

MAINE STATE LEGISLATURE

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SEVENTH REVISION

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CHAPTER 6.

Citizenship. Qualification of Voters. Right to Hold Office. Registration of Voters.

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Citizenship.

Sec. 1. Citizenship. R. S. c. 5, § 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

See Const. of U. S. Amend. XIV.

Qualification of Voters.

Sec. 2. Qualification of voters. R. S. c. 5, § 2. 1919, c. 113. 1929, c. 94. Every citizen who had the right to vote on the fourth day of January, eighteen hundred and ninety-three, together with those who were sixty years of age and upwards on said day, and every citizen, excepting paupers, persons under guardianship, and Indians not taxed, who, not being prevented by physical disability from so doing, is able to read the constitution of the state in the English language in such manner as to show that he is neither prompted nor reciting from memory, and to write his name, and who is twenty-one years of age or upwards, and shall have his residence established in this state for the term of three months next preceding any national, state, city, or town election shall have the right to vote at every such election in the city, town, or plantation where his residence is so established; and such right to vote at national and state elections in such city, town, or plantation shall continue for a period of three months after his removal therefrom, if he continues to reside in this state during said period; provided, however, that his name has been properly entered upon the voting list of such city, town or plantation.

See Const. of U. S. Amends. XV, XIX. Const. of Me. Art. II, Amends. XXIX, XLIV. See § 21; 119 Me. 607.

Sec. 3. Voter claiming exemption from educational test to make declaration under oath. R. S. c. 5, § 3. Any applicant for registration as a voter, claiming exemption from the educational test recited in the preceding section, except those exempted by the provisions of said section, shall declare under oath that he was a legal voter in this state on the fourth day of January, eighteen hundred and ninety-three, and, if required so to do, shall furnish such other reasonable evidence of the truthfulness of his statement as may be satisfactory to the officers whose duty it is to prepare voting lists.

Right to Hold Office.

Sec. 4. Right to hold civil office not to be denied on account of sex. 1919, c. 267. No citizen of the United States having a right to vote in this state

shall be denied the right to hold any civil office under this state or any subdivision thereof on account of sex.

Establishment of Residence.

Sec. 5. Husband and wife may have separate residence. 1929, c. 288. For purposes of voting, office-holding, or serving on jury, husband and wife may be deemed each to have a separate residence; such residence to be determined as in the case of other persons.

Registration of Voters.

Sec. 6. Appearance in person to register; where person qualified shall vote; name under which women voters shall register; to notify board of change in surname. R. S. c. 5, § 4. 1921, c. 157. 1925, c. 145, §§ 1, 2. Every person whose name has not been entered upon the voting lists in any city in accordance with the provisions hereof must, if he desires to vote, appear in person at a place provided for registration and prove that he possesses all the qualifications of a voter. Every person qualified to vote, as hereinbefore provided, shall vote only in the ward of the city, and voting precinct thereof, if any, in which he had his residence on the first day of April preceding, or of his becoming an inhabitant after said day. Every married woman now registered, or who shall hereafter register as a voter, shall be registered under her given and married surname. Any married woman or widow may use her family name as a part of the name by which she shall be registered as a voter. Whenever a registered woman voter shall assume through marriage or any process of law a new surname, she shall notify the registration board of said change, in person, and the board shall then register her again.

113 Me. 489.

Sec. 7. Boards of registration; duties; municipal officers to supervise lists in cities of less than three thousand. R. S. c. 5, § 5. 1917, c. 55, § 1. In each city of the state having three thousand or more inhabitants, a board of registration appointed as provided in the following section shall have exclusive power and authority to make up, correct, and revise the list of voters in each of said cities. In all cities having less than three thousand inhabitants, the municipal officers shall make such list, exercising the same powers and being governed by the same laws as municipal officers of towns having five hundred or more registered voters; provided that no city having a board of registration shall be deprived of said board of registration by reason of the population thereof becoming less than three thousand.

