

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1957 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

**Place in Pocket of Corresponding
Volume of Main Set**

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1957

REVISED STATUTES OF MAINE

1957 Cumulative Supplement

VOLUME I

Chapter 1.

Sovereignty and Jurisdiction.

Eminent Domain. Flags. State Paper, etc.

Section 24-A. Purchase by State.

Sovereignty and Jurisdiction.

Sec. 4. Standard time.

At 2 o'clock ante-meridian of the last Sunday in April of each year, the standard time in this state shall be advanced one hour, and at 2 o'clock ante-meridian of the last Sunday in October of each year the standard time in this state, by the retarding of one hour, shall be made to coincide with the mean astronomical time of the degree of longitude governing the zone wherein the state is situated, the standard official time of which is described as United States Eastern Standard Time, so that between the last Sunday of April at 2 o'clock ante-meridian and the last Sunday in October at 2 o'clock ante-meridian in each year the standard time in this state shall be one hour in advance of the United States Eastern Standard Time and said time shall be known as "Eastern Daylight Time." (R. S. c. 1, § 4. 1955, c. 403, § 1.)

Effect of amendment.—The 1955 amendment, which became effective on its approval, May 20, 1955, added the above paragraph at the end of this section. As the rest of the section was not changed, only the paragraph added by the amendment is set out.

Purchase by State.

Sec. 24-A. Purchase of real estate by state.—Whenever it determines that the public exigencies requires it, the governor and council may purchase or may take by eminent domain real estate adjacent to the State House in Augusta. (1957, c. 329, § 1.)

Chapter 3.

Citizenship. Qualifications and Registration of Voters.

Sex No Bar to Hold Office. Residence of Husband and Wife.

Qualification of Voters.

Sec. 2. Qualification of voters.—Every citizen who had the right to vote on the 4th day of January, 1893 and every citizen, excepting paupers and persons under guardianship 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 21 years of age or upwards, and shall have his residence established in this state for the term of 6 months and in the city, town or plantation in which he is a resident for 3 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 3 months after his removal therefrom, if he continues to reside in this state during that period; provided, however, that his name has been properly entered upon the voting list of such city, town or plantation. The fact that the money for the payment of the wages of any person employed by any city or town is derived from relief funds shall not operate to give such person the status of a pauper so that he shall be denied on that account the right to vote. (R. S. c. 3, § 2. 1953, c. 226, § 1. 1955, c. 405, § 1.)

Effect of amendment.—The 1955 amendment inserted the word “and” after the word “paupers” and deleted the words “and Indians not taxed” after the word “guardianship” near the beginning of the section.

Registration of Voters. Penalties.

Sec. 13. Duty of cities in respect to registration; compensation and fees.—The chairman of the board shall receive \$10 and the other 2 members of the board shall receive \$9 each for every day that the board shall be in session for the revision and correction of the voting list and for completing the record thereof. They shall also receive such compensation as may be fixed by the municipal officers for such time as they are necessarily employed in making up and preparing the list of voters, and their necessary expenses. Cities where a board is established shall provide a suitable place for holding its sessions and shall pay for the services of such officers as the board may employ and have in attendance to preserve order and execute its precepts. Such cities shall also pay all reasonable expenses, such as the expense of blank books, stationery and the necessary assistance of clerks. All witness fees shall be paid at the rates established for municipal courts.

In cities of 39,000 inhabitants and over, the chairman of the board shall receive \$3,250 per year and the other 2 members of the board shall receive \$2,900 per year and such additional amounts as may be authorized by the municipal officers or board of finance. (R. S. c. 3, § 13. 1947, c. 347. 1949, cc. 93, 329. 1951, c. 366. 1953, c. 130. 1955, c. 396, §§ 1, 2. 1957, c. 197; c. 282, §§ 1, 3.)

Effect of amendments. — The 1955 amendment substituted “or less than 50,000 inhabitants” for “or more”, increased the salaries in the second paragraph, and inserted a third paragraph relative to salaries in cities of 50,000 inhabitants or more.

The first 1957 amendment increased the compensation of the chairman from \$7 to \$10 and of the other members from \$6 to \$9 in the first sentence of the first paragraph. The second 1957 amendment substituted the word “over” for “less than

50,000 inhabitants”, increased the salary of the chairman from \$3,050 to \$3,250 and of the other members from \$2,700 to \$2,900 in the second paragraph, and deleted the third paragraph which was inserted in 1955.

Editor’s note.—P. L. 1957, c. 282, which amended the second paragraph of this section, provided in section 3 thereof that the salary increases provided in the present second paragraph shall not apply to any member of the 98th legislature.

