MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE.

1893.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February 18, 1840, and March 16, 1842.

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1893.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1893.

How weirs shall be made and kept.

'SECT. 69. The limit of depth prescribed for weirs in the preceding section shall be measured at the entrance of the weir, provided, that no part of such weir known as the leader, is in more than two feet of water at low water mark. Weirs may exceed the limit of two feet depth, measured as aforesaid, under the following conditions, namely: first, the distance from the before mentioned two feet limit, to the entrance of such weir, shall not exceed one hundred feet; second, no such weir shall obstruct more than one-eighth of the width of the channel, except in the Cathance, Eastern and Abagadasset rivers, in which rivers such weirs may extend twenty-five feet beyond the one-eighth aforesaid, provided, such extension shall not exceed more than one-fourth of the width of the channel in Abagadasset and Eastern rivers: third, every such weir shall be stripped so as to render it incapable of taking fish on and after the twenty-fifth day of June; but these conditions apply only to weirs, that exceed the aforesaid limit of depth. The standard for low water mark on the Kennebec river, is in all cases the nearest bench mark of the United States coast survey, allowance being made at the various points for the difference in time. visions of this and the preceding section do not apply to fish weirs, nets or seines built or used on the seashore.'

—standard of low water mark for Kenneboo river.

-exceptions.

Approved March 29, 1893.

Chapter 304.

An Act relating to Boards of Registration and the Registration of Voters.

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

Citizenship,

SECT. 1. All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside.

Quali cation of voters.

SECT. 2. Every male citizen who had the right to vote on the fourth day of January, eighteen hundred and ninety-three, together with those not heretofore registered, who were sixty years of age and upwards on said day, and every other male citizen, excepting paupers, persons under guardianship, and Indians [not taxed, who, not being prevented by physical disability from so doing, is able to read the con-

stitution of the state of Maine in the English language, in such manner as to show that he is neither prompted nor reciting from memory, and to write his name, and who is twentyone years of age or upwards, and shall have his residence established in this state for the term of three months next preceding any national, state, city or town election, shall have the right to vote at every such election in such city or town where his residence is so established, provided, however, that no person whose name is not entered upon the voting list as hereinafter provided, shall be allowed to vote.

Every person whose name has not been entered upon the voting lists in any city, in accordance with the provisions of this act, must, if he desires to vote, appear in person at a place provided for registration and prove that he possesses all the qualifications of a voter. Every person qualified to vote, as hereinbefore provided, shall vote only in _where person the ward of the city, and voting precinct thereof, if any, in qualified, shall vote. which he had his residence on the first day of April preceding, or of his becoming an inhabitant after said day.

Every person prove qualifi-

A board of registration is hereby established in Board of regiseach city of the state, which shall have exclusive power and lished. authority to determine the qualification of voters therein, and exclusive power to make up, correct and revise the list of voters in each of said cities, and shall perform all the duties, and have, exclusively, all the powers now exercised by boards of registration or by the municipal officers of said cities in making, preparing, revising and correcting the list of voters therein, under chapter four of the revised statutes, or any other statutes relating thereto.

-powers.

Said board shall consist of three members who Number, apshall be residents and legal voters of the city where such board is established; one of whom shall be appointed and commissioned by the governor, by and with the consent of his council, for a term of four years from May first, eighteen hundred and ninety-three, unless previously appointed and commissioned under chapter thirty-four of the public laws of Maine, approved February twenty-five, eighteen hundred and ninety-one, in which case the term of service of such appointee shall be governed by the provisions of said law, and who shall not hold or be eligible to any state, county or city office however elected or appointed thereto so long as he continues a member of said board. The other two members of the

pointm nt, terms and qualifica-tion of members.

