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CHAPTER 207

TOWN MEETINGS AND ELECTIONS

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§ 2051. Call of town meeting

Each town meeting shall be called by a warrant. The warrant shall be signed by a majority of the selectmen, except as follows:

1. First town meeting. The first town meeting shall be called in the manner provided in the act of incorporation.

2. Majority of selectmen. If, for any reason, a majority of the selectmen do not remain in office, a majority of those remaining may call a town meeting.

3. Petition of 3 voters, if no selectmen. When a town, once organized, is without selectmen, a meeting may be called by a justice of the peace in the county on the written petition of any 3 voters.

4. Petition by voters, if selectmen refuse. If the selectmen unreasonably refuse to call a town meeting, it may be called by a justice of the peace in the county on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10. (1957, c. 178.)

R.S.1954, c. 91, §§ 2-4, 41; 1957, c. 178; c. 405, §§ 1, 23.

§ 2052. Warrant

The warrant for calling any town meeting shall meet the following requirements:

1. Time and place. It shall specify the time and place of the meeting.

2. Business to be acted upon. It shall state in distinct articles the business to be acted upon at the meeting, and no other business may be acted upon.

3. Notification. It shall be directed to a town constable, or to any resident by name, ordering him to notify all voters to assemble at the time and place appointed.

4. Attested copy posted. An attested copy shall be posted by the person to whom it is directed in some conspicuous, public place in the town at least 7 days before the meeting, unless the town has adopted a different method of notification.

5. Return on warrant. The person who notifies the meeting shall make his return on the warrant stating the manner of notice and the time when it was given.

R.S.1954, c. 91, §§ 5-7; 1957, c. 405, § 1.

§ 2053. Petition for article in warrant

On the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the selectmen shall insert a particular article in the next warrant issued or shall call a special meeting for its consideration.

R.S.1954, c. 91, § 4; 1957, c. 178; c. 405, §§ 1, 23.

§ 2054. General town meeting provisions

The following provisions apply to all town meetings:

1. Qualified voter. Each person qualified to vote for Governor in the town in which he resides may vote in the election of all town officials and in all town affairs.

2. Moderator elected and sworn. The clerk, or in his absence a selectman or constable, shall open the meeting by calling for the election of a moderator, receiving and counting the votes for moderator, and swearing in the moderator.

3. Moderator presides. As soon as he has been elected and sworn, the moderator shall preside at the meeting.

A. A person may not speak before he is recognized by the moderator and all shall be silent at his command.

(1) If any person, after a command for order by the moderator, persists in conducting himself in a disorderly manner, the moderator may direct him to leave the meeting. If he refuses to leave, the moderator may have him removed by a constable and confined until the meeting is adjourned.

B. The moderator shall not receive any folded vote nor permit any person before the poll is closed to examine the ballot of another without the consent of the voter.

C. When a vote declared by the moderator is immediately questioned by at least 7 voters, he shall make it certain by polling the voters or by a method directed by the legislative body.

4. Votes recorded by clerk. The clerk shall record accurately the votes of the meeting.

A. In the absence of the clerk, the moderator shall appoint and swear in a temporary clerk.

R.S.1954, c. 91, §§ 11, 23, 24, 44-46, 48; 1957, c. 405, § 1.

§ 2055. Annual meeting

Each town shall hold an annual meeting in March, at which time the following town officials shall be elected by ballot: Moderator, clerk, selectmen, assessors, overseers of the poor, treasurer and school committee. Other town officials may be elected by ballot or, if not so elected, they shall be appointed by the selectmen. A town official may not be elected on a motion to cast one ballot.

R.S.1954, c. 91, §§ 12, 15, 20; 1957, c. 405, § 1.

§ 2056. Time schedule for registration

The registrar shall accept the registration and enrollment of voters prior to a municipal election according to the time schedule prescribed by Title 21, section 632, for a special election.

1961, c. 360, § 6.

§ 2057. —Change of

The time schedule established by section 2056 may be changed by the municipal officers according to the needs of the municipality.

1961, c. 360, § 6.

§ 2058. —Notice of

The registrar shall publish his time schedule established by section 2056, or as changed by the municipal officers, in a newspaper having general circulation in the municipality a reasonable time before it becomes effective.

1961, c. 360, § 6.

