

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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Private and Special Laws

OF THE

STATE OF MAINE

As Passed by the Seventy-Eighth
Legislature

1917

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either party appoint three disinterested persons as appraisers to fix and determine the amount of money to be paid for the fair value of the property, rights and privileges so taken, subject to the exception aforesaid; the method of procedure and the duties and powers of the appraisers to be determined by the act authorizing such taking.

Sec. 13. Proviso as to date when effective. This act shall not take effect until all rights and privileges of the Kingman Developing Company granted by chapter three hundred twenty-three of the private and special laws of nineteen hundred and seven, as revived and extended by chapter one hundred and two of the private and special laws of nineteen hundred fifteen shall have terminated and become null and void.

Approved April 7, 1917.

Chapter 191.

An Act Relating to Municipal Elections in the Town of Mount Desert.

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

Sec. 1. Referendum; elections to be conducted in accordance with following sections. The town of Mount Desert, Hancock county, Maine, may at any legal meeting of the voters called by a warrant containing an article for the purpose, accept the provisions of this act, and when so accepted, all elections for town officers now required by law to be chosen by ballot shall thereafter be in accordance with the provisions herein provided, except the moderator and town clerk, who shall be chosen as now provided by law.

Sec. 2. Town may determine officers to be chosen by ballots; exception. When said town so accepts the provisions of this act, it shall at the same time or meeting determine what officers, if any, not now required by law to be chosen by ballot shall be chosen in the manner herein provided. All such matters shall be stated in the warrant calling such meeting. No change shall be thereafter made in the officers to be chosen by ballot or in the number or terms thereof, except at a meeting held at least thirty days before any annual town election.

Sec. 3. Time of opening and closing polls to be stated in warrant. All warrants for town meetings for the election of officers as herein provided shall specify the time of opening the polls and the time when the same may be closed, but the polls shall be kept open at least three hours.

Sec. 4. Nomination of candidates, how made. Nominations for candidates shall be made by nomination papers signed in the aggregate for each candidate by qualified voters of said town not less in number than one for every twenty-five voters who have registered for the last preceding state election in said town; but the voters so signing shall in no case be less than twenty in number, and each voter may subscribe to as many nomination papers for each office as there are members to be elected thereto, and no more. Nomination papers shall, besides containing the names of candi-

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dates, specify as to each candidate the office for which he is nominated, and may include a designation of such candidacy expressed in not more than three words.

Sec. 5. Nomination papers, where filed; objections, how settled. Nomination papers shall be filed with the town clerk of said town at least six days previous to the day of election, and nomination papers being so filed and being in conformity with the provisions of this act shall be deemed to be valid unless objection thereto is duly made in writing. Such objections or questions arising in the case of nominations shall be considered by the board of registration of voters, and the decision of a majority of the board shall be final. In case such objection is made, notice shall forthwith be delivered to the candidate affected thereby. All nomination papers when filed shall be open under proper regulations to public inspection, and the town clerk shall preserve the same in his office for not less than one year.

Sec. 6. Form of ballots; number of selectmen, how determined. All ballots for use in such elections shall be prepared by the town clerk. Every general ballot, or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of this act, shall contain the names of all candidates whose nominations for any offices specified in the ballot have been duly made, and shall contain no other names. The names of candidates for each office shall be arranged under the designation of the office in alphabetical order according to the surnames. All candidates for selectmen shall be listed alphabetically without any designation as first, second, etc. Previous to balloting for selectmen, the voters may determine by majority whether to elect three, five or seven. Without such determination, three shall be elected. The three (or if so determined, five or seven) having the largest number of votes shall be declared elected. There shall be left at the end of the list of candidates for each different office as many blank spaces as there are persons to be elected to such office, in which the voter may insert the name of any person not printed on the ballot for whom he desires to vote as candidate to such office. Whenever any question is submitted to the vote of the people of the town, in accordance with a statute providing for such submission, such questions shall be printed upon the ballot after the list of candidates. The ballot shall be so printed as to give to each voter a clear opportunity to designate by a cross mark (X) in a square at the right of the name and designation of each candidate, his choice of candidates and his answer to the questions submitted, and in the ballot may be printed such words as will aid the voter to do this, as "Vote for one," "Vote for three", "Yes", "No", and the like. Before distribution, the ballots shall be folded in marked creases so as to measure when folded not less than four and one-half nor more than five inches in width, and not less than six nor more than thirteen and one-half inches in length. On the back and outside, when folded, shall be printed "Official Ballot for the Town of Mount Desert", and the date of election and the signature or facsimile of the signature of the town clerk.

Sec. 7. Ballots to be fastened together in blocks; record to be kept by clerk. All ballots when printed shall be folded as hereinbefore provided

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and fastened together in convenient numbers in packages, books or blocks, in such manner that each ballot may be detached and removed separately. A record of the number of ballots printed and furnished shall be kept and preserved by the town clerk.