-how nominsted. board shall be chosen one from the political party polling the highest number of votes for governor in this state at the next preceding state election, and one from the political party polling the next highest number of votes for governor of this state at said election; and they shall each hold their office for the term of three years from the first day of May, eighteen hundred and ninety-three; and said members shall not hold or be eligible to any state, county or city office however elected or appointed thereto so long as they shall continue members of said board. Each shall be nominated by the city committee of his own political party, and upon due uotice thereof in writing, the several mayors of said cities shall forthwith appoint such persons, so nominated, members of said board. If either or both of said political parties, after the approval of this act, refuses or neglects to seasonably nominate a member of such board and to notify the mayor of such city, said mayor shall thereupon select and appoint a member of said board from the political party so neglecting and refusing to nominate, and said mayor shall so appoint in all such cases of vacancy, whether caused by death, resignation, declination, neglect or refusal to act after being so appointed, or by election or appointment to any state, county or city office, or however such vacancy may be caused; but in cases of necessity arising from the exigency of the public business, the other two members may proceed therewith as provided by this act, until such vacancy shall be filled in the manner provided herein. And if any member of said board be absent or disqualified by sickness or otherwise, such mayor shall upon notice thereof forthwith fill his place by the appointment of some qualified elector of said city of the same political party as the absent member

-vacanay, how

—n ajority may act.

Chairman, powers and duties. represents, to act in his absence.

Sect. 6. The person appointed and commissioned by the governor shall preside at all meetings of the board, but shall not vote therein except in case of a tie. He shall give notice of the time and place of the sessions of the board and sign all orders and processes issued by the same. If he is necessarily absent or disqualified by sickness or otherwise during any session of said board, the mayor of said city shall upon notice thereof, immediately appoint a qualified elector of the city, who shall be of the same political party as said chairman, to act in his absence.

All the members of said board shall be sworn to the faithful and impartial performance of their duties.

Снар. 304 Members shall be sworn.

Said board shall have the exclusive power and authority to hear evidence and determine the qualification of voters in the city in which it is established. Said presiding officer, at the request of any member shall cause any party or witness appearing before the board to be sworn; any member of the board may administer oaths; and the board shall have power to compel the attendance of witnesses; to punish for contempt; and to issue all processes necessary to the performance of the duties of the board.

Exclusive power to determine qualifications of voters.

The assessors of any city, by one or more of their number or by one or more assistant assessors, shall in the months of April and May in each year, visit every building in their respective cities and make true lists containing as near as can be ascertained from any owner or occupant thereof, the name, age, occupation and residence on the first day of April in the current and his occupation and residence on the first day of April in the preceding year, or of his becoming an inhabitant after said last named day, of every male person twenty one years of age and upwards, residing therein and liable to be assessed for a poll tax; and shall ascertain if any such person has within the year next preceding the first day of April of the current year moved from said building out of said city and taken up his residence elsewhere, and shall make diligent inquiries and true record concerning all matters required of them in this section. They shall make correction of any error in the name or place of -may make corrections. residence of a person assessed on his personal application therefor, and on proof of the same, shall make proper correction thereof on their books. The assessors shall promptly on or before the

Assessors require | to make true lists of all persons liable to pay pall tax, in the months of Apri and May.

Shall transmit li-ts to boards angually.

first day of July in each year, transmit to the boards of registration, the lists so made or certified copies thereof, noting day of July therein every change of name or residence of persons assessed a poll tax by them and on or before said first day of July in each year, shall prepare street lists containing the name of every person assessed by them, or who has moved out of said city. Such lists shall be arranged by wards or voting how arranged. precincts if any. They shall prepare a copy of said street lists and deliver the same to their respective boards of regis-

tration on or before the fifteenth of said July,

Street lists shall contain the arrangement and identification of residences; also, name, age and occupation of all persons assessed a poll tax.

-board shall outer on voting lists, name of every person so assessed.

—shall notify assessors of errors.

Penatty for willfully making false entry of name.

Penalty for refusing or neglecting to give full and true information to assessors.

