

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 670

H. P. 517

House of Representatives, January 27, 1965

Referred to Committee on Legal Affairs. Sent up for concurrence and ordered printed.

JEROME G. PLANTE, Clerk

Presented by Mr. Nadeau of Biddeford.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

AN ACT Relating to Nominations for Elective Office in City of Biddeford.

Be it enacted by the People of the State of Maine, as follows :

Sec. 1. P. & S. L., 1933, c. 71, § 1, amended. The first 2 sentences of section 1 of chapter 71 of the private and special laws of 1933, as last repealed and replaced by section 1 of chapter 83 of the private and special laws of 1941, are amended to read as follows :

'Any and all candidates for nomination by any and all **major** political parties, ~~or under section 32 of chapter 7 of the revised statutes~~ for elective office in the City of Biddeford, for any of the following offices: Mayor, councilman, member of the school board, ~~police commissioner~~ warden or ~~ward~~ clerk, shall present to the city clerk, at least 2 weeks before the date of the caucus a **caucus** petition requesting their names to be so placed on the **caucus** ballot ~~and only such petitions and nominations as heretofore referred to shall be placed on the final ballot.~~ The city clerk is hereby prohibited from receiving said **caucus** petitions ~~or nominations~~ within 2 weeks from the date of the caucus ~~and of the placing on the final ballot any candidate for either of the above offices~~ and said city clerk is further prohibited from allowing any substitution of candidates on any **caucus** petition ~~or nomination paper~~ unless said substitution is agreed to in writing by all the signers of said **caucus** petition ~~or nomination paper.~~'

Sec. 2. P. & S. L., 1933, c. 71, § 1, amended. Section 1 of chapter 71 of the private and special laws of 1933, as last amended by chapters 142 and 156 of the private and special laws of 1963, is further amended by adding at the end the following sentences :

'Such caucus petitions may contain as many separate papers as necessary. It must contain the name of only one candidate, his place of residence, the office sought, the name of his party, the electoral division for which the nomination is proposed, and the date of the caucus. The candidate seeking the nomination must file with the caucus petition a written consent stating that he will accept the nomination. Such consent may be made a part of the caucus petition. A signer of a caucus petition or the person who circulates it shall certify his belief that the signatures on it are genuine, that the signers are members of the party named in it, and that they are residents of the electoral division for which the nomination is proposed. The person who so certifies a caucus petition must do so by making oath to the above statements on the petition or on a certificate attached to it and such certification shall be filed with the caucus petition. A voter may sign only as many caucus petitions for each office as there are vacancies to be filled. In the event that a voter signs more caucus petitions than he is entitled to, his name shall not be counted by the city clerk as a valid petitioner for any caucus candidate. Nothing contained herein shall be construed to invalidate or otherwise limit the rights and privileges granted to the inhabitants of the City of Biddeford by the Revised Statutes of 1964, Title 21, chapter 17. Any person who files a caucus petition with the city clerk requesting that his name be placed on the caucus ballot may not avail himself of the rights and privileges granted to him by said Title and chapter, in the same election year and for the same public office.'

Sec. 3. P. & S. L., 1933, c. 71, § 2, amended. The first 2 paragraphs of section 2 of chapter 71 of the private and special laws of 1933, as repealed and replaced by section 2 of chapter 83 of the private and special laws of 1941, are amended to read as follows:

'Caucuses and meetings of any and all major political parties as hereinbefore specified in the City of Biddeford held for the purpose of nominating candidates for whose election the charter of said city provides, and whose name shall be placed on the ~~final~~ regular municipal election ballot, shall be governed as specified in section 1 and the paragraph immediately following shall relate to any and all political parties and any and all nominations provided for by section 32 of chapter 7 of the revised statutes.

Only those voters enrolled as qualified to vote in such caucuses as hereinafter provided, shall participate therein; all nominations by ~~petition or as provided for under section 32 of chapter 7 of the revised statutes~~ caucus shall be voted upon at the next municipal election, and the caucus for such candidates by ~~caucus petition or by said nomination papers~~ shall be held in the several wards of the city on the ~~2nd~~ last Monday of ~~December~~ October, in each year in which the city charter of the said city calls for the regular election of city officials, on which day the polls will be opened at ~~7~~ 9 o'clock in the forenoon ~~afternoon~~ and continue open to ~~8~~ 7 o'clock in the evening, when they shall close. A caucus election is deemed to be a separate election for each party which takes part in it. Such caucus elections shall be called by the municipal officers in the same manner as the Biddeford municipal election is called. The duties and procedures relating to the proper conduct, before, during, and after, of such caucuses shall be the same as prescribed for general election by the Revised Statutes, 1964, Title 21, where applicable, and if not inconsistent with this chapter.'

Sec. 4. P. & S. L., 1933, c. 71, § 2, amended. The first sentence of the 4th paragraph of section 2 of chapter 71 of the private and special laws of 1933, as repealed and replaced by section 2 of chapter 118 of the private and special laws of 1933, is amended to read as follows:

‘The city clerk of said city shall, in season for such caucuses, prepare suitable ballots containing the names of all persons to be nominated at such caucus and of a distinguishing color for each political party, **and the city clerk shall cause the names of all such persons to be arranged alphabetically by surname on such caucus ballots.**’

Sec. 5. P. & S. L., 1933, c. 71, § 2, amended. The 13th sentence of the 5th paragraph of section 2 of chapter 71 of the private and special laws of 1933, as enacted by section 1 of chapter 107 of the private and special laws of 1961, is amended to read as follows:

‘The warden shall appoint an equal number of recommendations from each of the candidates or their respective committees, **but in any case each and every mayoralty candidate shall be entitled to at least 2 such election clerks,** and such appointed election clerks shall be sworn to the faithful performance of their duties by an officer duly empowered to administer the oath.’

Sec. 6. P. & S. L., 1933, c. 71, § 2-B, additional. Chapter 71 of the private and special laws of 1933, as amended, is further amended by adding a new section 2-B to read as follows:

‘Sec. 2-B. Nomination by petition. Nomination by petition for any elective office in said City of Biddeford shall be regulated according to the provisions of the Revised Statutes, 1964, Title 21, chapter 17, with the following limitations and exceptions: The number of necessary signatures thereon shall be the same as required by the provisions of section 1; such petition must be submitted to the city clerk at least 2 weeks prior to the date of the election and need not be first submitted to the registrar of said city; in the event that more than one person for the same office shall file with the city clerk a nomination petition bearing the same political designation, the city clerk shall place on the municipal election ballot the name of the person who first filed such nomination petition; and no person shall file in the same election year nomination petitions requesting that his name be placed on the election ballot under different political designations.’