

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
Resolves of the Legislature approved June 28, 1820,
March 18, 1840, March 16, 1842 and Acts approved
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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Eighty-ninth Legislature

1939

CHAP. 234

provided by the commissioner obtainable from the wardens or at any official game registration station.

No person shall present a deer for registration or permit to be registered in his name any deer which he himself did not kill, and no person shall have in possession at any time any deer or part thereof, except as herein provided.'

Approved April 18, 1939.

Chapter 233

AN ACT Relative to Fishing in Fishways.

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

R. S., c. 38, additional. Chapter 38 of the revised statutes, as revised, is hereby amended by adding thereto a new section to be numbered 20, and to read as follows:

'Sec. 20. Closing fishways to fishing. It shall be unlawful for any person to fish in, or within 150 feet of any fishway. Provided, however, that this section shall not preclude the taking of alewives and smelts in accordance with the laws regulating sea and shore fisheries.'

Approved April 18, 1939.

Chapter 234

AN ACT Relating to Absent Voting.

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

Sec. 1. R. S., c. 9, § 2, amended. Section 2 of chapter 9 of the revised statutes, as amended by chapter 183 of the public laws of 1937, is hereby amended to read as follows:

'Sec. 2. Secretary of state to prepare ballots, blank forms, instructions, etc., for city and town clerks. Thirty days at least, when practicable, prior to any election at which absentee voting or voting prevented because of physical incapacity is authorized, and in other cases as early as may be practicable, the secretary of state, or in case of city elections the respective city clerks, shall prepare, in such quantities as the official preparing same may deem necessary, the following papers:

- (a) Official absent voting ballots similar in all respects to the official

ballots to be used at such election, except that the words, "Official Absent Voting or Physical Incapacity Voting Ballot," shall be printed conspicuously on the back and outside thereof.

(b) Blank forms of application for such ballots worded as follows, but varying the bracketed word (state) so as to properly designate the election then next to be held, and omitting the bracketed clause concerning enrolment in elections other than primary:

"I, _____, hereby apply for an official absent voting ballot. I am a legal resident of the city or town of _____, in the county of _____, state of Maine. I am a duly qualified and registered voter, and am, as I believe, entitled to vote at the next (state) election, at precinct _____, ward _____, in the city or town of _____, in the county of _____ and state of Maine.

(I have conformed to all the requirements of the laws of Maine relative to enrolment and am entitled to vote for the nomination of candidates of the party.)

My address, including street and number if any, on April 1 of the present year was _____ and is now _____

(Signature).....

We, the undersigned, a majority of the officials having charge of the registration of voters of the city or town of _____ hereby certify that the above signature, to the best of our knowledge and belief, appears to be genuine, and that we believe the facts stated in above application to be true.

(Signature).....

....."

(b-1) Blank forms of application for such ballots worded as follows, but varying the bracketed word (state) so as to properly designate the election then next to be held, and omitting the bracketed clause concerning enrolment in elections other than primary:

"I, _____, hereby apply for an official physical incapacity voting ballot. I am a legal resident of the city or town of _____, in the county of _____, state of Maine. I am a duly qualified and registered voter, and am, as I believe, entitled to vote at the next (state) election, at precinct _____, ward _____, in the city or town of _____, in the county of _____ and state of Maine.

CHAP. 234

(I have conformed to all the requirements of the laws of Maine relative to enrolment and am entitled to vote for the nomination of candidates of the party.)

My address, including street and number if any, on April 1 of the present year was _____ and is now _____

(Signature).....

We, the undersigned, a majority of the officials having charge of the registration of voters of the city or town of _____ hereby certify that the above signature, to the best of our knowledge and belief appears to be genuine, and that we believe the facts stated in above application to be true.

(Signature).....

.....”

(c) Envelopes of sufficient size to contain the ballots specified in clause (a) bearing on their reverse the following affidavit:—

“State of _____ }
County of _____ } ss.

I, _____, do solemnly swear that I am a legally registered voter in the city or town of _____, in the county of _____, and state of Maine, and entitled to cast within ballot; that I am unable to cast my ballot on election day at the polling place where I am entitled to vote because I am unable to vote as a result of physical incapacity or because I shall be absent from said town of _____ on election day for the following reasons: (here insert reasons) that I have carefully read the instructions forwarded to me with the ballot herein inclosed; that I showed to the undersigned person taking my oath hereto, said ballot unmarked; that I then marked said ballot and sealed it in this envelope, all in his presence and in the presence of no other person, but without his seeing how I marked said ballot and without communicating to him how I voted or intended to vote.

(Signature).....

Subscribed and sworn to before me by the above affiant, personally known to me, this _____ day of _____ 19____, in the city or town of _____, state of _____

I hereby certify that the above statements made by said affiant are true to the best of my knowledge and belief and that I have no knowledge as to how said affiant voted.

(Official seal, if any.)

Name

Residence

Official Title"

When the physical incapacity ballot is used, it shall be accompanied by a medical certificate which shall briefly describe the physical incapacity, and state that this physical incapacity does not adversely affect the soundness of mind, but that it prevents the person so incapacitated from going to the polls. Said certificate shall likewise be mailed to the clerk with the envelope mentioned in clause (c).