The assessors shall, in said street lists, arrange all buildings used as residences in the order in which they stand on the street or other place, by giving their number or other definite description; so that each building can be readily identified, and shall place opposite or under each number, as near as can be ascertained, the name, age, occupation and place of occupation of every person residing in said building on the first day of April of the current year and assessed a poll tax, with his residence on the first day of April of the preceding year or on the day of his becoming an inhabitant after said last named day. And said board of registration shall enter on the voting lists the name of every person assessed a poll tax for the current year, as transmitted to them by the assessors, provided, every such name can be identified as having been borne upon the voting lists of the last preceding election. Each board of registration shall promptly transmit to the assessors of its city, notice of any error in the name or residence of a person assessed, together with the name and residence of every male citizen who shall prove for the purposes of registration that he was a resident of the city on the first day of April of said current year, but whose name does not appear on the list transmitted to said boards by said assessors.

SECT. 12. Any assessor or assistant assessor, who shall knowingly or willfully enter or cause to be entered on any list of assessed polls, the name of any person as a resident of any building, who is not a resident thereof, shall for each such offense be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding one year.

SECT. 13. Any inmate of a building liable to be assessed for a poll tax, who shall refuse or neglect to give his true name when inquired thereof by any assessor or assistant assessor, and any owner or occupant of a building who shall refuse or neglect to give full and true information within his knowledge relating to all persons residing in such buildings when inquired thereof by any assessor or assistant assessor, or who shall knowingly or willfully give to an assessor or assistant assessor for the purpose of the assessment on a poll tax, the name of any person as a resident of a building, who is not a resident therein, shall be punished for each offense

by fine not exceeding one hundred dollars or by imprison- Chap. 304 ment not exceeding six months.

Boards shall keep register of all voters.

SECT. 14. Boards of registration shall keep a general register of voters containing the names and records of all voters entered from year to year on the voting lists under the provisions of this act, giving the full christian name and the surname, or the full name or initial or initials of any other name or names he may have, date of registration, residence on the first day of April of the year of registration or on the day of his becoming an inhabitant after said first day of April, age, place of birth, occupation, place of occupation, how long resident of the city, place of casting his last vote, married or single, residence of wife or family, where naturalized, when naturalized, in what court, arranged under the following When registered, : resi- -form. ; name, dence, street and number, ; residence April first, street and number, ; place of birth, ; age, ; date of birth. ; occupation, place of business, ; how long a resident of city, ; where last vote was cast, ; married or ; residence of wife or family, where naturalized, ; when naturalized, by what court,

Sect. 15. Applicants under examination for registration shall be required, unless prevented by physical disability from so doing, or unless he had the right to vote, on the read in the English language. fourth day of January, eighteen hundred and ninety three, to read in the English language other than the title, so much as may be necessary, from an official edition of the constitution, in such manner as to show that he is neither prompted nor reciting from memory, and to write his name in a book kept for the purpose. The name of the applicant if admitted to registration, shall be announced in a clear, audible and distinct voice before entering his name on the register.

: remarks.

Applicants for registration, must be -ble to

Any applicant for registration claiming exemp- Applicant, tion from the educational test herein required, excepting those sixty years of age and upwards at the time said test became operative, must declare under oath he was a legal voter in this state on the fourth day of January, eighteen hundred and ninety-three, and if required so to do furnish such other and further reasonable evidence of the truthfulness of his statement as may be satisfactory to said board.

claiming exemption from educational test, required to make oath to, and prove truthfulness of statements.

CHAP. 304

Requirements made of applicant, who is a naturalized citizen,

SECT. 17. In making examination of an applicant, who is a naturalized citizen, he shall be required to produce for inspection his papers of naturalization, or a certificate of the same from the court where he was naturalized, and to make outh that he is the identical person mentioned therein, and said board if satisfied that he has been legally naturalized, shall make a record or memorandum upon said paper of the date of such inspection and enter it upon the general register, and also, in a book kept for the purpose, the name and location of the court by which said papers were issued, with the date thereof and the date of said inspection, together with the name of said applicant as it is spelled and recorded in said papers, which need not again be produced before said board for examination after they have once been passed upon and the above minutes thereof recorded on the papers and in the general register.

Meetings of board shall be public.

- shall keep record of names added to or stricken from lists.

