

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

DOCUMENTS

PRINTED BY ORDER OF

THE LEGISLATURE

OF THE

STATE OF MAINE,

DURING THE SESSION

A. D. 1891.



AUGUSTA:
BURLEIGH & FLYNT, PRINTERS TO THE STATE.
1892.

NEW DRAFT.

Sixty-Fifth Legislature.

SENATE.

No. 37.

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND EIGHT HUNDRED
AND NINETY-ONE.

AN ACT to provide a Board of Registration in the Cities
of this State.

*Be it enacted by the Senate and House of Representatives
in Legislature assembled, as follows:*

SECTION 1. A board of registration is hereby estab-
2 lished in each city of the State which shall have the
3 exclusive power and authority to determine the qualifica-
4 tion of voters therein, and exclusive power to make up,
5 correct and revise the list of voters in each of said cities,
6 and shall perform all the duties and have, exclusively, all
7 the powers now exercised by the municipal officers of
8 said cities in making, preparing, revising and correcting

9 the list of voters therein under chapter four of the Revised
10 Statutes or any other statute relating thereto.

SECT. 2. Said board shall consist of three members
2 who shall be residents and legal voters of the city where
3 such board is established, one of whom shall be appointed
4 and commissioned by the Governor by and with the con-
5 sent of his council for a term of four years but the first
6 term shall expire May 1, 1895 and who shall not hold or
7 be eligible to any elective municipal office during said
8 term. Said member of said board shall be appointed
9 immediately upon the approval of this act. The other
10 two members of this board shall be chosen one from the
11 political party polling the highest number of votes for
12 Governor in this State at the next preceding State elec-
13 tion and one from the political party polling the next
14 highest number of votes for Governor of this State at
15 said election and they shall each hold their office for the
16 term of two years, but the first term shall expire May 1,
17 1893 and said members shall not hold or be eligible to
18 any elective municipal office during said term. Each
19 shall be nominated by the city committee of his own
20 political party and upon due notice thereof in writing the
21 several mayors of said cities shall forthwith appoint such
22 persons so nominated members of said board. If either
23 or both of said political parties for the space of seven
24 days after the approval of this act or after a vacancy
25 occurs in such board by its said committees neglects or
26 refuses so to nominate a member of such board and to
27 notify the mayor of such city thereof said mayor shall
28 select and appoint a member of said board from the
29 political party so neglecting and refusing to nominate.

30 And in case any member of said board so appointed by
31 said mayor neglects or refuses to act as a member of said
32 board the other two shall proceed with the business of
33 this board as provided by this act in his absence. And
34 if any member of said board be absent or disqualified by
35 sickness such mayor may fill his place for the time being
36 by the appointment of some qualified elector of said city
37 of the same political party as the absent member rep-
38 resents.

SECT. 3. The person appointed and commissioned by
2 the Governor shall preside at all meetings of the board
3 but shall not vote therein except in case of a tie. He
4 shall give due notice of the time and place of the sessions
5 of said board and sign all orders and processes issued by
6 the same. If he is necessarily absent or disqualified by
7 sickness or otherwise during any session of said board,
8 the mayor of said city shall immediately appoint a quali-
9 fied elector of the city who shall be of the same political
10 party as said chairman, to act in his absence.

SECT. 4. All the members of said board shall be sworn
2 to the faithful and impartial performance of the duties of
3 the said office.

SECT. 5. Said board shall have the exclusive power and
2 authority to hear evidence and determine the qualifications
3 of voters in said cities. Said presiding officer may cause
4 all parties and witnesses appearing before said board to be
5 sworn, and said board shall have power to compel the
6 attendance of witnesses, to punish for contempt and to
7 issue all processes necessary to the performance of the
8 duties of said boards.

SECT. 6. Any person who shall knowingly and wilfully
2 testify and falsify to any material facts in any proceeding
3 before said board shall be liable to the pains and penalties
4 of perjury now provided by law.

SECT. 7. All meetings of said board shall be open and
2 public and shall close on each day at 9 o'clock p. m., except
3 on the last day of its session at 5 o'clock p. m. A record
4 shall be kept of all names added to or stricken from the
5 voting lists in said cities and of all other proceedings of
6 said board at each session thereof. No name shall be
7 added to or stricken from said voting lists except during
8 open session of the board.

