

MAINE STATE LEGISLATURE

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Maine
REVISED STATUTES
1964

*Prepared Under the Supervision
of the
Committee on Revision of Statutes*

Being the Tenth Revision of the
Revised Statutes of the State
of Maine, 1964

Volume 4
Titles 21 to 25



Boston, Mass.
Boston Law Book Co.

Orford, N. H.
Equity Publishing Corporation

St. Paul, Minn.
West Publishing Co.

Text of Revised Statutes
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TITLE 21

ELECTIONS

Chap.	Sec.
1. Definitions and Construction	1
3. Registration of Voters	41
5. Voting List and General Register	171
7. Eligibility of Voters	241
9. New Residents in Presidential Elections	281
11. Municipal Caucus	361
13. Conventions	401
15. Nomination by Primary Election	441
17. Nomination by Petition	491
19. Election Officials	531
21. Duties and Procedures Before Election Day	571
23. Duties and Procedures on Election Day	801
25. Voting Machines	1031
27. Duties and Procedures After Election	1091
29. Absentee Voting	1251
31. Voting by Members of the Armed Forces	1301
33. Initiative and Referendum	1351
35. Campaign Reports and Finances	1391
37. Vacancies	1441
39. Miscellaneous Provisions	1571
41. Special Provisions for the Indian Voting Districts	1621

CHAPTER 1

DEFINITIONS AND CONSTRUCTION

Sec.
1. Definitions.
2. Construction.
3. Date falling on holiday.
4. Town clerk to perform ward clerk's duties.
5. Application to plantations.

§ 1. Definitions

The listed terms as used in this Title are defined as follows, unless a different meaning is plainly required by the context:

1. Absentee voter. "Absentee voter" means a person who is unable to cast his ballot in the municipality in which he is registered to vote, for one of the following reasons: Absence from the municipality during the time the polls are open on election day; physical incapacity not adversely affecting his soundness of mind; religious belief which prohibits his doing so; and unreasonable distance from the polls, if he is a resident of a township. A person who is serving a sentence in a jail or penal institution is not an absentee voter.

2. Any election. "Any election" includes primary and general elections and referenda, whether regular or special.

3. Ballot label. "Ballot label" means that portion of the cardboard, paper or other material to be placed within the ballot frames of a voting machine containing the items required of a paper ballot.

4. Business day. "Business day" means any day of the calendar year other than a Saturday, Sunday or legal holiday.

5. Caucus. "Caucus" means a meeting of a political party or committee.

6. Check list. "Check list" means a voting list which has been used at an election at which check marks were placed on it showing who voted.

7. Clerk. "Clerk" means the clerk of a municipality.

8. County office. "County office" means the office of judge of probate, register of probate, clerk of courts, county treasurer, register of deeds, sheriff, county attorney and county commissioner.

9. Distinguishing mark. "Distinguishing mark" means a mark on a ballot of a type or in a place not specifically permitted by this Title, indicating the apparent intent of the voter to make his ballot distinguishable.

10. Electoral division. "Electoral division" means an area set off for election purposes. It may include the entire State.

11. Election official. "Election official" includes a warden, ward clerk and election clerk.

12. Election year. “Election year” means the calendar year within which a particular election is held.

13. Enroll. “Enroll” means to enlist as a member of a political party.

14. General election. “General election” means the regular election of state and county officials occurring biennially in November.

15. Major party. “Major party” means a political party polling the greatest or the next greatest number of votes cast for Governor at the last gubernatorial election.

16. Members of the armed forces. “Members of the armed forces” include the Army, Navy, Air Force, Marine Corps, Coast Guard, their spouses and dependents, members of the Merchant Marine of the United States, except those employed in the inland waterways, their spouses and dependents, civilian employees of the United States serving outside the territorial limits of the several states and the District of Columbia, whether or not paid from appropriated federal funds, and their spouses and dependents when accompanying them, and members of religious groups and welfare agencies serving with or accompanying the armed forces and their spouses and dependents.

1961, c. 408, § 1-B; 1963, c. 78, § 1.

17. Minor party. “Minor party” means a political party other than a major party.

18. Municipal committee. “Municipal committee” refers to a town, ward or city committee of a political party.

19. Municipal officers. “Municipal officers” means the mayor and aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation.