§ 2059. Delivery of voting list

The registrar shall deliver the necessary number of certified copies of the voting list to the clerk by 5 p. m. on the business day next prior to a municipal election day. The clerk shall give him a receipt for them.

1961, c. 360, § 6.

§ 2060. Choice and qualifications of town officials

The following provisions apply to the choice and qualifications of town officials:

1. Election in towns less than and more than 4,000 population. In a town of more than 4,000 population, according to the last Decennial Census of the United States, election shall be by plurality. In a town of less than 4,000 population, election shall be by majority.

2. Appointment in writing. The appointment of any town official or deputy shall be in writing and shall be signed by the appointing party.

3. Qualifications. In order to hold a municipal office, a person must be a citizen of the United States, a resident of the State and at least 21 years of age.

A. In order to hold the office of selectman, a person must be a voter in the town in which he is elected.

4. Selectmen and overseers. The following provisions apply to selectmen and overseers:

A. A town may determine at a meeting held at least 30 days before the annual meeting whether 3, 5 or 7 shall be elected to each board and their terms of office.

(1) Once the determination has been made, it shall stand until revoked at a meeting held at least 30 days before the annual meeting.

(2) If a town fails to fix the number, 3 shall be elected. If a town fails to fix the term, it shall be for one year.

B. When others have not been elected, the selectmen shall serve as overseers of the poor.

C. A town may, in electing these officials, designate one of them as chairman of the board.

(1) If no person is so designated, the board shall elect by ballot a chairman from its own membership, before assuming the duties of office. Where no member receives a majority vote, the clerk shall determine the chairman by lot.

D. If the town fails to fix the compensation of these officials at its annual meeting, they shall be paid \$10 each per day for every day actually and necessarily employed in the service of the town.

1963, c. 299, §§ 1, 2.

5. Assessors. The following provisions apply to assessors:

A. A town may determine at a meeting of its legislative body held at least 30 days before the annual meeting whether a single assessor, or a board of 3, 5 or 7, shall be elected and the term of office of the assessor or assessors. In towns where the legislative body is the town meeting, the determination shall be effective only if the total number of votes cast for and against the determination equals or exceeds 10% of the total vote for all candidates for Governor in the town at the next previous gubernatorial election.

(1) Once a determination has been made, it shall stand until revoked at a meeting held at least 30 days before the annual meeting.

(2) If a town fails to fix the number, 3 shall be elected. If a town fails to fix the term, it shall be for one year.

B. When others have not been elected, the selectmen shall serve as assessors; except that when a town has chosen a

single assessor under paragraph A, and fails to elect the assessor, the selectmen shall appoint the assessor.

C. A town may, if it elects a board of assessors, designate one member as chairman of the board.

(1) If no person is so designated, the board shall elect by ballot a chairman from its own membership, before assuming the duties of office. Where no member receives a majority vote, the clerk shall determine the chairman by lot.

D. If the town fails to fix the compensation of assessors at its annual meeting, they shall be paid \$10 each per day for every day actually and necessarily employed in the service of the town.

1963, c. 299, § 3.

6. Board of assessment review.

A. Any town choosing a single assessor may adopt a board of assessment review at a meeting of its legislative body held at least 30 days before the annual meeting.

B. The board of assessment review shall consist of 3 members to be appointed by the selectmen. The town, when adopting such board, may fix the compensation of the members. One member shall be appointed for one year, one member for 2 years and one member for 3 years, and thereafter the term of each new member shall be 3 years.

C. Any town adopting a board of assessment review may discontinue such board by vote, in the same manner and under the same conditions as in adopting such board.

1963, c. 299, § 3.

7. Road commissioners. The following provisions apply to road commissioners:

A. A town may determine at a meeting held at least 30 days before the annual meeting whether one or more shall be chosen and the term of office, which may not exceed 3 years.

(1) Once the determination has been made, it shall stand until revoked at a meeting held at least 30 days before the annual meeting.

(2) If a town fails to fix the number, one shall be chosen. If a town fails to fix the term, it shall be for one year.

B. A road commissioner appointed by the selectmen may be removed from office for cause by the selectmen.

C. Selectmen may act as road commissioners.

8. Treasurers and tax collectors. Treasurers and tax collectors of towns may not be selectmen or assessors until they have completed their duties and had a final settlement with the town.