SECT. 8. Immediately after the appointment of said
2 board of registration as herein provided in any city in this
3 state said board shall commence and proceed to prepare
4 lists of voters in the several wards in said cities of such
5 persons as appear to them to be legally qualified voters
6 therein, and a certified copy of such lists shall be furnished
7 to the city clerk of said cities by said board at least four-
8 teen days prior to any election for municipal officers in
9 said cities, and said city clerk shall post said certified
10 copies of said lists of voters in the respective wards, at
11 the respective ward rooms in said cities, at least fourteen
12 days before such election. Thereafter said board of regis-
13 tration shall so prepare such lists of voters at least thirty
14 days prior to any election for electors of president and
15 vice president, representatives to congress, state and
16 county officers, and for the annual election of municipal
17 officers in said cities by placing upon such lists all the
18 names which appear among the voting lists for the last
19 preceding election in said cities except the names of such

20 persons as have died or ceased to reside in said ward or
21 city or shall appear to said board to have otherwise become
22 disqualified to vote therein since such preceding election.

SECT. 9. Said board of registration shall be in session
2 from nine to twelve o'clock a. m., and from two till five
3 o'clock p. m., and from seven to nine o'clock p. m., in
4 cities of not less than ten thousand inhabitants upon each
5 of the six secular days and in all cities having less than
6 ten thousand inhabitants upon each of the four secular
7 days next prior to any such election in said cities except-
8 ing the last day of said sessions when it shall not be in
9 session after five o'clock p. m., to receive evidence touch-
10 ing the qualification of voters therein, and to revise and
11 correct the voting lists in said cities. Said board shall
12 not place upon such lists during said revision of the
13 same the name of any person who shall not personally
14 appear before said board and request the same. During
15 said time said board shall revise and correct the voting
16 lists in said cities; and the wardens of said cities shall be
17 governed by said revised and corrected lists; and no name
18 shall be added to said lists on the day of election; and no
19 person shall vote at any election whose name is not on
20 said list. When the right of any person to have his name
21 placed upon any such list is challenged by any qualified
22 elector in said city, or when the right of any person to
23 have his name remain upon any such list is so challenged,
24 before said board shall add to or strike from said lists the
25 name of any such person they shall issue a notice and
26 summons to said person so challenged and allow him a
27 reasonable opportunity to be heard. Said person and
28 said board may also summon and examine other witnesses

29 before said board concerning his right to vote in said city,
30 and if it appears to said board that such person is not or
31 will not be qualified to vote in said city at such election
32 they shall cause his name to be erased from said list and
33 not add it thereto, and the lists of voters made under this
34 act shall state the street and so far as practical the number
35 of the street where each voter resides.

SECT. 10. Any person who shall cause his name to be
2 placed upon the list of voters of more than one ward in
3 any such city for the same election, or shall cause his name
4 to be placed upon any such lists of voters in any ward
5 knowing he is not a qualified elector therein for the elec-
6 tion for which the said list is made, or who shall falsely
7 personate any legal voter or any person causing any such
8 act or aiding or abetting any person in any manner in
9 either of said acts shall be deemed guilty of felony and
10 punished by imprisonment for not less than six months
11 nor more than one year.

SECT. 11. The clerk of the city shall act as the clerk
2 of the board of registration during its session for revising
3 said voting lists. He shall be the custodian of the records
4 of said board and of the corrected and revised lists of
5 voters prepared by it for use at any election and shall
6 provide the wardens of the various wards of such cities
7 with a true and attested copy of such lists of voters in
8 their respective wards for their use on election day; and
9 it shall be his duty to keep said lists one year and furnish
10 certified copies thereof on application of any person and
11 payment therefor within ten days thereafter, and for
12 failure so to do shall be punished as provided by section
13 59 of chapter 4 of the Revised Statutes.

SECT. 12. The members of such board of registration shall be subject to the same penalties for misconduct in office as are by law imposed upon municipal officers. The president of such board shall receive five dollars for each day that the board shall be in session for the revision of the voting lists, and the other two members of said board shall receive three dollars per day for such time. They shall also be paid a reasonable compensation for such time as they are necessarily employed in making up and preparing such lists of voters, together with reasonable and necessary expenses including blank books, stationery and the necessary assistance of clerks, all of which shall be paid by the city where such board is established, and each of said cities shall provide a suitable place for holding the sessions of said board, and pay for the services of such officers as said board may select, and have in attendance to preserve order and execute its precepts. All witness fees shall be paid at the established rates of fees before municipal courts.

