

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-SIXTH LEGISLATURE

OF THE

STATE OF MAINE

**1913**

Including Acts and Resolves of the Special Session held  
in 1912.

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

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PUBLIC LAWS

OF THE

STATE OF MAINE

As Passed by the Seventy-Sixth  
Legislature

*1913*

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CHAP. 159

Chapter 159.

An Act to Amend Section Five of Chapter Twenty-three of the Revised Statutes Relating to Ways.

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

Section 5 of chapter 23, R. S., amended.

Section five of chapter twenty-three of the revised statutes is hereby amended by adding after the word "regular" in the first line thereof the word 'statute' and also by adding after the word "term" in the fourth line thereof the words 'of record' so that said section as amended shall read as follows:

Return to be filed with clerk.

'Section 5. Their return, made at their next regular statute session after the hearing, shall be placed on file, and remain in the custody of their clerk for inspection without record.

—notice of appeal from estimate of damages.

The case shall be continued to their next regular term of record and at any time on or before the third day thereof, if no appeal from the location be taken, all persons aggrieved by their estimate of damages shall file their notice of appeal. If no such notice is then presented or pending, the proceedings shall be closed, recorded and become effectual; all claims for damages not allowed by them be forever barred; and all damages awarded under the first thirteen sections of this chapter, paid out of the county treasury. But if an appeal from the location be taken in accordance with section fifty-two, then notice of appeal on damages may be filed with the clerk of the county commissioners within sixty days after the final decision of the appellate court in favor of such way, has been certified to him, to the supreme judicial court first held in the county where the land is situated, more than thirty days after such notice of appeal is filed, which court shall determine the same in the same manner as is provided in section eight, when no appeal on location is taken.'

—appeal from location, when appeal on damages may be filed.

Approved April 1, 1913.

Chapter 160.

An Act to Amend Sections Eighteen, Twenty-two and Twenty-three, of the Primary Election Law.

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

Section 18 of primary election law amended.

Section 1. Section eighteen of "An Act to provide for nomination of candidates of political parties by primary elections," adopted by the qualified voters of this state at the special election held on September eleventh, nineteen hundred and eleven, is hereby amended so as to read as follows:

'Section 18. Each candidate, so nominated, shall, with such

acceptance, send to the secretary of state the following return CHAP. 160  
by him subscribed and sworn to:

RETURN OF EXPENDITURES.

To the Secretary of State:

Form of  
return of  
expendi-  
tures.

I, \_\_\_\_\_, of \_\_\_\_\_, nominated for the office of \_\_\_\_\_, at the primary election held on June \_\_\_\_\_ 19\_\_\_\_, on oath depose and say that the following is a true and perfect return of all expenditures by me made, or liabilities by me incurred for any purpose whatever, except my actual personal expenses for postage, telegrams, telephones, stationery, express and traveling, in connection with my said nomination, or the procurement thereof, before, at, or since said primary election.

The total amount thereof was	\$
The aforesaid amount is made up of the following:	
Printing	\$
Clerk hire	\$
Newspaper advertising	\$
Hall rent	\$
Soliciting agents	\$
Miscellaneous	\$
Total	\$

Of the above, the following are itemized:

PRINTING.

Name.	Date.	Amount.
(The subdivisions of clerk hire, newspaper advertising, hall rent and soliciting agents shall follow the foregoing form.)		

MISCELLANEOUS.

Name.	Date.	Amount.	Purpose.
I further depose and say that no person, firm or corporation has with my knowledge and consent paid any sum, or incurred any liability, other than to myself, or my political agent, to procure, or to aid in procuring, my nomination aforesaid.			
Dated	A. D. 19		

State of Maine,  
County, ss. A. D. 19 .  
Personally appeared \_\_\_\_\_ and made oath  
that the foregoing return by him signed is true.  
Before me,

Justice of the Peace.

CHAP. 160

False statements in return shall be deemed perjury.

—miscellaneous expenditures limited.

—penalty when political agent fails to make return within required time.

Returns shall be open to inspection.

Section 22 of primary election act amended.

Vacancies in nominations, how filled.