A. The treasurer and tax collector of a municipality may be the same person.

9. Sworn in. Before assuming the duties of office, a town official or deputy shall be sworn by the moderator in open town meeting, by the clerk, or by any other person authorized by law to administer an oath.

A. Unless the oath is administered in the presence of the clerk, the person who administers it shall give the official or deputy sworn a certificate which he shall return to the clerk for filing. The certificate shall state the name of the official or deputy sworn, his office, the name of the person who administered the oath, and the date when the oath was taken.

B. The clerk shall be sworn to record accurately the votes of town meetings, and to discharge faithfully all the other duties of his office, until another clerk is elected and sworn in his stead.

C. After town meeting, the clerk shall issue forthwith a warrant directed to a constable containing the names of persons chosen for office who have not been sworn.

(1) The constable shall summon forthwith the named persons to appear before the clerk within 7 days from the time of notice, to take the oath of office.

(2) The constable shall make his return forthwith to the clerk.

(3) The town shall pay the constable a reasonable compensation for his services.

D. The clerk shall record the election or appointment of each official or deputy, including his own, and the other information specified in paragraph A.

E. A record by the clerk that a person was sworn for a stated town office is sufficient evidence that he was legally sworn for the office. The entire oath need not be recorded.

R.S.1954, c. 91, §§ 12-14, 20, 22, 24, 37, 39, 40, 41; 1957, c. 405, § 1; 1963, c. 299, §§ 1-3.

§ 2061. Secret ballot

When any town accepts this section at a meeting held at least 30 days before the annual meeting, the following provisions apply to the election of all town officials required by section 2055 to be elected by ballot, except the moderator, who shall be elected as provided in section 2054, subsection 2.

The provisions of this section relating to nomination of town officials by political caucus shall apply only when any town accepts such provisions at a meeting held at least 30 days before the annual meeting. If any town accepts such provisions, they shall remain effective until the town shall vote otherwise.

1. Designation, number and terms of officials. At the time of acceptance, the town shall determine, by a separate article in the warrant, which other officials are to be elected according to this section, and may determine the number and terms of selectmen, assessors and overseers according to section 2060, subsection 4.

A. No change may be made thereafter in the designation, number or terms of town officials, except at a meeting held at least 30 days before the annual meeting.

2. Voting place specified; polls. The warrant for a town meeting for the election of officials shall specify the voting place, which shall be in the same building or nearby building where the meeting is to be held. It shall specify the time of opening and closing the polls, which shall be kept open at least 4 consecutive hours.

A. The municipal officers in the warrant for a town meeting under this section may designate the date of the election and designate the next succeeding secular day as the time for considering the other articles of business in the warrant.

1957, c. 286; c. 429, § 79; 1959, c. 2.

3. Nomination papers; certificate of political caucus. The nomination for any office shall be made by nomination papers signed by the following number of voters based on the population of the town according to the last Decennial Census of the United States: not less than 25 nor more than 75 in towns of 4,000 or less population; not less than 75 nor more than 125 in towns of 4,001 to 10,000; and not less than 100 nor more than 150 in towns of more than 10,000.

A. Each voter who signs a nomination paper shall add his place of residence with the street and number, if any. He

may subscribe only to as many nomination papers for each office as there are vacancies to be filled.

B. All certificates of political caucus nominations shall be signed by the chairman and secretary of the caucus. Such certificates and nomination papers shall specify the name of the candidate and the office for which he is nominated. They shall be filed with the clerk on or before the 14th day next prior to the day of election. With such nomination papers and certificates there shall be filed the consent in writing of the persons proposed therein as candidates, agreeing to accept the nomination if nominated, not to withdraw, and, if elected at the municipal election, to qualify as such municipal officer. When filed, they shall be made available by the clerk to public inspection under proper protective regulations. The clerk shall keep them in his office for 6 months.

C. A certificate of political caucus nomination and a nomination paper which conforms with this section is valid unless a written objection to it is made to the selectmen on or before the 12th day next prior to the day of election.

(1) When an objection is made, notice shall be delivered immediately by the clerk to the candidate affected by it.

(2) Objections arising in the case of nominations shall be determined by the selectmen, and their decision is final.