84 Me. 64.

Sec. 8. Number, appointment, terms and qualifications, nominations, vacancies; majority may act; members not to be candidates at any election, primary election, or caucus. R. S. c. 5, § 6. 1919, c. 179. Such board shall consist of three members who shall be residents and legal voters of the city where such board is established; they shall not hold any state, county, or city office or be candidates therefor at any election, primary election, or caucus so long as they shall continue members of said board. One member of said board shall be appointed and commissioned by the governor, by and with the consent of the council, for the term of four years. The other two members of the board shall be chosen one from the political party polling the highest number of votes for governor at the next preceding state election, and one from the political party polling the next highest number of votes for governor at said election; they shall each hold their office for the term of three years; each shall be nominated

by the city committee of his own political party, and upon due notice thereof in writing, the several mayors of said cities shall forthwith appoint such persons, so nominated, members of said board. If either or both of said political parties refuses or neglects to seasonably nominate a member of such board and to notify the mayor of such city, said mayor shall thereupon select and appoint a member of said board from the political party so neglecting and refusing to nominate, and said mayor shall so appoint in all such cases of vacancy, whether caused by death, resignation, declination, neglect, or refusal to act after being so appointed, or by election or appointment to any state, county, or city office, or however such vacancy may be caused; but in cases of necessity arising from the exigency of the public business, the other two members may proceed therewith as provided by this chapter until such vacancy shall be filled in the manner provided herein. And if any member of said board be absent or disqualified by sickness or otherwise, such mayor shall upon notice thereof forthwith fill his place by the appointment of some qualified elector of said city of the same political party as the absent member represents, to act in his absence.

Sec. 9. Chairman, powers and duties. R. S. c. 5, § 7. The person appointed and commissioned by the governor shall preside at all meetings of the board, but shall not vote therein except in case of a tie. He shall give notice of the time and place of the sessions of the board, and sign all orders and processes issued by the same. If he is necessarily absent or disqualified by sickness or otherwise during any session of said board, the mayor of said city shall upon notice thereof immediately appoint a qualified elector of the city, who shall be of the same political party as said chairman, to act in his absence.

Sec. 10. Exclusive power to determine qualifications of voters. R. S. c. 5, § 8. Said board shall have the exclusive power and authority to hear evidence and determine the qualification of voters in the city in which it is established. The presiding officer, at the request of any member, shall cause any party or witness appearing before the board to be sworn; any member of the board may administer oaths; and the board shall have power to compel the attendance of witnesses; to punish for contempt; and to issue all processes necessary to the performance of the duties of the board.

Sec. 11. Assessors required to make true lists of all persons liable to pay poll-tax and of women registered voters; corrections. R. S. c. 5, § 9. 1925, c. 147, § 1. The assessors of any city, by one or more of their number or by one or more assistant assessors, shall, in the months of April and May in each year, visit every building in their respective cities and make true lists containing as near as can be ascertained from any owner or occupant thereof, the name, age, occupation, and residence on the first day of April in the current, and his occupation and residence on the first day of April in the preceding year, or of his becoming an inhabitant after said last named day, of every male person twenty-one years of age and upwards, residing therein and liable to be assessed for a poll-tax; and of every female person who is registered as a voter; and shall ascertain if any such person has within the year next preceding the first day of April of the current year moved from said building out of said city and taken up his residence elsewhere, and shall make diligent inquiries and true record concerning all matters required of them in this section. They shall make correction of any error in the name or place of residence of a person assessed, on his personal application therefor, and, on proof of the same, shall make proper correction thereof on their books.

See c. 13, § 1.

Sec. 12. To transmit lists to boards of registration; street lists, how arranged. R. S. c. 5, § 10. 1925, c. 147, § 2. The assessors shall promptly, on or before

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the first day of July in each year, transmit to the boards of registration the lists so made, or certified copies thereof, noting therein every change of name or residence of persons assessed a poll-tax by them and of every female person who has been registered as a voter, and, on or before said first day of July in each year, shall prepare street lists containing the name of every person assessed by them, and of every female person who has been registered as a voter, or who has moved out of said city. Such lists shall be arranged by wards or voting precincts, if any. They shall prepare a copy of said street lists and deliver the same to their respective boards of registration on or before the fifteenth day of said July.