Shall prepare lists of voters, thirty days before next ensuing election. SECT. 18. All meetings of said board of registration shall be open and public, and shall close on each day at nine o'clock in the afternoon, except as hereinafter provided. A record shall be kept of all names added to or stricken from the voting lists and of all other proceedings of said board. No name shall be added to or stricken from said voting lists except during the open sessions of said boards.

Said boards of registration shall prepare ward lists of voters of such persons as appear to them to be legally qualified voters, at least thirty days before the next ensuing But after the first list of voters has been so prepared under this or any preceding act relating to the registration of voters, said boards of registration shall so prepare such lists of voters at least thirty days before any election to be held for any purpose, by placing upon such lists all the names which appear upon the voting lists for the last preceding election, except the names of such persons as have died or ceased to reside therein, or shall appear to said board to have otherwise become disqualified to vote therein since said preceding election, but no new name shall he added during such preparation; nor any other correction or revision of said list, except the correction of errors discovered to have been of the board's own making. And a certified copy of all such lists made in accordance with this section, shall be furnished to the clerk of such city by said board at least thirty days prior to any such election, and said clerk shall post said

—certified copy shall be furnished city clerk, and posted.

certified copies of said lists of voters in their respective wards, at or near the several voting places, customarily used as such in said cities, at least twenty-seven days prior to any such election, provided, however, that in case of a failure to elect any municipal officer at any election, or any person elected declines to serve, so that a special election is held to fill the vacancy, the board shall not be required to prepare, or the city clerk to post a new list of voters, and for this purpose said board shall be in session the three secular days next preceding said election, the first two thereof to be devoted to registration of voters, and the last of said secular days to enable the board to verify the correctness of said lists and to complete and close up its records of said session.

–in ca∗e o' special election to filt vacancy, new lists not required.

SECT. 20. Said boards of registration shall be in session Sersions of from nine in the forenoon to one o'clock in the afternoon, and from three to five o'clock in the afternoon and from seven to nine o'clock in the afternoon, in cities of not less than twentyfive thousand inhabitants, on each of the twelve secular days next prior to any election; on the first nine of said secular days, to receive evidence touching the qualifications of voters therein, and to revise and correct the voting lists, and on the latter three of said secular days, to enable the board to verify the correctness of said lists and to complete and close up its And in all other cities, for the records of said sessions. same purpose, and at the same hours on each of the five secular days next prior to any election, the first four thereof to be devoted to registration as above, and the last one of said secular days to enable the board to verify the correctness of said lists and to complete and close up its records of said ses-And on the last of said secular days, at five o'clock in the afternoon, certified copies of said voting lists shall be delivered to the clerks of said cities and receipts taken therefor, except that on the last of said days devoted to registration and on the last of said days devoted to the records as above, the sessions of the board shall close at five o'clock in the afternoon, but no name shall be added to or stricken from said lists after five o'clock in the afternoon of the last of said days devoted to registration as above. Said board shall not place __names shall upon said lists during said revision of the same, the name of upon lists, unless any person who shall not personally appear before said board r quest. and request it, and during said time said board shall revise and correct the voting lists. And the wardens of cities shall

—nam:s shall not be added to or stricken from lists on election day.

—how voter may be allowed to vote, whose name has been erroneously omitted from is t.

Proceedings, when any person's right to vote is challenged. be governed by said revised and corrected lists; and no names shall be added to or stricken from said lists on the day of election, and no person shall vote at any election whose name is not on said lists. No board of registration shall be answerable for any omission of a name or residence from the voting lists or for any error in the same, unless such name and residence are correctly entered in the general register of voters; but on the day of election said board shall be in session, and shall give to any registered voter whose name has been omitted from the voting list, or in whose name or residence as placed on said voting list a clerical error has been made, a certificate signed by a majority of the board, giving the corrected name and residence of such person, and directed to the officer presiding over the election; such officer shall on receipt of such certificate, allow the person therein named to vote and shall check his name on the certificate, and securely attach the certificate to the voting list.