1955, c. 26; 1957, c. 286; 1959, c. 109, §§ 2, 3; 1963, c. 131.

4. Petition for article on ballot. On the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10, the selectmen shall require that a particular article be placed in the next ballot printed, or shall call a special meeting for its consideration. If such particular article be placed in the next ballot printed, a public hearing shall be held by the municipal officers on the subject of such article at least 10 days before the day for voting thereon. Notice of such public hearing shall be given by the municipal officers by causing a copy of said proposed article together with the time and place of hearing, to be posted in the same manner required for posting a warrant for a town meeting, at least 7 days before the date set for such hearing, and a return shall be made on the original notice by the municipal officers stating the manner of notice and the time when it was given. The requirement for public hearing shall not be a prerequisite to the valid issuance of any bond, note or other obliga-

tion of a municipality authorized to borrow money by vote under any such particular article. The petition for placing an article on the ballot is subject to the same filing provisions as are nomination papers under this section. A vote by secret ballot takes precedence over a vote by any other means at the same meeting.

1957, c. 178; 1961, c. 309.

5. Ballots, specimen ballots and instruction cards. Ballots, specimen ballots and instruction cards shall be prepared by the clerk according to the following provisions:

A. The ballot shall contain the names of properly nominated candidates arranged under the proper office designation in alphabetical order by surname. It shall contain no other names.

B. At the end of the list of candidates for each office there shall be left as many blank spaces as there are vacancies to be filled, in which a voter may insert the name of any person for whom he desires to vote.

C. Any question required by statute to be submitted to a vote shall be printed below the list of candidates.

D. A square shall be printed at the right of the name of each candidate, and 2 squares shall be printed at the right of any question submitted with "yes" above one and "no" above the other, so that a voter may designate his choice clearly by a cross mark (X) or a check mark (✓).

E. Words of explanation such as, "Vote for one," and "Vote yes or no," may be printed on the ballot.

F. Before distribution, the ballot shall be folded in marked creases to measure, when folded, from 4½ to 5 inches wide and from 6 to 13½ inches long. On the back and outside, when folded, shall be printed "Official Ballot for the Town of . . .," the date of election, and a facsimile of the signature of the clerk.

G. At least 55 ballots for each 50 registered voters shall be printed and furnished, and a record of the number shall be kept by the clerk. The printed ballots shall be packaged in convenient blocks so that they may be removed separately.

H. Ten or more specimen ballots printed on paper of a distinctive color without the endorsement of the clerk shall be provided.

I. Instruction cards containing the substance of Title 21, sections 861 to 863, 891, 892, 921, 923 and 1579, subsections

4, 7, 8, 13, 14, 15 and 17 to 22, to guide voters in obtaining and marking ballots and to inform them of penalties for improper conduct must be printed.

J. The ballots and specimen ballots shall be packed in sealed packages with marks on the outside specifying the number of each enclosed.

K. When voting machines are used, the clerk shall prepare and furnish ballot labels as nearly as practicable in conformance with the provisions of this section which apply to ballots.

1957, c. 286; 1961, c. 360, §§ 7, 8.

6. Specimen ballot posted. At least 4 days prior to the election, the clerk shall have posted in one or more conspicuous, public places a specimen ballot or a list, substantially in the form of a ballot, containing the name and office designation of each candidate.

1957, c. 286.

7. Ballot clerks. Before the opening of the polls, the selectmen shall appoint the necessary number of ballot clerks. When there are vacancies after the opening of the polls, the moderator shall appoint replacements. The ballot clerks shall be sworn before assuming their duties.

A. On election day before the opening of the polls, the clerk shall deliver the ballots to the ballot clerks and shall post an instruction card at each voting compartment and at least 3 instruction cards and 5 specimen ballots in the voting room outside the guardrails.

B. The ballot clerks shall give a receipt to the clerk for the ballots received by them. The clerk shall keep the receipt in his office for 6 months.

C. Ballots may not be delivered to the voters until the moderator has been elected. The moderator may appoint a qualified person to act as temporary moderator during his temporary absence from the polling place.

D. A duplicate check list of the qualified voters shall be prepared by the selectmen for the use of the ballot clerks. The law pertaining to check lists applies equally to duplicate check lists.

1957, c. 286.

