

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

FORTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1864.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
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1864.

RESOLVES

OF THE

STATE OF MAINE.

1864.

CHAP. 344.

Chapter 344.

Resolves providing for an amendment of the constitution so as to allow soldiers absent from the state to vote for governor, senators, representatives and county officers.

Amendatory
to the
constitution.

Resolved, Two thirds of both houses concurring and deeming it necessary, that the following be proposed as amendments to the constitution of this state, which, when approved and adopted in the manner provided by the constitution, shall become a part thereof, viz :

Art. 2, sec. 1,
amended.
Residence not
lost by reason
of absence, &c.

Section one of article two shall be amended by adding thereto the following words: *No person, however, shall be deemed to have lost his residence by reason of his absence from the state in the military service of the United States, or of this state.*

Art. 2, sec. 4,
amended.
Citizens who
may be allowed
to vote for
governor, &c.

Section four of article two shall be amended by adding thereto the following provisions: 'But citizens of the state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote on Tuesday next after the first Monday of November in the year of our Lord one thousand eight hundred and sixty-four, for governor and senators, and their votes shall be counted and allowed in the same manner, and with the same effect, as if given on the second Monday of September in that year. And they shall be allowed to vote for governor, senators and representatives, on the second Monday of September annually thereafter forever, in the manner herein provided. On the day of election a poll shall be opened at every place without this state where a regiment, battalion, battery, company, or detachment of not less than twenty soldiers from the State of Maine, may be found or stationed, and every citizen of said state of the age of twenty-one years, in such military service, shall be entitled to vote as aforesaid; and he shall be considered as voting in the city, town, plantation and county in this state where he resided when he entered the service. The vote shall be taken by regiments when it can conveniently be done; when not so convenient, any detachment or part of a regiment, not less than twenty in number, and any battery or part thereof numbering twenty or more, shall be entitled to vote wherever they may be.

Polls, where
shall be
opened.

—vote, how
taken.

—who shall act
as supervisors.

The three ranking officers of such regiment, battalion, battery, company, or part of either, as the case may be, acting as such on the day of election, shall be supervisors of elections. If no officers, then three non-commissioned officers according to their seniority shall be such supervisors. If any officer or non-commissioned officer shall neglect or refuse to act, the next in rank shall take his place. In case there are no officers or non-commissioned officers present, or if they or either of them refuse to act, the electors present, not less than twenty, may choose by written ballot en-

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ough of their own number, not exceeding three, to fill the vacancies, and the persons so chosen shall be supervisors of elections. All supervisors shall be first sworn to support the constitution of the United States and of this state, and faithfully and impartially to perform the duties of supervisors of elections. Each is authorized to administer the necessary oath to the others; and certificates thereof shall be annexed to the lists of votes by them to be made and returned into the office of the secretary of state of this state as hereinafter provided. The polls shall be opened and closed at such hours as the supervisors, or a majority of them, shall direct; *provided however*, that due notice and sufficient time shall be given for all voters in the regiment, battalion, battery, detachment, company, or part of either, as the case may be, to vote. Regimental and field officers shall be entitled to vote with their respective commands. When not in actual command, such officers, and also all general and staff officers, and all surgeons, assistant surgeons and chaplains, shall be entitled to vote at any place where polls are opened. The supervisors of elections shall prepare a ballot-box or other suitable receptacle for the ballots. Upon one side of every ballot shall be printed or written the name of the county, and also of the city, town or plantation of this state, in which is the residence of the person proposing to vote. Upon the other side shall be the name or names of the persons to be voted for, and the office or offices which he or they are intended to fill. And before receiving any vote, the supervisors, or a majority of them, must be satisfied of the age and citizenship of the person claiming to vote, and that he has in fact a residence in the county, city, town or plantation which is printed or written on the vote offered by him. If his right to vote is challenged, they may require him to make true answers, upon oath, to all interrogatories touching his age, citizenship, residence, and right to vote, and shall hear any other evidence offered by him, or by those who challenge his right. They shall keep correct poll-lists of the names of all persons allowed to vote, and of their respective places of residence in this state, and also the number of the regiment and company or battery to which they belong; which lists shall be certified by them, or by a majority of them, to be correct, and that such residence is in accordance with the indorsement of the residence of each voter on his vote. They shall check the name of every person before he is allowed to vote, and the check-mark shall be plainly made against his name on the poll-lists. They shall sort, count and publicly declare the votes at the head of their respective commands on the day of election, unless prevented by the public enemy, and in that case as soon thereafter as may be; and on the same day of said declaration they shall form a list of the persons voted for, with the number of votes for each person against his name, and the office

—shall be sworn.

—duties of.

Proviso.

Certain officers, where may vote.

Supervisors shall prepare ballot-boxes. Ballots be prepared.

Qualification of voters.

Shall keep correct poll-lists.

Shall check name of voters.

—sort, count and declare votes, &c.

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—make return
to office of sec-
retary of state.

which he was intended to fill, and shall sign and seal up such list and cause the same, together with the poll-lists aforesaid, to be delivered into the office of the secretary of state aforesaid, on or before the first day of December, in the year one thousand eight hundred and sixty-four, and on or before the fifteenth day of November annually thereafter forever. The legislature of this state may pass any law additional to the foregoing provisions, if any shall, in practice, be found necessary, in order more fully to carry into effect the purpose thereof.'

Art. 4, sec. 5,
part first,
amended.