Sec. 13. Street lists, contents; board to enter on voting lists name of every person assessed a poll-tax and of women registered voters; to notify assessors of errors. R. S. c. 5, § 11. 1925, c. 147, § 3. The assessors shall, in said street lists, arrange all buildings used as residences in the order in which they stand on the street or other place by giving their number or other definite description so that each building can be readily identified, and shall place opposite or under each number, as near as can be ascertained, the name, age, occupation, and place of occupation of every person residing in said building on the first day of April of the current year and assessed a poll-tax, and of every female person who is registered as a voter, with his residence on the first day of April of the preceding year or on the day of his becoming an inhabitant after said last named day. And said board of registration shall enter on the voting lists the name of every person assessed a poll-tax for the current year and of every female person who is registered as a voter, as transmitted to them by the assessors, provided, every such name can be identified as having been borne upon the voting lists of the last preceding election. Each board of registration shall promptly transmit to the assessors of its city notice of any error in the name or residence of a person assessed, together with the name and residence of every male citizen who shall prove for the purposes of registration that he was a resident of the city on the first day of April of said current year, and of every female person who is registered as a voter, but whose name does not appear on the list transmitted to said board by said assessors.

Sec. 14. Penalty for wilfully making false entry of name. R. S. c. 5, § 12. 1929, c. 90. Any assessor or assistant assessor who shall knowingly or wilfully enter or cause to be entered on any list of assessed polls the name of any person as a resident of any building, who is not a resident thereof, shall for each such offense be punished by a fine of not more than three hundred dollars or by imprisonment for not more than eleven months.

Sec. 15. Penalty for refusing or neglecting to give full and true information. R. S. c. 5, § 13. Any inmate of a building liable to be assessed for a poll-tax who shall refuse or neglect to give his true name when inquired thereof by any assessor or assistant assessor and any owner or occupant of a building who shall refuse or neglect to give full and true information within his knowledge relating to all persons residing in such buildings, when inquired thereof by any assessor or assistant assessor, or who shall knowingly or wilfully give to an assessor or assistant assessor for the purpose of the assessment of a poll-tax the name of any person as a resident of a building, who is not a resident therein, shall be punished for each offense by a fine of not more than one hundred dollars or by imprisonment for not more than six months.

Sec. 16. Boards to keep register of all voters. R. S. c. 5, § 14. Boards of registration shall keep a general register of voters containing the names and records of all voters entered from year to year on the voting lists under the

provisions of this chapter, giving the full christian name and the surname, or the full name or initial or initials of any other name or names he may have, date of registration, residence on the first day of April of the year of registration or on the day of his becoming an inhabitant after said first day of April, age, place of birth, occupation, place of occupation, how long resident of the city, place of casting his last vote, married or single, residence of wife or family, where naturalized, when naturalized, in what court, arranged under the following heads. When registered, ; name, ; residence, street and number, ; residence April first, street and number, ; place of birth, ; age, ; date of birth, ; occupation, ; place of business, ; how long a resident of city, ; where last vote was cast, ; married or single, ; residence of wife or family, ; where naturalized, ; when naturalized, ; by what court, ; remarks.

116 Me. 557, 577.

Sec. 17. Applicants for registration must be able to read in the English language. R. S. c. 5, § 15. An applicant under examination for registration shall be required, unless prevented by physical disability from so doing, or unless he had the right to vote on the fourth day of January, eighteen hundred and ninety-three, or unless he was sixty years of age and upwards on said day, to read in the English language other than the title, so much as may be necessary, from an official edition of the constitution in such manner as to show that he is neither prompted nor reciting from memory, and to write his name in a book kept for the purpose. The name of the applicant, if admitted to registration, shall be announced in a clear, audible, and distinct voice before entering his name on the register.

Sec. 18. Requirements made of applicant who is a naturalized citizen. R. S. c. 5, § 16. In making examination of an applicant who is a naturalized citizen, he shall be required to produce for inspection his papers of naturalization, or a certificate of the same from the court where he was naturalized, and to make oath that he is the identical person mentioned therein, and said board, if satisfied that he has been legally naturalized, shall make a record or memorandum upon said paper of the date of such inspection and enter it upon the general register, and also, in a book kept for the purpose, the name and location of the court by which said papers were issued, with the date thereof and the date of said inspection, together with the name of said applicant as it is spelled and recorded in said papers, which need not again be produced before said board for examination after they have once been passed upon and the above minutes thereof recorded on the papers and in the general register.