Sec. 8. Number of ballots to be furnished. There shall be provided for every such election such general ballots, of not less than seventy-five for each fifty and fraction of fifty registered voters therein.

Sec. 9. Town clerk to provide instructions and specimen ballots. The town clerk shall provide full instructions for the guidance of voters at such elections, as to obtaining ballots, as to the manner of marking them, and the method of obtaining assistance, and as to obtaining new ballots in place of those accidentally spoiled; and shall cause the same, together with copies of sections twenty-seven, twenty-eight, twenty-nine and thirty of chapter one hundred and two of the acts of the year eighteen hundred and ninety-one and any amendments thereof, to be printed in clear type, on separate cards, to be called cards of instruction. He shall also cause to be printed on tinted paper, and without the indorsements, ten or more copies of the form of the ballot provided for such election, which shall be called specimen ballots, and shall be furnished with the other ballots provided therefor.

Sec. 10. List to be posted four days prior to election. At least four days prior to the election, the town clerk shall cause to be conspicuously posted in one or more public places a printed list containing the names of all candidates to be voted for in such town, and any designation as provided in section four, substantially in the form of a general ballot to be so used therein.

Sec. 11. Ballots, etc., to be packed in sealed packages. The ballots, together with the specimen ballots and cards of instruction printed by the town clerk as herein provided, shall be packed by him in sealed packages, with marks on the outside designating the number of ballots of each kind enclosed.

Sec. 12. Ballot clerks to be appointed. Before the opening of the polls the selectmen shall appoint three or more ballot clerks, and in case of vacancies after the opening of the polls the moderator shall fill the same. The ballot clerks shall be sworn and have charge of the ballots and shall furnish them to the voters in the manner hereinafter provided.

Sec. 13. Ballots to be delivered on day of election; cards of instruction to be posted by town clerk; duplicate list of voters for use of ballot clerks. The town clerk shall, before the opening of the polls on the day of election, deliver the ballots to the ballot clerks, who shall receipt therefor, which receipt shall be kept in the clerk's office. Before the opening of the polls the town clerk shall cause the cards of instruction to be posted at or in each voting shelf or compartment provided for the marking of the ballots, and not less than three such cards and not less than five specimen ballots to be posted in or about the polling room, outside the guard rails. No ballots prepared under this act shall be delivered to voters until the moderator and

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town clerk shall have been chosen in the manner now provided by law. A duplicate list of the qualified voters shall be prepared for the use of the ballot clerks, and all provisions of law relative to the preparation, furnishing, use and preservation of check lists shall apply to such duplicate lists.

Sec. 14. Plurality vote; procedure in case of tie. Except as herein provided, the election shall be conducted as now provided by law. All officers voted for in the manner as herein provided shall be elected by a plurality vote. In case of failure to elect any officer or officers so voted for by reason of a tie vote, the meeting shall be adjourned to a day certain, when such officer or officers shall be chosen as herein provided.

Approved April 7, 1917.

Chapter 192.

An Act to Create a Board of Harbor Commissioners for the Harbor of Portland, and Define its Powers.

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

Sec. 1. Board of Harbor commissioners created; vacancies, how filled. Four persons shall be selected in the manner provided for by section two of this act, two of whom shall always be residents of the city of Portland, and two residents of the city of South Portland, to be known as the Board of Harbor Commissioners for the Harbor of Portland, hereinafter referred to as the board. Whenever a vacancy occurs in the board by reason of the expiration of the term of service, the governor, with the advice and consent of the council, shall fill such vacancy, and the person so appointed shall hold said office for the term of four years. In the event of the death or resignation of any member of said board, or his removal from the city of which he was a resident at the time of his appointment, the governor, with the advice and consent of the council, shall fill said vacancy by the appointment of a resident of the same city; and the person so selected shall continue to hold said office until the end of the term of the one he succeeds, provided, however, that nothing in this act shall be construed to affect the eligibility for service of any member of either board of said cities as now constituted.

Sec. 2. Choice of members of first board, how effected, tenure of office, organization. The present boards of Harbor Commissioners for the City of Portland and of the city of South Portland shall, immediately after the taking effect of this act, or as soon thereafter as may be deemed advisable, meet separately and determine, by lot, the two members from each of said boards who shall constitute the members of the board hereby created; and as soon as such selections are made, the four persons so selected, shall meet and proceed to elect from the members of said board, a chairman and a clerk, adopt a corporate seal, and, may then, or at any time thereafter, adopt such rules and regulations as are necessary for the proper conduct of the business of said board; and at the same meeting, or as soon thereafter as practicable the board shall determine by lot the term of office of