

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

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decline to execute the certificate, they shall forthwith mail to the applicant at his address as stated on his application written notice to that effect, giving their reasons for so declining and informing him that his ballot will not be counted. They shall preserve the application until the time set by law for the destruction of ballots cast in the coming election, at which time the application shall also be destroyed. The clerk shall cause to be placed on the voting list, opposite the name of each person to whom an official absent voting ballot or physical incapacity voting ballot is mailed or delivered, the letters in capitals A. V. (1947, c. 146, § 2. 1951, c. 348, § 9. 1953, c. 308, § 5. 1957, c. 132, § 2.)

Effect of amendment. — The 1957 amendment inserted the second sentence of this section.

Certificates executed by only one official.—As to counting absentee ballots in voting precincts in which the certificates

required to be executed upon the application by officials, pursuant to this section, are executed only by one such official, see Opinion of the Justices, 152 Me. 219, 130 A. (2d) 526.

Sec. 11. Procedure to be employed by election officials at polls, in respect to absent voting ballots or physical incapacity voting ballots.

Preservation of applications and envelopes.—As to counting absentee ballots in voting precincts in which the absentee applications and envelopes were not in the

box delivered to the secretary of state containing the ballots cast in such precinct, see Opinion of the Justices, 152 Me. 219, 130 A. (2d) 526.

Sec. 12. Challenge of absent voting ballots, procedure; penalty.

Cited in Opinion of the Justices, 152 Me. 219, 130 A. (2d) 526.

Chapter 9.

Corrupt Practices.

Sec. 1. Application to caucuses, primaries and elections.—The provisions of sections 1 to 7, inclusive, 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:

(1957, c. 397, § 1.)

Effect of amendment. — The 1957 amendment substituted "sections 1 to 7, inclusive" for "this section and the 7 following sections" in the first sentence.

As only the introductory paragraph was changed by the amendment, the rest of the section is not set out.

Sec. 2. Definitions; appointment of treasurer or political agent to be filed with secretary of state.

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. (R. S. c. 8, § 2, 1955, c. 345, § 4.)

Effect of amendment.—The 1955 amendment deleted the words “and any candidate for public office may designate himself as his own political agent” at the end of the last sentence. As only the last paragraph of the section was changed by the amendment, the first, second and third paragraphs are not set out.

Sec. 3. Repealed by Public Laws 1955, c. 345, § 5.

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

(1957, c. 397, § 2.)

Effect of amendment. — The 1957 amendment deleted “Subject to the following limitations” which formerly appeared at the beginning of the introductory paragraph. As the rest of the section was not changed by the amendment, only the introductory paragraph is set out.

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, inclusive, of chapter 4, nor shall it apply to candidates, the return required of such candidates under the provisions of section 6 being sufficient. (R. S. c. 8, § 5, 1957, c. 397, § 3.)

Effect of amendment. — The 1957 amendment inserted the word “inclusive”, “the following sections”, all in the last deleted “who are their own political agents” and substituted “section 6” for “the following sections”, all in the last sentence of the section.

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 mayor, alderman and councilman to be elected by the registered voters of the entire city, provided the city is one of 10,000 inhabitants or over, 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. 1955, c. 429, § 1. 1957, c. 167.)

Effect of amendments.—The 1955 amendment substituted the words “for a municipal office to be elected by the registered voters of the entire city, provided the city is one of 10,000 inhabitants or over” for the words “for a city, ward or town office” near the middle of the first sentence. The 1957 amendment substituted “mayor, alderman and councilman” for the words “municipal office” in the clause inserted in the first sentence by the 1955 amendment.

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 clerk of every city of over 10,000 inhabitants shall provide blank forms suitable for the statements required to be returned to him. (R. S. c. 8, § 7. 1955, c. 429, § 2.)

Effect of amendment.—The 1955 amendment rewrote the second sentence.

Chapter 10.

Legislature. Legislative Research Committee. Commission on Interstate Cooperation.

Section 21-A. Rules and Regulations.

Section 33-A. Commission on Uniform State Laws.

Organization of the Legislature.

Sec. 2. Salary and travel of members of the legislature and representatives of Indian tribes.—Each member of the senate and house of representatives shall receive \$1,600 for the regular session of the legislature, and shall be paid for travel at each legislative session once each week at the rate of 5¢ per mile to and from his place of abode, the mileage to be determined by the most reasonable direct route. He is entitled to mileage on the first day of the session, and such amounts of his salary and at such times as the legislature may determine during the session, and the balance at the end thereof. Two dollars shall be deducted from the pay of every member for each day that he is absent from his duties, without being excused by the house to which he belongs.

The president of the senate and speaker of the house of representatives shall each receive \$1,850 for each regular session of the legislature, with the same mileage as other members, and subject to the same deductions in case of each absence. Any member acting as president pro tempore of the senate, or speaker pro tempore of the house, shall receive \$2 a day extra therefor.

The member of the Indian tribe elected by it to represent the tribe at the biennial assembly of the legislature shall receive a compensation of \$250 for such attendance. (1955, c. 478, § 1. 1957, c. 1, § 1; c. 414, § 1. 1959, c. 225; c. 373, §§ 1, 2.)

Effect of amendments.—The 1955 amendment, effective on the first Wednesday of January, 1957, increased the salary of members of the senate and house from

\$1,000 to \$1,250 and the salaries of the president of the senate and the speaker of the house from \$1,150 to \$1,500.

The first 1957 amendment, retroactive in