Sec. 19. Meetings of board to be public; record of names added to or stricken from lists. R. S. c. 5, § 17. All meetings of said board of registration shall be open and public and shall close on each day at nine o'clock in the afternoon, except as hereinafter provided. A record shall be kept of all names added to or stricken from the voting lists and of all other proceedings of said board. No name shall be added to or stricken from said voting lists except during the open sessions of said boards.

Sec. 20. To prepare lists of voters thirty days before election; certified copy to be furnished city clerk and posted; in case of special election new lists not required. R. S. c. 5, § 18. Said boards of registration shall prepare ward lists of voters of such persons as appear to them to be legally qualified voters at least thirty days before any election to be held for any purpose by placing upon such lists all the names which appear upon the voting lists for the last preceding

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election, except the names of such persons as have died, or ceased to reside therein, or shall appear to said board to have otherwise become disqualified to vote therein since said preceding election, but no new name shall be added during such preparation nor any other correction or revision of said list, except the correction of errors discovered to have been of the board's own making. And a certified copy of all such lists made in accordance with this section shall be furnished to the clerk of such city by said board at least thirty days prior to any such election, and said clerk shall post said certified copies of said lists of voters in their respective wards at or near the several voting places customarily used as such in said cities, at least twenty-seven days prior to any such election; provided, however, that in case of a failure to elect any municipal officer at any election, or any person elected declines to serve, so that a special election is held to fill the vacancy, or in case of a special election to choose representatives to congress or members of the legislature, the board shall not be required to prepare or the city clerk to post a new list of voters, and for this purpose said board shall be in session the three secular days next preceding said election, the first two thereof to be devoted to registration of voters, and the last of said secular days to enable the board to verify the correctness of said lists and to complete and close up its records of said sessions.

See c. 8, §§ 42, 68, 72.

Sec. 21. Sessions of boards; names to be placed upon lists only by personal request; voter who moves into another ward not required to appear before board to have name transferred; names may be added on election day if omitted by error of assessors or boards; aggrieved party may have case determined by court. R. S. c. 5, § 19. 1917, c. 69. 1921, c. 171. 1923, c. 129. In cities of over fifty thousand inhabitants said boards of registration shall be in session on each of the thirty secular days next prior to any election; on the first eighteen of said secular days in open session from nine o'clock in the forenoon to one o'clock in the afternoon, and from three to five o'clock in the afternoon, and from seven to nine o'clock in the afternoon, to receive evidence touching the qualifications of voters therein, and to revise and correct the voting lists, and on the latter twelve of said secular days in closed session to enable the board to verify the correctness of said lists and to complete and close up its records of said sessions; in cities of less than fifty thousand and over twenty-five thousand inhabitants, said boards shall be in session on each of the sixteen secular days next prior to any election; the first ten days thereof in open session, and the latter six days thereof in closed session, during the hours and for the purposes as above provided; in cities of less than twenty-five and over ten thousand inhabitants, ten secular days, the first seven days in open session and the latter three days in closed session as above provided; and in cities of less than ten thousand inhabitants, nine secular days, the first six days in open session and the latter three days in closed session. No name, except as hereinafter provided, shall be added to or stricken from the general register of voters after nine o'clock in the afternoon of the last of said days devoted to registration as above. Said board shall not place upon said voting lists during said revision of the same the name of any person who shall not personally appear before said board in open session and request it; but nothing in this chapter shall be so construed as to require any voter, whose name is already upon any ward list and who afterwards moves from said ward to any other ward in said city, to appear personally before said board in order that his name may be transferred from one ward list to another. On the last of said secular days devoted to the completion of the records as above provided, the sessions of the

