bill restricts absentee voting on the day before election day and on election day to ballots requested in writing and issued for voting outside the presence of the clerk and further provides that a clerk does not have to issue a ballot by mail if the request is received on election day or on the day before election day if the voter is outside the municipality.

Committee Amendment "A" (H-489)

This amendment removes the provision of the bill that amends the definition of "immediate family" to include a domestic partner as that amendment has already been enacted by another bill. The amendment adds clarifying language to the prohibition in the bill that a registrar may not serve during an election period if a member of the registrar's immediate family is a candidate for office in the electoral division in which the registrar serves. The clarification states that the election period is the time beginning when the immediate family member becomes a candidate up until the election.

The amendment also removes provisions in the bill regarding change of enrollment in a party including a provision that would require a replacement candidate to be enrolled in the same party as the person that candidate is replacing on the day that candidate is nominated.

The amendment also removes a provision that would have the warden reject an absentee ballot that was given

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to a voter from a different district and replaces it with a provision that allows the correct portions of the ballot to be counted but requires it to be challenged for the purposes of a subsequent recount or disputed election. This amendment removes a section of current law that would prohibit the counting of absentee ballots of voters who die after submitting the ballot. The amendment also sets up a system for municipalities that wish to process absentee ballots the day before election day. Additionally, the amendment changes the date of the implementation of an early voting pilot program from November 2008 to November 2007.

Finally, the amendment also removes a provision in the bill that would have reclassified certain crimes related to citizen initiative and referendum provisions from Class E to Class D crimes.

Senate Amendment "D" (S-389)

This amendment removes language that would have eliminated the use of stickers for write-in candidates but requires the clerk to report to the Secretary of State any problems arising from the use of stickers.

Enacted Law Summary

Public Law 2007, chapter 455 makes several changes to the laws governing elections. It adds definitions for "voting booth," "voting station," "accessible voting system" and "voting system" and clarifies who is ineligible to serve as registrar of voters. It also makes changes to the process for a voter registration appeals hearing by specifying the minimum time period for written notice, establishing that the hearing is a de novo hearing and requiring that a voter be kept in the central voter registration system and allowed to cast a challenged ballot until the appeals are exhausted.

Chapter 455 specifies that a person loses a voting residence when that person registers to vote in another state. It also clarifies the requirements for the name by which a voter may register to vote and for how a candidate's name may be listed on a state ballot and makes the language on prohibited party names or political designations consistent with other laws on prohibited names. This law prohibits a candidate from withdrawing less than 60 days before a primary or general election and clarifies the Secretary of State's authority to determine the format of all instructional election materials.

Chapter 455 clarifies that the requirements for providing test ballots apply to other voting devices, such as the accessible voting system. It also clarifies that the minimum requirement to allow one pollwatcher from each of the qualified parties applies to each segment of the incoming voting list if the municipality divides the list by voting district or by the alphabetic listing of the voters' names. This law also clarifies the requirements for the accessible voting system and prohibits the municipality from using the accessible voting system for purposes other than voting and clarifies the process for establishing and consolidating voting places, as distinct from the process of establishing or consolidating voting districts. It also clarifies the process for facilitating a voter's use of the accessible voting system and how a voter may receive assistance from another person in voting.

Chapter 455 clarifies the process for an election official to challenge a voter as well as the process for the registrar to resolve the status of challenged voters after the election. It also changes the deadline for a write-in candidate to file a declaration of write-in candidacy to 5 p.m. on the 3rd business day prior to the election and provides that a write-in vote may not be counted as valid unless the name is of a person who has filed a declaration of write-in candidacy by the deadline.

Chapter 455 states that the warden does not need to reject an absentee ballot that was given to a voter from a different district but rather allows the correct portions of the ballot to be counted but requires it to be challenged for the purposes of a subsequent recount or disputed election. Finally, this law sets up a system for municipalities that wish to process absentee ballots the day before election day and changes the date of the implementation of an early voting pilot program from November 2008 to November 2007.