(c-1)

STATE OF MAINE

PHYSICIAN'S CERTIFICATE—PHYSICAL INCAPACITY VOTING

To the Election officials of the _____ of _____, County, Maine:

This is to certify that I, the subscriber, am a duly licensed and regularly practicing physician and resident in the _____ of _____, County, Maine:

* * ***** * *

(A) That on the _____ day of _____, 19____, I examined _____ of _____ in _____ County, Maine; that said _____ is suffering from the following described ailment:

* * ***** * *

(B) That _____ of _____, _____ County, Maine, is confined to _____ his _____ home because of illness and is under my care and _____ her treatment; that the ailment with which the said _____ is afflicted is _____

* * ***** * *

That said ailment does not adversely affect the soundness of mind but does prevent the above-named person from going to the polls on the _____ day of _____, 19____, the day of the election.

.....

.....

(Physicians should use whichever paragraph, A or B, is applicable)

CHAP. 234

(d) Envelopes of sufficient size to contain the envelope and medical certificate mentioned in clauses (c) and (c-1) addressed to the clerk of the city or town of _____, county of _____, state of Maine, having at the top blank spaces for the name, voting residence, and voting place of the sender with the words "Name," "Voting Residence," "Ward" and "Precinct" appropriately printed thereon.

(e) Copies of this chapter. ~~with~~

(e-1) Such explanatory matter and instructions as the secretary of state with the approval of the attorney general, or in case of city elections such as the respective city clerks shall deem appropriate to carry into effect the purposes of this chapter.'

Sec. 2. R. S., c. 9, § 4, amended. Section 4 of chapter 9 of the revised statutes, as amended by chapter 183 of the public laws of 1937, is hereby repealed and the following enacted in place thereof:

'Sec. 4. Ballots, blank forms, etc., to be sent to absent voters by city and town clerks upon application. The papers mentioned in clauses (b) or (b-1), whichever is applicable, of section 2 shall be delivered to any person who by mail or otherwise applies therefor to the clerk of the city or town where he is entitled to vote. The papers described in clauses (a), (c), (d) and (e-1) and, if physical incapacity ballot is applied for (c-1) shall be mailed without unnecessary delay, postage prepaid, by the city or town clerk applied to as aforesaid, to all absentee voters or voters physically incapacitated who seasonably file the application set forth in said clauses (b) or (b-1), provided said application is duly certified by the proper officials as set forth in the next following section.'

Sec. 3. R. S., c. 9, § 6, amended. Section 6 of chapter 9 of the revised statutes, as amended by chapter 183 of the public laws of 1937, is hereby amended to read as follows:

'Sec. 6. How the voter who has received an absent voting ballot or physical incapacity voting ballot may vote. A voter who has executed and filed an application for an official absent voting ballot or physical incapacity voting ballot with the clerk of the city or town in which he is a registered voter may, after his application is certified and he has obtained an official absent voting ballot or physical incapacity voting ballot as provided in the 2 sections last preceding, vote by mailing said ballot as hereinafter provided or by delivering said ballot in person, to such city or town clerk. He shall mark said ballot in the presence of any official authorized by law to administer oaths, if the marking is done within the state of Maine, and in the presence of any notary public having a seal, if the marking is done outside of the state of Maine; but, in either case, no

person other than the voter and the official taking his oath shall be present during the marking and sealing of said ballot. Before marking said ballot, the voter shall exhibit it to said official, who shall satisfy himself that it is unmarked, but he shall not allow said official to see how he marked it. Said official shall hold no communication with the voter, nor he with said official, as to how he is to vote. Thereafter the voter shall enclose and seal the ballot in the envelope provided for in clause (c) of section 2. He shall then execute before said official the affidavit on said envelope as set forth in said clause (c), said official shall endorse thereon the certificate provided for in said clause (c) and affix his official seal, if any, and said voter shall enclose and seal the envelope with the ballot in the envelope provided for in clause (d) of section 2, endorse thereon his name, address and voting place, and mail the same within the time prescribed in the following section, by registered mail requesting return receipt therefor postage prepaid, at any postoffice, or may deliver same in person as above provided.'

Approved April 18, 1939.

Chapter 235

AN ACT Relating to Children of Women Committed to Reformatory for Women.

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

P. L., 1933, c. 1, § 359, amended. Section 359 of chapter 1 of the public laws of 1933 is hereby amended to read as follows:

'Sec. 359. Care of children of women committed. If any woman committed to said reformatory is, at the time of her commitment, the mother of a nursing child in her care and under 1 year of age, or is pregnant with child which shall be born after such commitment, such woman may retain such child in said reformatory until it shall be 2 years of age, when it must be removed therefrom. The department may cause such child to be placed in any asylum for children in this state and pay for the care and maintenance of such child therein until the mother of such child shall have been discharged, or may commit such child to the care and custody of some relative or proper person willing to assume such care, or such child may be committed to the custody of the department under the provisions of section 204. If such woman, at the time of such commitment, shall be the mother of and have under her exclusive care, a child more than 1 year of age, which might be otherwise left without proper care or guardianship, the magistrate committing such woman shall cause such child to be committed to such asylum as may be provided by law for such purposes, or to