board shall close at five o'clock in the afternoon, and certified copies of said voting lists shall at that hour be delivered to the clerks of said cities and receipts taken therefor. The wardens of cities shall be governed by said revised and corrected lists; and no names shall be added to or stricken from said lists on the day of election, except as hereinafter provided, and no person shall vote at any election whose name is not on said lists. No board of registration shall be answerable for any omission of a name or residence from said voting list or for any error in the same, unless such name and residence are correctly entered in said general register of voters; but on the day of election said board shall be in session, and shall give to any voter whose name has been stricken from said general register or omitted from said voting list through any error of the assessors or said board, or in whose name or residence as placed on said voting list a clerical error has been made, a certificate signed by a majority of the board, giving the corrected name and residence of such person, and directed to the officer presiding over the election; such officer shall on receipt of such certificate, allow the person therein named to vote and shall check his name on said certificate, and securely attach said certificate to said voting list. In case any person is aggrieved by any order or decision of said board, the whole case, upon petition for mandamus, shall be reexamined and determined by any justice of the superior court in said county, which determination, however, shall not affect any election held prior to said decision of said justice. No costs shall be allowed either party in any such proceeding.

Sec. 22. Proceedings in case of challenge of voter; duty to notify city clerk of change of residence; record of changes. R. S. c. 5, § 20. 1917, c. 237. When the right of any person to have his name placed upon such list is challenged by any qualified elector, or when the right of any person to have his name remain upon such list is so challenged, before said board shall add to or strike from said list the name of any such person, the board or any member thereof shall issue a notice and summons to said person so challenged and allow him a reasonable opportunity to be heard. Such notice and summons shall be served upon such person by an officer qualified to serve civil process, by giving him in hand or by leaving at his last and usual place of abode an attested copy of said notice and summons, at least six hours before the closing of the final session of the board devoted to the revision and correction of the voting list. Said person and said board may also summon and examine other witnesses before said board concerning his right to vote, and if it appears to said board that such person is not or will not be qualified to vote at such election, they shall cause his name to be erased from said list and not add it thereto. And the list of voters in cities made under this chapter shall state the street, and so far as practicable, the number of the street where each voter resides. The residence of a voter as stated upon the list of voters used at the last preceding election shall be deemed his last and usual place of abode, unless he shall have given notice in writing, over his own signature, or in person to the city clerk of a change of his residence, which notice, if given after the first day of April, shall entitle him to have his residence so corrected on the voting list to be used at the next subsequent election, but shall not entitle him to have his registration otherwise changed, nor to vote in ward or precinct other than that in which he resided on said first day of April. Said clerk shall keep a record of all notices of change of residence, which record shall at all times be open to public inspection.

Sec. 23. Clerks of cities to be custodians of records; duties; penalty for neglect. R. S. c. 5, § 21. (1929, c. 90). The clerks of cities shall be custodians of

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the records of said boards and of the revised and corrected lists of voters prepared by said boards for use at any election, and shall seasonably transmit to the wardens of cities a true and attested copy of such lists for their use on election day; and said clerks shall keep said lists one year and furnish certified copies thereof on application of any person and payment therefor, within ten days thereafter; for failure so to do they shall be punished by a fine of not more than five hundred dollars or by imprisonment for not more than eleven months. The wardens and ballot clerks shall certify on said voting lists that they are the lists used by them respectively at said elections.

Sec. 24. Duty of cities in respect to registration. R. S. c. 5, § 22. 1921, c. 68. The president of such board shall receive five dollars for each day that the board shall be in session for the revision and correction of the voting lists and for completing the records thereof. The other two members of said boards shall receive four dollars a day for such time. They shall also receive such compensation as may be fixed by the city council for such time as they are necessarily employed in making up and preparing such lists of voters, and their necessary expenses. Cities where such board is established shall provide a suitable place for holding the sessions of said board, and pay for the services of such officers as said board may employ and have in attendance to preserve order and execute its precepts. Said cities shall also pay the necessary and reasonable expenses including blank books, stationery, and the necessary assistance of clerks. All witness fees shall be paid at the established rates of fees before municipal courts.

Sec. 25. Notice of meetings. R. S. c. 5, § 23. Notices of the time and place of the sessions of such board to revise and correct said voting lists shall be given by the president thereof and posted by the clerks of said cities at the same time and place as are the certified copies of the lists of voters; and the voting lists as revised and corrected by said board of registration shall be used at each election held in said cities in the several wards thereof.