SECT. 13. Notices of the time and place of the sessions of such board to revise and correct said voting lists shall be given by the president thereof and posted by the clerk of said cities at the same time and place as is the warrant for calling ward meetings; and the voting lists as revised and corrected by said board of registration shall be used in said cities in the several wards thereof.

SECT. 14. Any qualified elector in such city may challenge the right of any person to vote in any ward in such city at any election, and he shall be given the opportunity by the warden of such ward to make such challenge and

5 the warden of such ward shall make a minute of the fact of
6 such challenge upon the voting list of such ward.

SECT. 15. Section forty-seven, chapter four of the
2 Revised Statutes and all other acts and parts of acts incon-
3 sistant herewith are hereby repealed.

SECT. 16. This act shall take effect when approved.

STATE OF MAINE.

The Committee on Legal Affairs to which was referred the bill entitled "An Act to provide a Board of Registration of Voters in the cities of the State," have had the same under consideration and ask leave to report the same in a new draft, under title of "An Act to provide a Board of Registration of Voters in the cities of the State," and that it ought to pass.

WILLIAM T. HAINES,
H. W. MAYO,
J. M. LIBBY,
M. N. DREW,
GEO. R. FULLER,
O. H. HERSEY,
J. H. DRUMMOND, Jr.
C. A. HARRINGTON.

STATE OF MAINE.

The Committee on Legal Affairs to which was referred the bill, entitled "An Act to provide a Board of Registration of Voters in the cities of this State," have had the same under consideration, and ask leave to report that the same ought not to pass.

E. F. GENTLEMAN.

STATE OF MAINE.

IN SENATE, February 4, 1891.

Reported by Mr. HAINES from Majority Committee on Legal Affairs
and pending acceptance of report laid on table to be printed under joint
rules.

KENDALL M. DUNBAR, *Secretary.*

SENATE DOCUMENT No. 37.

Sixty-Fifth Legislature.

STATE OF MAINE.

HOUSE AMENDMENT "A."

Section fifteen of Senate bill No. 37, is hereby amended by adding after the word repealed in said section, the words,

'But the provisions of this act shall not apply to the
2 municipal elections of the year 1891, in the cities in which
3 such elections are held on the first Monday of March, or
4 to the preparation and revision of the lists therefor.'

Adopted.

NOBLE of Lewiston.

AMENDMENT TO HOUSE AMENDMENT "A."

Amend House Amendment "A" so that said section
2 fifteen shall provide that the provision of the bill shall not
3 apply to the municipal elections of the year 1891 in any city.

Adopted.

CHADBURN of Biddeford.

Amend section nine in lines eleven, twelve, thirteen and fourteen, by striking out the words,

‘Said board shall not place upon such lists during said
2 revision of the same, the name of any person who shall not
3 personally appear before said board and request the same.’

PORTER of Bangor.

AMENDMENT TO SENATE BILL No. 37.

For sections two and three substitute the following :

‘SECT. 2. Said board shall consist of three members,
2 who shall be residents and legal voters of the city where
3 said board is established. Not more than two of the
4 members of said board shall be chosen from or represent
5 the same political party. In the month of April, eighteen
6 hundred and ninety-one, the county commissioners of the
7 county shall appoint one member to hold office for the
8 term of three years, one member to hold office for the
9 term of two years, and one member to hold office for the
10 term of one year from the first day of May next following.
11 Thereafter in the month of April in each year, the county
12 commissioners shall appoint one member of the board to
13 hold office for the term of three years from the first day
14 of May next following. The members of said board shall
15 not hold, nor be eligible to any elective municipal office
16 during their respective terms. The board shall choose a
17 presiding officer. He shall give due notice of the time
18 and place of the sessions of the board; and sign all orders
19 and processes issued by the board.’

‘SECT. 3. Whenever a member of the board shall die,
2 resign or remove from the city, the county commissioners

3 shall forthwith appoint a member to fill the vacancy for
4 the remainder of the term. Said person so appointed
5 shall be chosen from the same political party as that rep-
6 resented by the number whose death, resignation or
7 removal caused the vacancy. Whenever a member of the
8 board shall be incapacitated by sickness or other cause
9 from performing the duties of his office, or shall be absent
10 from the city in which he is appointed, at the time of any
11 meeting of said board, or if he is necessarily absent or
12 disqualified by sickness or otherwise, from attending dur-
13 ing any session of said board, upon the written request of
14 the board or of the other member representing the same
15 political party as the absent or disqualified member, the
16 mayor shall fill his place for the time being, by the
17 appointment of some legal voter in said city, of the same
18 political party as the absent or disqualified member rep-
19 resents, to act during his absence.'

