

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

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.

Nominations by Primary Elections. State Conventions. Town Committees.

Sec. 16. State convention; powers; organization of committees; vacancies.—Not more than 90 days before or not more than 30 days after the 3rd Monday in June of each year in which a biennial state election is to be held, each political party shall hold a state convention with such basis of representation and at such time and place and with such requisites as to call and notice therefor as the state committee of each such political party may determine. At any such state convention the political party so represented shall formulate and adopt its declaration of principles, or platform, for the state election then next ensuing, nominate as many presidential electors as the state is entitled to, elect a state committee, a district committee for each congressional district, and a county committee for each county, severally of such number and to be elected in such manner as the convention may determine. The chairman and the secretary shall thereupon forthwith certify to the secretary of state the platform so adopted and the names and residences of the members of the committees so elected. Each of such committees shall thereafterwards, as soon as reasonably practicable, organize by the choice of a chairman and a secretary and shall certify such organization to the secretary of state; they may elect all other officers deemed needful, hold office until their next state convention hereunder, and perform such duties as may be imposed upon them by their respective state conventions. The chairman and vice-chairman of the state convention may be chosen from within or without the membership of the state committee. All vacancies for unexpired terms shall be filled by the county committee of the county wherein such vacancy occurs, and due certificate thereof shall be made to the secretary of state. All vacancies in the number of presidential electors shall be filled by the state committee. All such state conventions may transact such other business as shall not be inconsistent with the provisions of this chapter. (R. S. c. 4, § 16. 1949, c. 90, §§ 1, 2. 1955, c. 349. 1957, c. 251, §§ 1, 2.)

Effect of amendments. — The 1955 amendment inserted the fifth sentence. The 1957 amendment substituted “not more than 90 days before or not more than 30 days after” for “not less than 60 nor more than 90 days before” at the beginning of

the first sentence and made the fifth sentence, as inserted in 1955, applicable also to the vice-chairman and deleted from such sentence a former provision as to time of choosing the chairman.

Sec. 18-A. Members of county committees.—All members of county committees elected as provided in section 16 shall be nominated at caucuses called and held in the several municipalities of each county. (1955. c. 343, § 1.)

Sec. 34. Acceptance of nominee to be filed.—Every candidate so nominated and notified shall, within 7 days after the receipt of notification, send or deliver to the secretary of state the following acceptance:

“To the Secretary of State:
I, _____, of _____, hereby accept the (political party) nomination to the office of _____, made at the primary election June _____, 19____.”

The name of any candidate failing to file such acceptance shall not be printed upon the official ballot to be used at the state election, and failure to file such acceptance within said 7 days shall be deemed to be a refusal of the nomination. (R. S. c. 4, § 33. 1951, c. 348, § 3. 1955, c. 47, § 3.)

Effect of amendment.—The 1955 amendment inserted the words “political party” in parentheses in the form of acceptance.

Sec. 35. Return of contributions and expenditures; false statements; limitations of miscellaneous expenditures.—Every candidate in any primary election shall send to the secretary of state within 15 days after said primary election the following return:

“RETURN OF CONTRIBUTIONS AND EXPENDITURES

To the Secretary of State:

“I, _____, of _____, candidate for the office of _____, at the primary election held on June _____, 19____, say that the following is a true and perfect return of all contributions received by me or promised to me, and expenditures made by me, or liabilities incurred by me for any purpose whatever in connection with my said campaign, before, at or since said primary election.

CONTRIBUTIONS RECEIVED OR PROMISED

Names of persons, firms, associations, committees, organizations and corporations from whom contributions have been received or promised.

Amounts—Money or Property

Table with 2 columns: Description of contributions/expenditures and Amounts (Money or Property). Includes rows for Total, Printing, Clerk hire, Newspaper advertising, Radio advertising, Television, Hall rent, Soliciting agents, Postage, Telephones and telegrams, Stationery, Express, Traveling expenses, Hotel bills, Transporting voters, and Miscellaneous.

Of the above, the following are itemized:

PRINTING

Table with 3 columns: Name, Date, Amount. Includes a note: (The subdivisions of clerk hire, newspaper advertising, radio advertising, television, hall rent, soliciting agents, telephones and telegrams, stationery, express, traveling expenses, hotel bills and transporting voters shall follow the foregoing form.)

MISCELLANEOUS

Table with 4 columns: Name, Date, Amount, Purpose. Includes text: I further say that no person, firm, association, committee, organization or corporation has with my knowledge or consent paid any sum, or incurred any liability, other than such as are included in reports filed with the Secretary of State as required in section 38 of chapter 4 of the revised statutes, to procure, or to aid in procuring, my nomination.