When the right of any person to have his Sect. 21. name placed upon such list is challenged by any qualified elector, or when the right of any person to have his name remain upon such list is so challenged, before said board shall add to or strike from said list the name of any such person. they shall issue a notice and summons to said person so challenged and allow him a reasonable opportunity to be heard. Such notice and summons shall be served upon such person by an officer selected by the board, by giving him in hand or by leaving at his last and usual place of abode, an attested copy of said notice and summons, at least six hours before the closing of the final session of the board devoted to the revision and correction of the voting lists. Said person and said board may also summon and examine other witnesses before said board concerning his right to vote, and if it appears to said board that such person is not or will not be qualified to vote at such election, they shall cause his name to be erased from said list and not add it thereto. list of voters made under this act shall state the street, and so far as practicable, the number of the street where each The residence of a voter as stated upon the list of voters used at the last preceding election, shall be deemed his last and usual place of abode, unless he shall have given notice in writing, over his own signature, or in person to the city clerk of a change of his residence, which notice,

-when voter charges residence, he shall notify city clerk.

if given after the first day of April, shall entitle him to have CHAP. 304 his residence so corrected on the voting list to be used at the next subsequent election, but shall not entitle him to have his registration otherwise changed nor to vote in ward or precinct other than that in which he resided on said first day Said clerk shall keep a record of all notices of change of residence, which record shall at all times be open -record of oh unges. to public inspection.

SECT. 22. Any person who shall cause his name to be Penalty, if a placed upon the list of voters of more than one ward in any person registers city for the same election, or shall cause his name to be placed upon any list of voters in any city in the state, knowing he is not a qualified voter therein for the election for which the said list is made, or who shall falsely personate any voter, or any person, causing any such act or aiding or abetting any person in any manner in either of said acts, shall be punished by a fine not exceeding one hundred dollars or by imprisonment for not more than one year.

The clerks of cities shall be custodians of the clerks of cities records of said boards and of the revised and corrected lists dim of records. of voters prepared by said boards for use at any election, and shall seasonably transmit to the wardens of cities a true and attested copy of such lists for their use on election day; and -duties. it shall be the duty of said clerks to keep said lists one year and furnish certified copies thereof on application of any person and payment therefor, within ten days thereafter; and for failure so to do they shall be punished by a fine not -penalty for exceeding five hundred dollars or by imprisonment not exceeding one year. The wardens and ballot clerks shall certify on said voting lists that they are the lists used by them respectively at said elections.

neglect.

The president of such board shall receive five compensation dollars for each day that the board shall be in session for the revision and correction of the voting lists and for completing the records thereof, and the other two members of said boards shall receive four dollars per day for such time. They shall also receive a per diem not exceeding five dollars to be fixed by the boards of aldermen and council 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

of m-mbers.

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 employ 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.

Notice of meetings, how given.

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 clerks of said cities at the same time and place as are the certified copies of the lists of voters; and the voting lists as revised and corrected by said board of registration shall be used at each election held in said cities in the several wards thereof.

Any elector may challerg + right of another to vote.

Any qualified elector in said cities may challenge the right of any person to vote in any ward of said cities at any election held 'therein and shall be given the opportunity by the presiding officer thereof, to make such challenge, and such presiding officer shall note the fact of such challenge upon the voting list used in such ward.

Where notices shalt be posted.

All notices of said boards, assessors, city clerks or of any other public officer relating to registration of voters or to elections, shall be posted at or as near as may be to the places designated for receiving votes on election days.

Lists of deceased voters, shall be

The clerk or register of deaths of each city voters, shall be shall, at least thirty-three days before each election, and on the first day designated by said boards for the revision and correction of the voting lists and also on the last of said days set apart for such revision and correction, transmit to said boards, a certified list of the names of all male persons over twenty-one years of age deceased since the preceding election, or since the date of the preceding list, with the ward, street and number where such person resided at the date of death.

Police officers shalt attend meetings of board.

The board or officer in charge of the police force of any city shall, upon request so to do, by said boards detail a sufficient number of police officers to attend any meeting held by said boards and preserve order and enforce the orders of said boards.