Section five, of article four, part first, shall be amended, by inserting after the word "meetings" in the first line, the words, *within this state*. The same section shall also be amended, by striking out all after the words "town meeting" in the tenth line, as printed in the revised statutes of eighteen hundred and fifty-seven, to and including the word "election," in the thirteenth line. The same section shall also be amended, by striking out all after the word "constitution" in the twenty-first line, and inserting in the place thereof the following provisions: 'And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office thirty days at least before the first Wednesday of January annually. And the governor and council shall examine the returned copies of such lists, and also all lists of votes of citizens in the military service, returned to the secretary's office, as provided in the amendment to article second, section four, of this constitution; and twenty days before the said first Wednesday of January annually, shall issue a summons to such persons as shall appear to be elected by a plurality of all the votes returned, to attend and take their seats. But all such lists shall be laid before the house of representatives on the first Wednesday of January annually, and they shall finally determine who are elected.'

Lists of votes,
return of, to
office of secre-
tary of state.

—shall be ex-
amined by the
governor and
council, &c.

—shall sum-
mons persons
who appear to
be elected.
Lists to be laid
before the
house of rep-
resentatives.

Art. 4, sec. 3,
part second,
amended.

Section three, of article four, part second, shall be amended, by inserting after the word "meetings" in the first line, the words, *within this state*.

Section four, of article four, part second, shall be amended, by adding after the word "lists" in the second line, the words, *and also the lists of votes of citizens in the military service, returned into the secretary's office*. The same section shall also be amended in the last line, by striking out the word "in," and inserting in place thereof the word *for*.

Art. 5, sec. 3,
part first,
amended.

Section three, of article five, part first, shall be amended, by adding after the words "senate and house of representatives," the words, *and also the lists of votes of citizens in the military service, returned into the secretary's office*.

Article first, of the amendments to the constitution of this state, heretofore adopted, shall be amended, by striking out all after the word "polls" in the thirteenth line, to and including the word "election" in the twenty-first line.

Art. 1 of amendments heretofore adopted amended.

Article ninth, of said amendments, shall be amended, by adding at the end thereof the following provisions :

Art. 9 of same, amended.

'SECT. 11. But citizens of this state, absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for judges and registers of probate, sheriffs, and all other county officers, on the Tuesday next after the first Monday in November, in the year one thousand eight hundred and sixty-four, and their votes shall be counted and allowed in the same manner and with the same effect as if given on the second Monday of September in that year. And they shall be allowed to vote for all such officers on the second Monday in September annually thereafter forever. And the votes shall be given at the same time and in the same manner, and the names of the several candidates shall be printed or written on the same ballots with those for governor, senators and representatives, as provided in the amendment to section four of article second of this constitution.'

Citizens who may be allowed to vote for county officers.

Resolved, That the aldermen of cities and selectmen of the several towns and the assessors of plantations in this state, be and they are hereby directed to notify the inhabitants of their respective cities, towns and plantations, in the manner prescribed by law, to give in their votes at the annual meeting in September next upon the amendments proposed in the foregoing resolve ; and the question shall be, shall the constitution be amended, as proposed by a resolve of the legislature, providing that citizens of the state absent therefrom in the military service of the United States or of this state, shall not be deemed to have lost their residence in this state by reason of such absence, but shall be allowed to vote wherever they may be, unless in the regular army of the United States, for governor, senators and county officers, on the Tuesday next after the first Monday of November, in the year one thousand eight hundred and sixty-four, and their votes shall be counted and allowed in the same manner and with the same effect as if given on the second Monday of September in that year ; and shall be allowed to vote for governor, senators, representatives and county officers, on the second Monday of September annually thereafter forever, in the manner and under the regulations in said resolve provided. And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of said amendments expressing it by the word "Yes" upon their ballots, and those opposed to the amendments expressing it by the

Duty of aldermen, selectmen and assessors to notify electors.

Votes, how given.

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—return of, to office of secretary of state.

Governor shall issue proclamation.

—how promulgated.

Polls, when opened and closed.

Secretary of state to furnish blank returns.

word "No" upon their ballots, and the ballots shall be received, sorted, counted, declared and recorded in open ward, town and plantation meetings, and fair copies of the lists shall be made by the aldermen, selectmen and assessors and clerks of the several cities, towns and plantations, in the same manner as votes for senators, and shall be returned to the office of the secretary of state within twenty days after said election. The governor and council shall examine and count the same forthwith after the expiration of said twenty days, and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of the constitution. And the governor shall thereupon issue his proclamation making known the fact, and shall cause the same to be published six weeks successively in the state paper at Augusta, in each of the daily papers published at Bangor and Portland, and in the Lewiston Daily Journal at Lewiston.

Resolved, That the polls shall be opened on the second Monday of September next, at nine o'clock in the forenoon, in all the cities, towns and plantations in this state, and shall be kept open until six o'clock in the afternoon, and no adjournment or intermission whatever shall take place until the same be closed.

Resolved, That the secretary of state shall prepare and furnish the several cities, towns and plantations, blank returns in conformity with the foregoing resolves, accompanied with a copy thereof.

Approved March 24, 1864.

Chapter 345.

Resolves in favor of the insane hospital.

Trustees authorized to cause a plan made of addition to hospital.

Resolved, That the trustees of the insane hospital be and are hereby authorized to cause a survey and plan to be made by a suitable architect, for an addition to the eastern end of the north wing of the hospital, similar in its general structure to wings already built, and with suitable accommodations for fifty patients, with an estimate of the probable cost of the building, and that the same accompany their next annual report.

Appropriation for framing engravings.

Resolved, That there be paid out of the treasury to the trustees, the sum of one hundred dollars, for the purpose of framing certain engravings now in the hands of the superintendent, for the use of the insane hospital.

Chaplain, salary of, increased.

Resolved, That the sum of one hundred dollars be and hereby is added to the salary of the chaplain of the insane hospital.

Approved March 24, 1864.