Dated _____ A.D. 19 ____
Whoever willfully makes a false statement in such return shall be punished by imprisonment for not more than 10 years. No expenditures shall be so made, or liabilities be so incurred, except for the purposes named in such return. The subdivision “Miscellaneous” shall not exceed 10% of the total amount expended and

shall include no items not legitimate under the provisions of sections 1 to 9, inclusive, of chapter 9; subsections IV and V of section 4 of chapter 9, as applied to primary elections are to be construed as if reading as follows: "IV. Of renting and furnishing rooms to be used by candidates or their political agents, and for the reasonable entertainment and refreshment exclusive of alcoholic beverages, of political agents;" "V. Of compensating clerks and other persons employed in candidates' rooms and at the polls." Political agents of candidates appointed under the provisions of said sections, persons, firms, associations, committees, organizations and corporations on behalf of any candidate or for the purpose of aiding the candidacy of any person shall, within 15 days after the date of the primary election, make to the secretary of state the return required by this section of candidates, and the form of the return shall be varied accordingly. Any political agent, person, firm, association, committee, organization and corporation on behalf of any candidate or for the purpose of aiding the candidacy of any person failing to make return within the time required shall be punished by a fine of \$25 for each day he is in default, unless he shall be excused by the court, but such failure shall not avoid nor affect the nomination of the candidate. Any candidate who expends less than \$100 is not required to itemize the return as required by this section and section 38. The returns aforesaid shall be open to public inspection for 1 year and then be destroyed. (R. S. c. 4, § 34. 1951, c. 348, § 4. 1953, c. 365, § 8. 1955, c. 345, § 1.)

Effect of amendment.—The 1955 amendment rewrote this section, making it applicable to contributions as well as expenditures, revising the return, and making other changes.

Sec. 38. Contributions and expenditures for another to be reported; publication of reports.—It shall be unlawful for any candidate or for any person, firm, association, committee, organization or corporation on behalf of a candidate or for the purpose of aiding the candidacy of any person, to accept any contributions, received or promised, or to make any expenditure or incur any liability, either for printing, publication, postage, clerk hire, newspaper advertising, renting of halls or other places, soliciting agents, transporting voters, radio advertising, television, telephones and telegrams, stationery, express, traveling expense, hotel bill, or any other act or thing calculated to induce or procure any person or persons to vote for any candidate for office in a primary election unless on the dates hereinafter set forth next ensuing after the receiving of any such contribution or the making of any such expenditure or the incurring of any such liability such candidate, person, firm, association, committee, organization or corporation shall report the same to the secretary of state setting forth in detail the nature and amount of the contributions, received or promised or expenditure made or liability incurred with the name of the candidate, his address, the election district and the office in question. For such contributions as are received or promised or expenditures as are made and such liabilities as are incurred during the period prior to the 30 days next preceding any such election, such report shall be made by all candidates for office to be voted for in the state as a whole, or in any congressional district, on the 1st day of each month next after such contribution is received or promised or such expenditure is made or such liability is incurred, and thereafter such a report shall be made each week, such weekly reports to be made so as to reach the office of the secretary of state not later than 10 o'clock in the forenoon of Wednesday in each week. In the case of candidates for representatives to the legislature, or for any county office including state senators, such candidate shall make one report 30 days prior to the date of the election and a 2nd report which shall reach the office of the secretary of state not later than 10 o'clock in the forenoon of the Wednesday next preceding such election.

The secretary of state shall, 15 days before the date of any such election, publish in all the daily and weekly papers in the state a statement setting forth the contributions received or promised and the total expenditures made in accordance with the information filed with him under the terms of the foregoing paragraph

by every candidate, person, firm, association, committee, organization or corporation reporting, giving for each office a list of the parties receiving such contributions and making such expenditures and the amounts thereof. The secretary of state shall revise and republish such figures in the daily papers of the state on the Saturday immediately preceding the day of any such primary election.

Such publications shall in the weekly papers be limited to those candidates whose names are to appear on the primary ballots used within the county where each such paper is published.

Any candidate, person, firm, association, committee, organization or corporation which shall expend any money or incur any liability without reporting it as above provided, or who subsequent to the filing of such last report of primary election expenses shall expend for any purpose aforesaid more than the amount or amounts set forth in such final report, or who willfully makes a false statement in such return, or willfully fails to file such return, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 11 months.

