

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE

NO. 552

House of Representatives, March 19, 1913.

*Tabled pending reference to a committee, by Mr. Smith of
Auburn, and ordered printed.*

W. R. ROIX, Clerk.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND THIRTEEN.

AN ACT to amend Section seventy-one of Chapter six of the
Revised Statutes relating to Contested Elections.

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

Section 1. Section seventy-one of chapter six of the re-
vised statutes relating to contested elections is hereby amend-
ed by adding thereto the words: 'and he may issue an order
restraining the respondent from entering upon or continu-
ing to exercise the duties and powers of said office, and also
a certificate of election to said person in whose favor judg-
ment is so rendered and the person to whom said certificate
is so issued shall be entitled to enter upon and hold said
office with all the rights, privileges and powers appertaining

10 thereto until the expiration of the term for which he has
11 been elected, unless such judgment is reversed on appeal,
12 so that said section as amended shall read as follows:

‘Sect. 71. The petition shall state the names and residences
14 of the several parties, and the facts upon which the claimant
15 relies to maintain his suit, and shall be signed by him and
16 verified by his oath. Such petition shall be filed in the office
17 of the clerk of courts in the county where it is returnable,
18 and the time of hearing thereon shall be appointed by said
19 justice, and indorsed upon said petition. Notice of pend-
20 ency of said suit, and the time and place of hearing upon
21 said petition shall be served on the adverse party by giving
22 him in hand, or leaving at his last and usual place of abode,
23 a copy of said petition and order of the court thereon, or
24 in such other manner as the court directs, and such notice
25 shall be given at least seven days before such hearing. The
26 parties, or their counsel, shall be heard upon written or oral
27 testimony, according to the practice in like procedure, and
28 in such manner as the justice directs; and if it appears upon
29 such trial or hearing that the petitioner has been elected, and
30 is entitled by law to the office claimed by him, or if such
31 adverse party fails to appear, such justice shall render judg-
32 ment in favor of such petitioner, if he is found, upon hear-
33 ing, to be entitled thereto. And he may issue an order re-
34 straining the respondent from entering upon or continuing
35 to exercise the duties and powers of said office, and also a
36 certificate of election to said person in whose favor judg-

37 ment is so rendered and the person to whom said certificate
38 is so issued shall be entitled to enter upon and hold said
39 office with all the rights, privileges and powers appertaining
40 thereto until the expiration of the term for which he has
41 been elected, unless such judgment is reversed on appeal.