Sec. 26. Right of challenge; person challenged to state place of birth, occupation, business, etc.; penalty; note of challenge to be made on ballot and check-list. R. S. c. 5, § 24. 1917, c. 68. Any qualified elector in said cities may challenge the right of any person to vote in any ward of said cities at any election held therein and shall be given the opportunity by the presiding officer thereof to make such challenge, and such presiding officer shall note the fact of such challenge upon the voting list used in such ward, and upon such ballot so challenged, witnessed by two election officers representing two different parties. But before permitting a person so challenged to vote the warden shall cause him to state his place and date of birth; occupation; place of business; whether married or single; if married, the name and residence of his wife; how long a resident of the city; and where his last vote was cast, which answers shall be reduced to writing on blanks furnished for that purpose by the city clerk, and signed by the voter, whose signature shall be witnessed by two election officers representing two different parties. The warden shall promptly return all such records to the city clerk, who shall keep them on file for public inspection for one year. Any failure to comply with the provisions of this section shall be a felony and be punishable as provided in section thirty-one of this chapter.

Sec. 27. Where notices shall be posted. R. S. c. 5, § 25. All notices of said boards, assessors, city clerks, or of any other public officer relating to registration of voters or to elections shall be posted at or as near as may be to the places designated for receiving votes on election days.

Sec. 28. Lists of deceased voters to be furnished board. R. S. c. 5, § 26. The clerk or register of deaths of each city shall, at least thirty-three days before each election, and on the first day designated by said boards for the revision and correction of the voting lists and also on the last of said days set apart for such revision and correction, transmit to said boards a certified list of the names of all persons over twenty-one years of age deceased since the preceding election or since the date of the preceding list, with the ward, street, and number where such person resided at the date of death.

Sec. 29. Police officers to attend meetings of board. R. S. c. 5, § 27. The board or officer in charge of the police force of any city, upon request so to do by said board, shall detail a sufficient number of police officers to attend any meeting held by said boards and preserve order and enforce the orders of said boards.

Sec. 30. Refusal or neglect to enforce educational test; penalty. R. S. c. 5, § 28. Any member of said boards who refuses or wilfully neglects to require any applicant for registration to whom the same is applicable to read a portion satisfactorily to a majority of said board, other than the title, from some official edition of the constitution, in such manner as to show that he is neither prompted nor reciting from memory, or to require such applicant to write his name in a book kept for the purpose, unless he is prevented by physical disability from so doing, or who knowingly prevents or seeks to prevent the registration of any legal voter, or who knowingly registers the name of any person not qualified to vote, or who is guilty of any fraud or corrupt conduct in the execution of the duties of his office shall for each offense be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

Sec. 31. Penalty, if any city officer refuses or neglects to perform duty. R. S. c. 5, § 29. Any city officer who wilfully neglects or refuses to perform any duty required of him by law in matters relating to the registration of voters shall for each offense be punished by a fine of not more than one thousand dollars or by imprisonment for not more than two years.

Sec. 32. Penalty, if a person registers falsely. R. S. c. 5, § 30. 1929, c. 90. Whoever causes his name to be placed upon the list of voters of more than one ward in any city for the same election, or causes any such act, or aids or abets any person in such act shall be punished by a fine of not more than one hundred dollars or by imprisonment for not more than eleven months.

Sec. 33. Penalty, for making false statement regarding the qualification of any person for assessment of tax or for registration, etc. R. S. c. 5, § 31. 1929, c. 90. Whoever knowingly or wilfully makes a false affidavit, or takes a false oath, or signs a false certificate regarding the qualification of any person for the assessment of a tax or for registration, or injures or defaces any list of voters or any notice relating to the registration of voters in any city, or prevents or interferes with, or aids or abets any person in preventing or interfering with any public officer in the discharge of his duty relating to the registration of voters shall for each offense be punished by a fine of not more than three hundred dollars or by imprisonment for not more than eleven months.