Any candidate failing to make return within the time required shall be assessed a fine of not more than \$5 for each day he is in default by the legislative committee appointed under the provisions of section 44, unless he shall be excused by said committee. If such assessment is not paid at the order of said committee, the candidate shall be disqualified and his name shall not be printed upon an official ballot used at any special or general election held during the same calendar year. Any candidate aggrieved by the decision of the committee not to print his name upon said official ballot may, within 5 days after notification of said decision, appeal to any justice of the superior court, by presenting to him a petition therefor, in term time or vacation. Such justice shall forthwith fix a time and place for immediate hearing, which may be in vacation, and cause notice thereof to be given to the committee; and after hearing, such justice may, within 10 days after presentation of the petition for appeal, affirm, modify or reverse the decision of the committee and the decision of such justice shall be final. (R. S. c. 4, § 37. 1951, c. 348, § 5. 1953, c. 365, § 10. 1955, c. 345, § 2.)

Effect of amendment.—The 1955 amendment made this section applicable to contributions as well as to expenditures. It also substituted "Saturday" for "Friday" in the last sentence of the second paragraph, deleted the words "in excess of \$5"

after the word "liability" near the beginning of the fourth paragraph, inserted in the fourth paragraph the words "or who willfully makes a false statement in such return, or willfully fails to file such return," and added the last paragraph.

Sec. 44. Legislative committee to investigate.—Before the adjournment of the legislature biennially, it shall be the duty of the president of the senate to name 2 members on the part of the senate, and of the speaker of the house to name 3 members on the part of the house, to serve as a special committee to investigate the contributions received or promised, expenditures made and liabilities incurred by and on behalf of candidates seeking nomination to elective office and such committee shall meet in Augusta on the Thursday preceding the primary election, at which time they shall make a preliminary investigation of all returns of contributions and expenditures and within 21 days after the primary election, the committee shall again meet in Augusta, at which time they shall examine the final returns of contributions and expenditures made under the provisions of this chapter. The members of said committee shall receive as compensation \$10 a day for as many days as are necessarily employed in the discharge of their official duty and reimbursement for all necessary expenses, including travel at the same rate as members of the legislature receive.

(1955, c. 345, § 3.)

Effect of amendment.—The 1955 amendment extended the scope of the investigation provided for in the first paragraph to contributions. It also substituted the fig-

ure 21 for the figure 10 near the middle of the first paragraph. As the second and third paragraphs were not changed by the amendment, they are not set out.

Sec. 46. Vacancies, how filled.—In case any duly nominated candidate, except a candidate for United States senate, governor or representative to congress, shall die before the day of the election at which such office is to be filled, or shall withdraw in writing, or shall forfeit his nomination by failure to accept or to file a return, as provided in sections 34 and 35, then the vacancy may be supplied by the regularly elected county, city, town, plantation or representative class committee as the case may be of the political party of such nominee. In case a vacancy occurs in any office except that of United States senator, governor or representative to congress which is to be filled at the next biennial state election for which no nomination has been made at the primary election held on the 3rd Monday in June of the same year, nominations shall be made as provided in this section. When such a vacancy occurs, the governor shall, by proclamation, declare such fact and fix a date and place for the meeting of the appropriate committees. Certificates for supplying the vacancy and the manner of placing the name of the nominee upon the ballots shall conform to the provisions of section 56. (R. S. c. 4, § 45. 1949, c. 300. 1955, c. 47, § 4.)

Effect of amendment.—The 1955 amendment inserted the words “and place” in the next to the last sentence.

Nomination of Candidates Not Included in the Primary.

Sec. 54. Filing of certificates of nomination and nomination papers.—Petitions filed in accordance with section 52 for the nomination of candidates for United States senate, representatives to congress, state and county officers and representatives to the legislature shall be filed with the secretary of state on or before the 10th day of July of each year in which a biennial election is held, and for candidates for electors of president and vice-president on or before the 10th day of September in each year when a presidential election is held. Such certificates and papers for the nomination of candidates for the office of mayor and all other offices in cities shall be filed with the city clerks of the respective cities at least 14 days, exclusive of Sundays, previous to the day of election. Such certificates and papers for the nomination of candidates to be voted for at any special election to be held for choice of United States senators, representatives to congress or members of the legislature shall be filed with the secretary of state at least 14 days, exclusive of Sundays, previous to the day of election. Whenever state, county, city or town committees are required by law to nominate candidates for public office, a certificate as provided in section 57 shall be filed with the secretary of state at least 5 days following such nomination. With nomination papers and certificates shall also be filed the consent in writing of the person nominated. (R. S. c. 4, § 55. 1953, c. 365, § 14. 1955, c. 47, § 5.)

Effect of amendment.—The 1955 amendment inserted the next to the last sentence.

Chapter 5.

Elections. Congressional Districts. Presidential Electors.

Section 65-A. Indian Island Voting District.
 Section 65-B. Peter Dana Point Voting District.
 Section 65-C. Pleasant Point Voting District.

Preparation and Distribution of Ballots.

Sec. 1. Terms defined.

Cited in Opinion of the Justices, 152
 Me. 212.