Penalty, if any member shall refuse or neglect to enforce educational test.

Any member of said boards who shall refuse or willfully neglect to require any applicant for registration to whom the same is applicable, to read a portion satisfactorily to a majority of said board, other than the title, from

some official edition of the constitution, in such manner as to show that he is neither prompted nor reciting from memory, or to require such applicant to write his name in a book kept for the purpose, unless he is prevented by physical disability from so doing, or who knowingly shall prevent or seek to prevent the registration of any legal voter, or who knowingly shall register the name of any person not qualified to vote or who shall be guilty of any fraud or corrupt conduct in the execution of the duties of his office, shall for each offense be punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years.

Any city officer who shall willfully neglect or Penalty, if any refuse to perform any duty required of him by law in matters relating to the registration of voters, shall for each offense be duty. punished by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years.

refuses or neglects to perform

SECT. 32. Any person who knowingly or willfully shall Penalty, for making false make a false affidavit, or take a false oath, or sign a false certificate regarding the qualification of any person for the assessment of a tax or for registration, or shall injure or deface any list of voters or any notice relating to the registration of voters in any city, or shall prevent or interfere with, or aid or abet any person in preventing or interfering with any public officer in the discharge of his duty relating to the registration of voters, shall for each offense be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding one year.

statement. regarding the qualification of any person for assessment of tax or for registration, etc.

Any person who shall cause his name to be registered knowing that he is not a qualified voter in the place where so registered, or shall falsely represent or attempt to to personate another, etc. represent himself as another person before any board of registration, or shall give a false answer to said board concerning any matter relating to the registration of a voter, or the right of any person to vote, or shall aid or abet any other person in doing either of the acts above mentioned, shall for each offense be punished by a fine not exceeding three hundred dollars or by imprisonment in the county jail not exceeding one year.

Penalty, for false registra-

Any person who shall refuse to obey the lawful orders or directions of any hoard of registration, or shall board, or for interrupt or obstruct the proceedings at any meeting for reg- ceediags.

Penalty, for re-

istration, shall be arrested, detained in custody until a warrant can be procured and shall for each offense be punished by a fine not exceeding fifty dollars or imprisonment not more than sixty days.

Inconsistent acts, repealed.

Section forty-seven, chapter four of the revised statutes, and chapter thirty-four, public laws of Maine, eighteen hundred and ninety-one, and all other acts and parts of acts inconsistent herewith, are hereby repealed.

Approved March 19, 1893.

Chapter 305.

An Act to provide for the prevention of the introduction and spread of Asiatic Cholera and other Infectious Diseases, and for the more effective protection of the public health.

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

the State Board of Health shall have power to establish such

systems of inspection as in its judgment may be necessary

to ascertain the actual or threatened presence of the infection

of Asiatic cholera, small pox, diphtheria, scarlet fever or typhus fever; and any duly authorized agent or inspector of said board shall have power to enter any building, vessel,

The more effectually to protect the public health

State Board of Health authorized to establish system of inspection, to as cartain pres nce of infectious disenses.

-inspector of, shall have power

-to stop vessels, etc. -may detain train and side track eac if inf cted.

railway car or other public vehicle, to inspect the same and to enter any building, etc. to remove therefrom any person affected by said diseases; and for this purpose he may require the person in charge of any vessel or public vehicle other than a railway car to stop such vessel or vehicle at any place, and he may require the conductor of any railway train to stop his train at any station or upon any side track and there detain it for a reasonable time; provided, that no conductor shall be required to stop his train when telegraphic communication with the despatcher's office cannot be obtained or at such times or under such circumstances as may endanger the safety of the train and passengers; and provided further, that any such agent or inspector may cause any car which he may think may be infected with said disease to be side tracked at any suitable place and there be cleansed, fumigated and disinfected. And the said board -may make rules of health may from time to time make, alter, modify or revoke rules and regulations for guarding against the intro-

and regulations for guarding troduction of diseases.