

MAINE STATE LEGISLATURE

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NINTH REVISION
REVISED STATUTES
OF THE
STATE OF MAINE
1954

FIRST ANNOTATED REVISION
Effective December 31, 1954

IN FIVE VOLUMES
VOLUME 1



THE MICHEL COMPANY
CHARLOTTESVILLE, VIRGINIA

Chapter 9.

Corrupt Practices.

Cross Reference.—See Me. Const. Art. 9, § 13, re bribery, etc.

Sec. 1. Application to caucuses, primaries and elections.—The provisions of this section and the 7 following sections shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of chapter 5, and to the election of all officers to be voted for by the legislature or either branch thereof, the board of aldermen, municipal officers, common council or city council of any city, to all caucuses and primary elections preliminary to any such other elections and to all candidates to be voted for at such elections, caucuses and primary elections. The term “caucuses and primary elections” shall include:

- I. All meetings held to nominate a candidate for office or to elect delegates to a nominating convention;
- II. Nominating conventions of such delegates; and
- III. Caucuses of members of the legislature or either branch thereof, of the board of aldermen, common council or city council of any city. (R. S. c. 8, § 1.)

Sec. 2. Definitions; appointment of treasurer or political agent to be filed with secretary of state.—The term “political committee” shall include every committee or combination of three or more persons to aid or promote the success or defeat of any political party or principal in any such election, or to aid or take part in the nomination or election of any candidate for public office.

The term “treasurer” shall include all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principal or candidate.

The term “political agent” shall include all persons appointed by any candidate before any such election, caucus or primary election to assist him in his candidacy.

No person shall act as any such treasurer or political agent unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer or political agent shall be filed with the secretary of state, except that, in case the duties of such treasurer or political agent shall relate to any city, ward or town election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the clerk of the municipality within which such candidate resides instead of with the secretary of state. The treasurer of a representative-class committee shall file such writing with the town clerk of the town within which he resides. Every such writing shall designate the particular period, election, caucus or primary election during which such treasurership or political agency shall continue. The treasurer or political agent of any organization or candidate may be the treasurer or political agent of any other organization or candidate, and any candidate for public office may designate himself as his own political agent. (R. S. c. 8, § 2.)

Sec. 3. Contribution of money for election or nomination purposes regulated.—Any person nominated as a candidate for public office, or a candidate for such nomination, may make a voluntary payment of money to any treasurer or political agent for any of the purposes permitted by this chapter; provided, however, that no person other than such candidate shall, to aid or promote the success or defeat of any political party or principal, or of any candidate for public office, within 6 months prior to any such election, make a contribution of money or property to any person other than to a treasurer or political agent. Nothing contained herein shall limit or affect the right of any person to expend

money for proper legal expenses in maintaining or contesting the result of any such election. (R. S. c. 8, § 3.)

Sec. 4. Treasurer or political agent may pay certain expenses.—Subject to the foregoing limitations, it shall be lawful for any treasurer or political agent, in connection with any election, caucus or primary election to pay the following expenses:

- I. Of hiring public halls and music for conventions, public meetings and public primaries, and for advertising the same by posters or otherwise;
- II. Of printing and circulating political newspapers, pamphlets and books;
- III. Of printing and distributing ballots and posters;
- IV. Of renting and furnishing rooms to be used by political committees, and for the reasonable entertainment and refreshment, exclusive of alcoholic beverages, of the members of such committees;
- V. Of compensating clerks and other persons employed in committee rooms and at the polls;
- VI. Of traveling expenses of political agents, committees and public speakers, and reasonable compensation to public speakers;
- VII. Of radio and television; (1953, c. 365, § 22)
- VIII. Of necessary postage, telegrams, telephones, printing, newspaper advertising, express and conveyance charges. The term "conveyance charges" shall include the conveyance of electors to the polls.

No treasurer or political agent shall incur any expense for any purpose not authorized by this section. (R. S. c. 8, § 4. 1953, c. 365, § 22.)

See c. 4, § 35, re application to primary elections.

Sec. 5. Treasurer or political agent to file statement of money expended or promised.—Within 15 days after any such election, every treasurer and every political agent shall file an itemized sworn statement with the officer with whom his designation was filed as aforesaid, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received or by whom it was promised, the amount of every expenditure made or liability incurred, other than the actual personal expenses of candidates for postage, telegrams, telephones, stationery, express and traveling, which need not be returned, the name of the person to whom such expenditure or promise was made, and shall clearly state the purpose for which such money or property was so expended or promised. Any treasurer or political agent who shall fail to file such a statement 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. This section shall not apply to primary elections held under the provisions of sections 15 to 51 of chapter 4, nor shall it apply to candidates who are their own political agents, the return required of such candidates under the provisions of the following section being sufficient. (R. S. c. 8, § 5.)