8. After votes counted, ballots delivered to clerk. After the ballot clerks have counted and tabulated the votes cast, the mod-

erator shall deliver the ballots to the clerk who shall seal them in a suitable package and keep them in his office for 6 months.

9. Election by plurality vote; tie vote. Election shall be by plurality vote. In case of a tie vote, the meeting shall be adjourned to a day certain, when ballots shall again be cast for the candidates tied for the office in question.

R.S.1954, c. 91, §§ 20, 49–63; 1955, c. 26; 1957, cc. 178, 286; c. 405, §§ 1, 23, 27; c. 429, § 79; 1959, c. 2; c. 109, §§ 1–3; 1961, c. 309; c. 360, §§ 7–9; 1963, c. 131.

§ 2062. Absentee ballots

When any town which has accepted section 2061 accepts this section at a meeting held at least 30 days before the annual meeting, absentee ballots may be cast at all regular elections of town officials, including town meeting members where the representative town meeting form of government is used. Section 2061 and this section may be accepted at the same meeting.

1. Procedure. The absentee voting procedure outlined in Title 21 shall be used, except the duties of the Secretary of State shall be performed by the clerk.

1961, c. 360, § 10.

§ 2063. Ballot inspection

Upon written application of any candidate for a municipal office within 3 days after the result of a city election or an election under section 2061 has been declared, the clerk shall permit him or his agent to inspect the ballots under proper protective regulations.

1. Notice. The inspection shall be permitted only after written notice by the clerk to the ward officers who signed the election returns in a city, or to the moderator in a town, and to all candidates for the office specified in the application, stating the time and place of the inspection and affording them a reasonable opportunity to be present and heard in person or by counsel.

2. Time. The inspection shall be held not later than 5 days after the written application is received by the clerk.

3. Packages resealed. After each inspection the packages shall be sealed again by the clerk and the fact and date of inspection noted on them.

R.S.1954, c. 91, § 64; 1957, c. 405, § 1.

§ 2064. Recount hearing

A candidate for any municipal office who has first inspected the ballots according to section 2063 may obtain a recount of the votes cast for that office.

1. Petition. He shall file a sworn petition with the clerk within 3 days from the date of the ballot inspection.

A. The petition shall state the office for which he was a candidate, and the reason for the recount based on his own knowledge or on information and belief.

2. Notice. When the petition has been filed, the clerk shall set forthwith a date not more than 5 days after the filing date for the recount hearing. He shall notify the municipal officers, the petitioner and the opposing candidates of the hearing date.

3. Hearing. At the hearing the clerk shall sort and count the votes under the supervision of the municipal officers.

A. The municipal officers in making corrected returns may, in their discretion, accept such facts as the candidates agreed upon at the ballot inspection.

B. The petitioner or his opponents may have all ballots in any way involved in the election and all records required by law to be kept in connection with absentee ballots displayed for counting or inspection. Upon request, absentee ballots may be segregated from other ballots.

C. Witnesses may be called by the candidates and may be sworn by any municipal officer. Witness fees shall be paid by the municipality if authorized by the municipal officers. A record shall be kept if requested by any candidate.

D. If, during the recount, the election is conceded to a candidate by a statement signed by the other interested candidates and addressed to the municipal officers, they shall issue a certificate of election to the candidate whose election is conceded.

1961, c. 360, § 11.

4. Certificate of election. Within 24 hours after the determination of the results of a contested election, the municipal officers shall certify the results of their count to the respective candidates involved, and shall issue a certificate of election to the candidate whom they find to have been elected. This certificate of election supersedes any certificate issued previously.

R.S.1954, c. 91, §§ 65-69; 1957, c. 405, § 1; 1961, c. 360, § 11.

§ 2065. Referendum ballot inspection and recount procedure

Upon written application of 10% of the persons whose names were checked on the voting list at any municipal referendum or ballot question under section 2061, a ballot inspection or a recount hearing shall be granted. The time limits, rules and all other matters applying to candidates shall apply equally to applicants for either the inspection or recount.

1963, c. 196, § 2.

§ 2066. Applicability of provisions

Except as otherwise provided by this Title or by charter, the qualification of voters, the method of voting and the conduct of a municipal election are governed by Title 21.

1961, c. 360, § 12; 1963, c. 196, § 1.