20. Municipality. “Municipality” includes a city, town or plantation.

21. Party. “Party” refers to a political party which polled at least 1% of the total vote for Governor cast in the State at the last gubernatorial election.

22. Pauper. “Pauper” means a person who has been directly or indirectly furnished supplies by a municipality within 3 months of any election at which he seeks to vote; except that this definition shall not apply to a veteran, a recipient of old age assistance, aid to the blind, aid to the disabled or to a relative

with whom a recipient of aid to dependent children is living as provided in Title 22, section 3743. The fact that money for the payment of wages of a person employed by a municipality is derived from relief funds does not give that person the status of a pauper.

1963, c. 78, § 2.

23. Peace officer. "Peace officer" means state police officer, local police officer, sheriff, deputy sheriff or constable.

24. Political committee. "Political committee" means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle.

25. Population. "Population" refers to the population determined by the last decennial census of the United States.

26. Primary election. "Primary election" means the regular election by the voters of a particular party for the election of nominees for the general election.

27. Protective counter. "Protective counter" means a separate counter built into a voting machine which records the total number of movements of the operating lever, and which cannot be reset.

28. Public official. "Public official" means a person elected or appointed to serve the people.

29. Public record. "Public record" means a record open to public inspection during usual business hours under proper protection regulations made by the person charged with its custody.

30. Question. "Question" means any proposition submitted to the voters.

31. Referendum. "Referendum" means an election for the determination of a question.

32. Register. "Register" means to enlist as a voter.

33. Registrar. "Registrar" means the registrar of voters of a municipality.

34. Regular election. "Regular election" means an election or referendum held at a regular time prescribed by statute.

35. Resident and residence. "Resident" and "residence" refer to domicile.

36. Special election. “Special election” means an election other than a regular election.

37. State office. “State office” means the office of United States Senator, Governor, Representative to Congress, State Senator, Representative to the State Legislature and Presidential Elector.

38. Street address. “Street address” means the street and number or other designation indicating the location of a person’s dwelling place.

39. Township. “Township” means unorganized territory.

40. Treasurer. “Treasurer” means a person appointed by a candidate or a political committee to accept or disburse money to promote or defeat a candidate, party or principle. A person who collects money to be transferred to the treasurer of a candidate or committee is not himself a treasurer.

41. Voter. “Voter” means a person registered to vote.

42. Voting district. “Voting district” means an area set off from another in the same municipality for voting purposes. It includes wards and precincts. In a municipality which has only one voting place, it means the entire municipality.

43. Voting place. “Voting place” means the building in which ballots are cast at an election.

44. Warden. “Warden” means the presiding officer at a voting place.

45. Write-in candidate. “Write-in candidate” means a person whose name does not appear on the ballot under the office designation to which a voter may wish to elect him.

1961, c. 360, § 1; c. 408, §§ 1-A, 1-B; 1963, c. 78, §§ 1, 2.

§ 2. Construction

The following rules of construction apply to this Title:

1. Division titles. Arabic numerals refer to sections and subsections. Capital letters refer to paragraphs. Arabic numerals in parentheses refer to subparagraphs.

1961, c. 417, § 3.

2. Use of words. “Shall” and “must” are used in a mandatory sense. “May” indicates authority and permission. “May

not" indicates a lack of authority or permission. "Shall not" indicates a negative duty.

3. Ministerial act. Where this Title requires the performance of a duty by an official, he may delegate the duty to another under his supervision, if it is ministerial.

1961, c. 360, § 1; c. 417, § 3.

§ 3. Date falling on holiday

When the date on which an act must be performed or an event must take place falls on a Saturday, Sunday or legal holiday, the act shall be performed or the event shall take place on the next following business day.

1961, c. 360, § 1.

§ 4. Town clerk to perform ward clerk's duties

In a town, the clerk shall perform the duties prescribed for the ward clerk of a city so far as applicable to an election in the town.

1961, c. 360, § 1.

§ 5. Application to plantations

The provisions of this Title pertaining to towns apply equally to plantations.

1961, c. 360, § 1.