AMENDMENT TO SENATE BILL No. 37.

Amend section 5 so that as amended it will read as fol-
2 lows :

'Section 5. Said board shall have the exclusive power
4 and authority to hear evidence and determine the qualifi-
5 cations of voters in the city in which it is established.
6 Said presiding officer, at the request of any member, shall
7 cause any party or witness appearing before the board to
8 be sworn; any member of the board may administer
9 oaths; and the board shall have power to compel the
10 attendance of witnesses, to punish for contempt, and to
11 issue all processes necessary to the performance of the
12 duties of the board.'

AMENDMENT TO SENATE BILL No. 37.

Amend section 6, by striking out the words “and
2 falsify,” in the second line, and insert in lieu thereof, the
3 word ‘falsely.’

AMENDMENT TO SENATE BILL No. 37.

Amend section eight by striking out the word “fourteen”
2 in seventh and eighth lines of the section; also the same
3 word in the eleventh line of the section, and insert the
4 word ‘thirty’ in each place in lieu thereof.

Also amend section eight by adding at the end thereof
the following words :

‘And a certified copy of such lists shall be furnished to
2 the city clerk of said city by said board, and said city
3 clerk shall post said certified copies of said lists of voters
4 in the respective wards, at the respective ward rooms in
5 said cities at least thirty days prior to any such election.’

AMENDMENT TO SENATE BILL No. 37.

Amend section 9, by inserting after the word “heard” in
2 the twenty-seventh line, the following words :

‘Such notice and summons shall be served upon such
2 person by any officer selected by the board, by giving
3 him in hand, or by leaving at his last and usual place of
4 abode, an attested copy of said notice and summons, at
5 least six hours before the closing of the final session of the
6 board. Or said board may order other service.’

Also amend section 9, by adding at the end thereof, the
2 following words :

‘The residence of a voter as stated upon the list of
2 voters used at the last preceding election, shall be deemed
3 his last and usual place of abode, unless he shall have
4 given notice to the city clerk of a change of his residence.
5 The city clerk shall keep a record of all notices of change
6 of residence, which record shall at all times be open
7 to public inspection.’

AMENDMENT TO SENATE BILL NO. 37.

Amend section twelve so that as amended it shall read
as follows ;

‘Section 12. The members of such board of registra-
2 tion shall be subject to the same penalties for misconduct
3 in office as are by law imposed upon municipal officers.
4 Each member of the board shall receive from the city
5 three dollars for each day, not exceeding two days, that
6 the board may be in session for the preparation of said
7 lists as provided in section eight: Provided, however,
8 that for services in so preparing said lists for the first
9 time after this act takes effect, they may receive such
10 other reasonable compensation as the city council may
11 determine. Each member of the board and the city
12 clerk shall receive from the city three dollars for each
13 day the board shall be in session for the revision
14 of said lists as provided in section nine. Each
15 city shall provide a suitable place for holding the
16 sessions of said board and shall pay for the services of
17 such officers as said board may select, and have in attend-
18 ance to preserve order, serve its processes and execute
19 its precepts, a sum not exceeding two dollars and fifty

20 cents a day to each officer in lieu of all fees, provided
21 such officers are not at the same time receiving a stated
22 salary from the city for their services. The city shall
23 also provide all necessary blank books and stationery for
24 the use of the board. All witness fees shall be paid at
25 the established rates of fees of witnesses before the
26 municipal courts, in criminal cases. When a witness is
27 summoned by order of the board, his fees shall be paid
28 by the city.'

AMENDMENT TO SENATE BILL NO. 37.

Insert the following as section 15 :

'If the name of a legal voter which was upon the list used
2 at the last preceding election shall be erroneously erased
3 from the list of voters after a copy thereof has been
4 posted by the city clerk, or if such name has been
5 omitted therefrom by clerical error, he may apply to the
6 members of the board at any time before the closing of
7 the polls for its restoration ; and if he shall prove that his
8 claim be valid, he shall be given a certificate thereof,
9 signed by all the members of the board, and by the city
10 clerk, who shall make a record thereof, and on presenta-
11 tion of said certificate to the officers of the ward in which
12 he was entitled to be registered, he shall be allowed to
13 vote therein ; and the certificate shall be returned and pre-
14 served in like manner with the ballots cast in said ward.'

AMENDMENT.

Remember section 15 as section 16.