Sec. 16. Sessions of boards; names to be placed upon list 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.—In cities of 30,000 inhabitants or more, boards of registration shall be in session every day of the year, Saturdays, Sundays and court holidays excepted, for the purpose of registration and enroll-

ment of voters and to revise and correct the voting list. Open sessions shall be held for the purpose of registration and enrollment of voters from 9 to 12 o'clock in the morning, and from 2 to 5 o'clock in the afternoon. From the 18th to the 13th days, inclusive, of their sessions next prior to any election, the board shall be in session from 9 o'clock in the forenoon to 1 o'clock in the afternoon, from 3 to 5 o'clock in the afternoon, and from 7 to 9 o'clock in the afternoon. On the 12 days of their sessions next prior to an election the board shall be in closed session to enable the board to verify the correctness of the list and to complete and close the records of its sessions. In cities of 25,000 inhabitants or any greater number less than 30,000, the boards shall be in session on each of the 16 days, Sundays and court holidays excepted, next prior to any election; the 1st 10 days thereof in open session, and the last 6 days thereof in closed session, during the hours and for the purposes as above provided. In cities of 10,000 inhabitants or any greater number less than 25,000, the boards shall be in session on each of the 12 days, Sundays and court holidays excepted, next prior to any election; the 1st 7 days thereof in open session, and the last 5 days thereof in closed session, during the hours and for the purposes as above provided. In cities of less than 10,000 inhabitants, the boards shall be in session on each of the 9 days, Sundays and court holidays excepted, next prior to any election; the 1st 6 days thereof in open session, and the last 3 days thereof in closed session, during the hours and for the purposes as above provided. No name, except as hereinafter provided, shall be added to or stricken from the general register of voters after 9 o'clock in the afternoon of the last of the days devoted to registration as herein provided. Upon written request of a person who because of physical incapacity is prevented from appearing personally before the board of registration, and providing such request is accompanied by a written statement from such person's attending physician certifying to an inability to appear personally because of such incapacity, at least one member of the board or an employee of the board designated by it shall attend such person only within 20 miles of the office of the board of registration, to receive proof that such person possesses all the qualifications of a voter, and to receive in writing the application of such person upon a printed form to be furnished by said board and conforming to the provisions of section 27. Such member or employee shall receive 10¢ a mile for such travel. Such member shall write thereon the date when and by whom the application is received and shall file the same with the board of registration. The board shall in any open session take action thereon and if satisfied as to the necessary qualifications of the applicant, the applicant shall be enrolled as a voter and his or her name shall then be placed upon the general register of voters and each applicant so registered shall by said board be notified in writing of such registration. The board shall not place upon the voting list during the revision of the same, the name of any person who shall not personally appear before the 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 such ward to any other ward in such city, to appear personally before the board in order that his name may be transferred from one ward list to another. If a person becomes 21 years of age between the last day of the open session and the closing of the polls on election day, his name may be added at any time without personal appearance if the board is satisfied that he is otherwise qualified. On the last of the days of their session devoted to the completion of the records as above provided, the sessions of the boards shall close at 5 o'clock in the afternoon except when such last day is Saturday, and certified copies of the voting lists shall at that hour be delivered to the city clerk and receipts taken therefor. The wardens of cities shall be governed by such revised and corrected lists; and no name shall be added thereto or stricken therefrom on the day of election, except as hereinafter provided, and no person shall vote at any election whose name is not on such list. No board of registration shall be answerable for any omission of a

name or residence from the voting list or for any error therein, unless such name and residence are correctly entered in the general register of voters; but on the day of election the board shall be in session, and shall give to any voter whose name has been stricken from the general register or omitted from the voting list through any error of the assessors or the board, or in whose name or residence as placed on the 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 such certificate, and securely attach it to the voting lists. In case any person is aggrieved by any order or decision of the board, the whole case, upon petition for mandamus, shall be reexamined and determined by any justice of the superior court in the county in which the controversy arises, which determination, however, shall not affect any election held prior to the decision of such justice. No costs shall be allowed either party in any such proceeding. (R. S. c. 3, § 16. 1953, c. 123; c. 365, § 1. 1955, c. 218. 1957, c. 282, § 2.)

Effect of amendments.—The 1955 amendment rewrote the ninth sentence and inserted the tenth sentence. The 1957 amendment inserted "Saturdays" in the enumeration of days excepted in the first sentence, and deleted the words "Saturday afternoon excepted" which formerly appeared at the end of the second sentence.

Registration by Municipal Officers.

Sec. 42. Registration in towns having 1,000 to 2,000 voters.—In all towns, cities not included, having not less than 1,000 nor more than 2,000 registered voters, the municipal officers shall receive applications of persons claiming a right to vote, on the day, Sundays and court holidays excepted, next preceding the day of election, and on such additional days prior thereto as they may determine, and no application shall be received after the hour of 9 in the afternoon; 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. (1951, c. 283, § 3. 1955, c. 47, § 1.)

Effect of amendment.—Prior to the 1955 amendment this section provided for registration in towns having not less than 500 nor more than 2,000 voters.

Sec. 43. Registration in towns having under 1,000 voters.—In every town having less than 1,000 voters, the municipal officers shall be in session on the day of 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. (R. S. c. 3, § 42. 1955, c. 47, § 2.)

Effect of amendment.—Prior to the 1955 amendment this section provided for registration in towns having under 500 voters.

Chapter 4.

Caucuses. Primaries. State Conventions.

Political Caucuses.

Sec. 12. Exceptions.—The provisions of the preceding sections shall not apply to towns or cities wherein the calling and holding of caucuses is regulated by special law. (R. S. c. 4, § 12. 1953, c. 365, § 7. 1955, c. 343, § 2.)

Effect of amendment.—The 1955 amendment deleted the figure 9 before the word "preceding" near the beginning of the section, and substituted the word "or" for the words "of less than 2,000 inhabitants, nor to" near the middle of the section.