Sec. 6. After election candidates to file statement of contributions and expenses.—Every candidate for public office shall, within 15 days after the election at which he was a candidate, file with the secretary of state, if a candidate for United States senator, representative in congress, or for any state or county office, state senator or representative in the legislature, but with the clerk of the municipality in which he resides, if he was a candidate for a city, ward or town office, an itemized, sworn statement setting forth in detail all the moneys

contributed, expended or promised by him to aid and promote his nomination or election, or both, as the case may be, and all existing unfulfilled promises, or liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises and liabilities were made or incurred before, during or after such election. If no money or other valuable thing was given, paid, expended, contributed or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, other than said actual personal expenses, he shall file a statement to that effect within 15 days after the election at which he was a candidate. Any candidate who shall fail to file such a statement shall be punished by a fine of \$25 for every day he is in default, unless he shall be excused by the court. Fifteen days after any such election, the secretary of state or the clerk of the municipality, as the case may be, shall notify the proper prosecuting officer of any failure to file such statement on the part of any candidate, and within 10 days thereafter such prosecuting officer shall proceed to prosecute such candidate for such offense. This section shall not apply to primary elections held under the provisions of sections 15 to 51 of chapter 4. No person elected to any office established by the constitution or laws of this state shall receive any salary or emolument for the period during which he shall have failed to file such statement. (R. S. c. 8, § 6.)

Sec. 7. Statements to be preserved and open to inspection. — All statements filed in accordance with the provisions of the 2 preceding sections shall be preserved for 15 months after the election to which they relate, and shall, during that period, be open to public inspection. The secretary of state shall, at the expense of the state, provide every city and town clerk with blank forms suitable for the statements required to be returned to him. (R. S. c. 8, § 7.)

Sec. 8. Persons who shall be deemed guilty of corrupt practices. — The following persons shall be deemed to be guilty of corrupt practices and shall be punished by a fine of not less than \$50, nor more than \$2,000, or by imprisonment for not less than 30 days, nor more than 2 years, or by both such fine and imprisonment:

I. Every person who shall directly or indirectly receive, accept, request or solicit from any person, committee, association, organization or corporation any money, gift, advantage, preferment, aid, emolument or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus or primary election;

II. Every person, who, in consideration of any money, gift, advantage, preferment, aid, emolument or any valuable thing whatsoever, paid, received, accepted or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus or primary election;

III. Every person, other than political committees, treasurers and political agents, as defined in section 2, who shall solicit from any candidate for the office of elector of president and vice-president of the United States, of United States senator, or representative in congress, or of any state, county, town, city or ward office, any money, gift, contribution, emolument or other valuable thing for the purpose of using the same for the support, assistance, benefit or expenses of any club, company or organization, or for the purpose of defraying the cost or expenses of any political campaign or election; and this subsection shall not be construed to permit political agents of candidates for the legislature to solicit contributions from candidates for the office of United States senator;

IV. Every person who shall, directly or indirectly, pay, give, contribute or

promise any money or other valuable thing to defray or towards defraying the cost or expense of any campaign or election to any person, committee, company, club, organization or association other than to a treasurer or political agent; but this subsection shall not apply to the actual personal expenses for postage, telegrams, telephones, stationery, express or traveling incurred by any candidate for office or for nomination thereto;

V. Every person who, in order to secure or promote his own nomination or election as a candidate for public office, shall, directly or indirectly, promise to appoint or promise to secure or assist in securing the appointment, nomination or election of any other person to any public position, or to any position of honor, trust or emolument; provided, however, that any person may publicly announce his own choice or purpose in relation to any appointment, nomination or election in which he may be called to take part, if he shall be nominated for or elected to any public office;

VI. Every person who shall, directly or indirectly by himself or through another person, make a payment or promise of payment to a treasurer or political agent, in any other name than his own, and every treasurer or political agent who shall knowingly receive a payment or promise of payment, or enter or cause the same to be entered in his accounts, in any other name than that of the person by whom such payment or promise of payment is made. (R. S. c. 8, § 8.)

Section cited in Curtis v. Cornish, 109 Maine 384, 84 A. 799.

Sec. 9. Political advertisements to be signed.—Whoever writes, prints, posts or distributes, or causes to be written, printed, posted or distributed a circular, poster or advertisement which is designed to promote the nomination or election of a candidate for public office or to injure or defeat the nomination or election of any candidate for public office, or to influence the voters on any constitutional amendment or any other question submitted to the voters, or to influence the vote of any member of the legislature, unless there appears upon such circular or poster or advertisement, in a conspicuous place, either the name of the chairman or secretary or of 2 officers of the organization issuing the same, or of the person who is responsible therefor, with his name and address, shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100, or by imprisonment for not more than 30 days, or by both such fine and imprisonment. Provided that nothing in this section shall apply to the editorial or news articles of any magazine or newspaper when the same is not a political advertisement, nor to cards, posters, lithographs or circulars issued by a candidate advertising his own candidacy. (R. S. c. 8, § 9.)