



128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 1204

H.P. 840

House of Representatives, March 28, 2017

**An Act Regarding Absentee Voting by Residents of Nursing Homes
and Other Residential Care Facilities**

Reference to the Committee on Veterans and Legal Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TIMBERLAKE of Turner.
Cosponsored by Senator MASON of Androscoggin and
Representatives: DILLINGHAM of Oxford, PARRY of Arundel, SIROCKI of Scarborough,
WINSOR of Norway, Senator: JACKSON of Aroostook.

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

2 **Sec. 1. 21-A MRSA §753-B, sub-§2, ¶B-1** is enacted to read:

3 B-1. To an immediate family member or to a 3rd person for a voter who has granted
4 power of attorney to another and who is receiving medical care due to dementia and
5 is a resident of a nursing home, a residential care facility or an assisted housing
6 program as described in subsection 5, without the consent of the person who has been
7 granted power of attorney for the voter;

8 **Sec. 2. 21-A MRSA §753-B, sub-§5**, as amended by PL 2011, c. 534, §20, is
9 further amended to read:

10 **5. Alternate method of balloting by residents of certain licensed facilities.** The
11 municipal clerk shall designate one or more times during the 30-day period prior to an
12 election during which the municipal clerk shall be present in each licensed nursing home
13 subject to the provisions of Title 22, chapter 405; licensed residential care facility subject
14 to the provisions of Title 22, chapter 1664; and assisted housing program subject to the
15 provisions of Title 22, chapter 1664, in the municipality for the purpose of conducting
16 absentee voting by residents of these facilities. The clerk may not provide an absentee
17 ballot to a voter who has granted power of attorney to another and who is receiving
18 medical care due to dementia and is a resident of a facility described in this subsection
19 without the consent of the person who has been granted power of attorney. The licensed
20 residential care facilities or assisted housing programs referred to in this subsection are
21 those that are licensed to have 6 or more beds. The clerk shall designate which areas in
22 these facilities constitute the voting place, the voting booth and the guardrail enclosure.
23 Sections 681 and 682 apply to voting in these facilities within the areas designated by the
24 clerk.

25 **SUMMARY**

26 This bill amends the law governing the issuance of absentee ballots to a voter who is
27 a resident of a nursing home, a residential care facility or an assisted housing program.
28 The bill prohibits a municipal clerk from issuing an absentee ballot to an immediate
29 family member or a 3rd person for a voter who has granted another person power of
30 attorney and who is receiving medical care due to dementia unless the clerk acquires the
31 consent of the person who has been granted power of attorney. The bill also prohibits a
32 municipal clerk, when facilitating absentee voting at a nursing home, a residential care
33 facility or an assisted housing program, from issuing an absentee ballot to a voter who has
34 granted power of attorney to another person and who is receiving medical care due to
35 dementia unless the clerk acquires the consent of the person who has been granted power
36 of attorney.