Sec. 34. Penalty for false registration or attempt to personate another, etc. R. S. c. 5, § 32. 1929, c. 90. Whoever causes his name to be registered knowing that he is not a qualified voter in the place where so registered, or falsely represents or attempts to represent himself as another person before any board of registration, or gives a false answer to said board concerning any matter relating to the registration of a voter or the right of any person to vote, or aids

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or abets any other person in doing either of the acts above mentioned shall for each offense be punished by a fine of not more than three hundred dollars or by imprisonment for not more than eleven months.

See c. 8, § 108.

Sec. 35. Penalty for refusing to obey board or for obstructing proceedings. R. S. c. 5, § 33. Whoever refuses to obey the lawful orders or directions of any board of registration, or interrupts or obstructs the proceedings at any meeting for registration shall be arrested, detained in custody until a warrant can be procured, and shall for each offense be punished by a fine of not more than fifty dollars or by imprisonment for not more than sixty days.

Registration by Municipal Officers.

Sec. 36. Assessors to prepare lists of voters and deliver to selectmen. R. S. c. 5, § 34. In every town where the selectmen are not assessors, the assessors, on or before the first day of August in each year in which an election of governor, senators, and representatives is held, shall prepare a list of the persons whom they judge to be constitutionally qualified to vote therein at such election, and deliver it to the selectmen.

*113 Me. 546.

Sec. 37. Selectmen to prepare corrected list. R. S. c. 5, § 35. The selectmen of every town, on or before the eleventh day of August in every such year, shall prepare a corrected list of persons so qualified.

See c. 8, § 114.

Sec. 38. Sessions of selectmen to correct lists; notice. R. S. c. 5, § 36. In every town, having by the census of the United States, then last taken, more than three thousand inhabitants, the selectmen shall be in open session to receive evidence of the qualifications of persons claiming the right to vote at any such election, and for the correction of said list, for a reasonable time, on not more than two days, between the eleventh and eighteenth days of August in every such year, giving previous notice of the time and place of each session, as their town meetings are notified.

*76 Me. 160.

Sec. 39. Lists to be deposited with clerk and posted. R. S. c. 5, § 37. On or before the twentieth day of August in every such year, the selectmen shall deposit in the office of the town clerk an alphabetical list of voters thus prepared and revised, and post a similar list in one or more public places in the town.

See c. 8, §§ 104, 114.

Sec. 40. Names not to be added or stricken out except as provided herein; names may be added at regular sessions on evidence. R. S. c. 5, § 38. After such lists are thus prepared, deposited with the clerk, and posted, the selectmen shall not add thereto, nor strike therefrom, the name of any person, except in open session on one of the days prescribed by law for receiving evidence of the qualifications of voters; nor shall they strike from said list the name of any person residing in the town, without notice first given to him that his right to vote is questioned, and an opportunity for a hearing on one of such days. But at any regular session for receiving such evidence, the selectmen shall place on the list of voters the name of every person known by, or proved to them to be so qualified, whether he applies therefor or not.

See c. 8, §§ 107, 114.

Sec. 41. Selectmen, duties respecting papers of naturalization; indorsement and registry. R. S. c. 5, § 39. When a person of foreign birth exhibits to the selectmen of his town papers of naturalization, issued to him in due form by

a court having jurisdiction, they shall, if satisfied of their genuineness and that such person is entitled to vote, approve such papers by a written indorsement thereon, with the date thereof, signed by one of them; register in a book kept for that purpose the name of the person, the date of the papers, the date of approval, and the name of the court by which they were issued; cause the name of such person to be entered on the list of voters; and continue his name on the successive lists so long as he continues to reside there and is in other respects qualified to vote. If they are of opinion that such papers are not genuine, or were not issued to the person presenting them, or that he is not for other cause a voter, they shall not approve them or perform the other acts required; but he shall not, by their refusal to approve his papers or to enter his name, be deprived of his right to vote, upon satisfactory proof.

Sec. 42. Registration in towns having five hundred or more voters, and in small cities; changes in list may be made on election day. R. S. c. 5, § 40. 1917, c. 55, § 2. In all towns, cities not included, having five hundred or more registered voters, and in all cities having less than three thousand inhabitants, the municipal officers shall receive applications of persons claiming a right to vote, on the three secular days next preceding the day of election, and no application shall be received after the hour of five in the afternoon on the secular day next preceding the day of election; and no names shall be added to the list of voters on the day of election, by certificate or otherwise, except such as were upon the list used at the last preceding election, and have been inadvertently omitted by the selectmen; and on that day no change shall be made in names except to correct clerical errors therein.