If any statement in said return is wilfully false it shall be deemed to be perjury and shall be punished accordingly. No expenditures shall be so made, or liabilities be so incurred except for the purposes named aforesaid in said return. The subdivision "Miscellaneous" shall not exceed ten per cent of the total amount hereinafter permitted, and shall include no items not legitimate under chapter one hundred twenty-two of the public laws of nineteen hundred eleven, as now or hereafter amended, subsections (d) and (e) of section five of which act, as applied to primary elections, are to be construed as if reading as follows: '(d) of renting and furnishing rooms to be used by candidates or their political agents, and for the reasonable entertainment and refreshment exclusive of alcoholic beverages, of political agents;' '(e) of compensating clerks and other persons employed in candidates' rooms and at the polls.' Political agents of candidates appointed under the provisions of said chapter one hundred twenty-two shall, within fifteen days after the date of the primary election, make to the secretary of state the return required by this section of candidates, omitting only therefrom any sums expended by them for the actual personal expenses of the candidate for postage, telegrams, telephones, stationery, express, and traveling; and the form of the return shall be varied accordingly. Candidates who are their own political agents need not make a separate return in the latter capacity. Any political agent failing to make return within the time required, shall be fined twenty-five dollars for each day on which he is in default, unless he shall be excused by the court, but such failure shall not avoid nor affect the nomination of the candidate.

The returns aforesaid shall be open to public inspection for one year and then be destroyed. The failure of any candidate to file a return within the time required by this act, shall render his nomination void.

Section 2. Section twenty-two of said act is hereby amended by inserting after the words "withdraw in writing" the words 'or shall forfeit his nomination by failure to accept, or to file return, as provided in sections seventeen and eighteen,' so that said section, as amended, shall read as follows:

'Section 22. In case any candidate, except for the United States Senate, who has been duly nominated as the result of any primary election hereunder, shall die before the day of the gubernatorial election, or shall withdraw in writing, or shall forfeit his nomination by failure to accept, or to file return, as provided in sections seventeen and eighteen, the vacancy may be supplied by the political party of such nominee by any con-

vention of delegates or appropriate caucus, under the provisions of sections two, three, and seven of chapter six of the revised statutes, or, if the time is insufficient therefor, then the vacancy may be supplied by the regularly elected state, congressional district, county, town, city, plantation or representative class committee, as the case may be, of such political party. The certificate of nomination, made for supplying such vacancy, shall state, in addition to the other facts required by this section, the name of the original nominee, the facts causing the vacancy, and the measures taken in accordance with the above requirements for filling the vacancy; said certificate shall be accompanied by the withdrawal, if any, and shall be signed and sworn to by the presiding officer or secretary of the convention or caucus, or by the chairman or secretary of the duly authorized committee, as the case may be. The name so supplied for the vacancy shall, if the ballots have not been printed for the office already, be placed on the ballots instead of the original nomination; or, if the ballots have been printed, new ballots containing the new nomination shall, whenever practicable, be furnished, or slips containing the new nomination shall be printed under the direction of the secretary of state, which may be pasted in proper place upon the ballots and thereafter shall become part and parcel of said ballots as if originally printed thereon.'

CHAP. 100

—state-ments which shall be made in certificate of supply of vacancy.

—certifi-cate shall be sworn to.

Section 23 of primary election law amended.

Section 3. Section twenty-three of said act is hereby amended by inserting after the words "withdraw in writing," the words 'or shall forfeit his nomination by failure to accept or to file return, as provided in sections seventeen and eighteen,' so that said section, as amended, shall read as follows:

Vacancy in nomination for U. S. senator, how filled.

'Section 23. In case any nominee for United States senator, nominated hereunder, shall die before the meeting of the legislature at which such office is to be filled, or shall before that time withdraw in writing, or shall forfeit his nomination by failure to accept or to file return, as provided in sections seventeen and eighteen, a state primary election shall be ordered by proclamation of the governor, at such date as he deems best, conforming as near as may be practicable to the provisions of this act, but in that event the governor in said proclamation shall fix the time within which and when the returns shall be received and the result declared. Candidates so chosen shall be subject to the provisions of this act regulating acceptances and returns by candidates for United States senator.'

Approved April 1, 1913.