

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 340

H. P. 826

House of Representatives, January 30, 1941.

Referred to Committee on Judiciary and sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Gould of Gorham.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

**AN ACT, Clarifying the Law Relating to Notices of Appointments and
Elections.**

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

Sec. 1. R. S., c. 2, § 66, amended. Section 66 of chapter 2 of the revised statutes is hereby amended to read as follows:

‘Sec. 66. To prepare commissions, record qualifications, engross bills.
~~He~~ **The secretary of state** shall prepare and present to the governor and council under the seal of the state, in order that the same may receive the signature of the governor, a commission for every person appointed or elected to any office for which a commission is required; enter in a suitable book the time when and the person by whom any commission is taken from his office, and the time when any certificate of the qualification of any officer is filed therein; **provided, however, that when a duty must be paid as a prerequisite of holding the office, the secretary of state shall notify every person appointed to such office of the fact and on receipt of evidence of its payment shall then, and no sooner, present said commission to the governor and council. When the commission shall have been signed by the governor the secretary of state shall deliver or forward the same to the person so**

appointed or elected. He shall cause all bills passed by the legislature to be engrossed, under his special direction, for the use thereof.'

Sec. 2. R. S., c. 2, § 65, repealed. Section 65 of chapter 2 of the revised statutes is hereby repealed.

Sec. 3. R. S., c. 8, § 43, amended. The first 3 sentences of sections 43 of chapter 8 of the revised statutes are hereby amended to read as follows:

'To determine the result of any election by ballot, the number of persons who voted shall first be ascertained by counting the whole number of separate ballots given in, which shall be distinctly stated, recorded, and returned. No person ineligible to the office shall be declared elected; but such votes shall be counted to determine whether any person has received the necessary number of all votes cast. In case of United States senators, representatives to congress, members of the legislature, and county and state officers, except where a different rule is prescribed in the constitution, the person or persons, not exceeding the number to be voted for at any one time for any such office, having the highest number of votes given at such election shall be declared elected, and the governor shall issue a certificate thereof **in accordance with the provisions of section 66, of chapter 2 of the revised statutes.**'

Sec. 4. R. S., c. 8, § 55, amended. The 4th sentence of section 55 of chapter 8 of the revised statutes is hereby amended to read as follows:

'The persons having the highest number of votes, not exceeding the number to be chosen, shall be declared elected; and they shall be notified thereof ~~by the secretary of state~~ **in accordance with the provisions of section 66 of chapter 2 of the revised statutes**, and enter upon the discharge of official duties on the 1st day of January thereafter.'