Sec. 43. Registration in towns under 500 voters. R. S. c. 5, § 41. In every town containing less than five hundred voters, the municipal officers shall be in session on the day of any such election to receive and decide on such applications, at some convenient place, for so long a time immediately preceding the opening of the polls as they think necessary, and shall hear and determine any such application at any time before the polls are closed.

Sec. 44. Notice of sessions. R. S. c. 5, § 42. The municipal officers shall order notice of the time and place of all their sessions required or authorized in the two preceding sections, to be given in the warrant for calling the meetings for such elections.

3 Me. 310.

Sec. 45. Lists of voters. R. S. c. 5, § 43. The selectmen shall make a correct alphabetical list of the inhabitants in their towns qualified to vote in the choice of town officers, and deposit it in the office of the town clerk, and post a copy thereof in one or more public places in such town, on or before the twentieth day of February, annually.

See c. 8, §§ 104, 114; 3 Me. 296.

Sec. 46. Selectmen's sessions to correct lists held on March election day or the secular day preceding. R. S. c. 5, § 44. They shall be in session at some convenient time and place to be by them notified in the warrant for calling the meeting in such town, on the secular day next preceding the annual election in March, or on the morning of the day of election, to hear and decide upon the applications of persons claiming to have their names entered upon said list; and such session, when held on a secular day preceding the election, shall continue at least three hours, and when held on the day of election, shall continue until the election of town officers required by law to be elected by ballot has been completed.

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Sec. 47. Check-list to be kept for choice of town officers. R. S. c. 5, § 45. The town clerk shall have the list of voters provided for by the two preceding sections at every town meeting held for the choice of town officers required by law to be chosen by ballot, and it shall be kept and used as a check-list at the polls by said clerk or moderator at such meeting, in the manner prescribed for selectmen or assessors by section twenty-nine of chapter eight if demanded by one-third of the voters present.

*96 Me. 434.

Sec. 48. Penalty if clerk or moderator neglects or refuses. R. S. c. 5, § 46. If the town clerk or moderator presiding at such meeting wilfully neglects or refuses to comply with the preceding section, he forfeits not less than fifty dollars, nor more than one hundred dollars, to be recovered in an action of debt in the name and for the use of the town, to be prosecuted by the treasurer at the request of any voter therein.

See c. 8, §§ 102, 114.

Sec. 49. Board of registration and municipal officers acting as such, when registering voter coming from another town in state, shall notify officers of latter town. 1917, c. 109. Whenever an applicant for registration before any board of registration or the municipal officers of any town acting as a board of registration states his last voting place as a city or town in the state of Maine, and the board determines that the applicant is entitled to register, it shall immediately notify by mail the board of the city or town where such person last voted, of such registration and the board, receiving such notice, shall at its first meeting strike from its list the said name, if satisfied as to the identity of the person.

Sec. 50. Citizens may file complaints with superior court relating to names on voting lists; procedure. 1927, c. 75, § 1. Any citizen of the state of Maine may, in term time or vacation, file a complaint with the superior court stating that his name or that of some other citizen is illegally kept from or placed upon the list of qualified voters of a certain city, town, or plantation, and the facts upon which the complaint is based, and thereupon the presiding justice in term time or any justice of the superior court in vacation shall order service by copy on the officials in charge of placing names on said list of qualified voters and by copy on the citizens named in the petition other than the complainant, and set a time and place for a hearing. The decision of the justice hearing the case shall be final on questions of fact, but appeals may be had on questions of law as in equity cases. The justice hearing the case may on petition award costs as in equity cases.

Sec. 51. Clerks of courts to certify decision to election officials. 1927, c. 75, § 2. The clerk of the judicial courts shall certify the decision under the above section to the officials in charge of the list of voters in question, and said officials shall thereupon make up their lists in accordance with the decision.