

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ACTS AND RESOLVES

AS PASSED BY THE

Eightieth Legislature

OF THE

STATE OF MAINE

1921

Including Acts and Resolves of the Special Session held in 1920.

Published by the Secretary of State, in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, and March 16, 1842.

LEWISTON JOURNAL PRINTSHOP AND BINDERY
LEWISTON, MAINE

1921

PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eightieth Legislature

1921

[supplied from page 3 of volume]

CHAP. 37

amended by striking out the word "three", before the word "dollars", in the fourth line of said section, and inserting in place thereof the word 'four', so that said section as amended shall read as follows:

'Sec. 8. Per diem of jurors increased to four dollars. Grand and traverse jurors, attending the supreme judicial court or superior courts, and jurors attending on any other occasion prescribed by law, shall each be allowed four dollars a day for their attendance, and six cents a mile for their travel out and home, to be paid out of the county treasury.'

Approved March 17, 1921.

Chapter 37.

An Act to Amend Section Two of Chapter Fifty-one of the Public Laws of Nineteen Hundred and Nineteen, Relating to the Training of Rural Teachers.

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

1919, c. 51, § 2; relating to the payment of a bonus to rural teachers attending the summer school for training of rural teachers, amended. Section two of chapter fifty-one of the public laws of nineteen hundred nineteen is hereby amended by striking out all of the last sentence in said section and substituting therefor the following words: 'The governor and council shall direct the payment of such amounts as they shall approve out of the appropriation for the training of rural teachers and said amounts shall be deducted from state school funds', so that said section, when amended, shall read as follows:

'Sec. 2. Governor and council to direct the payments of such amounts as they shall approve. The state superintendent of public schools is hereby authorized to arrange for the payment of necessary expenses of travel and board incurred by teachers in attending said school of instruction, and at the close of the school year he shall recommend to the governor and council, upon satisfactory evidence of successful service, the payment to each teacher so trained of a bonus of twenty-five per cent of the annual salary paid to her by the town for her services. The governor and council shall direct the payment of such amounts as they shall approve out of the appropriation for the training of rural teachers and said amounts shall be deducted from state school funds.'

Approved March 17, 1921

Chapter 38.

An Act Additional to and Amendatory of Chapter Seven of the Revised Statutes, Relating to Elections.

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

R. S., c. 7; relating to elections, supplemented. Chapter seven of the revised statutes is hereby amended by adding thereto the following sections:

Sec. 133. Term "absentee voters" defined. An absentee voter is hereby defined to be any person who is a duly qualified registered voter, and in respect to any primary election duly enrolled as a member of the political party in the primary of which he proposes to vote, but who through absence from the city or town in which he is entitled to vote, is unable to cast his ballot at the polling place where he is entitled to vote, at any city election, at any primary election held pursuant to sections one, twenty-three and twenty-four of chapter six of the revised statutes of Maine, or at any general or special state election as the term state election is defined in section one of chapter seven of the revised statutes of Maine, including also elections for the choice of electors of president and vice-president of the United States, elections held in accordance with the initiative or referendum provisions of the constitution of Maine, and elections to vote upon amendments to the constitution of Maine.

Sec. 134. Secretary of state to prepare ballots, blank forms, instructions, etc., for city and town clerks. Thirty days at least, when practicable, prior to any election at which absentee voting is authorized, and in other cases as early as may be practicable, the secretary of state, or in case of city elections the respective city clerks, shall prepare, in such quantities as the official preparing same may deem necessary, the following papers:

(a) **Ballots, form of.** Official absent voting ballots similar in all respects to the official ballots to be used at such election, except that the words, Official Absent Voting Ballot, shall be printed conspicuously on the back and outside thereof.

(b) **Blanks for applications for ballots.** Blank forms of application for such ballots worded as follows, but varying the bracketed word (state) so as to properly designate the election then next to be held, and omitting the bracketed clause concerning enrolment in elections other than primary:

I, _____, hereby apply for an official absent voting ballot. I am a legal resident of the city or town of _____, in the county of _____, State of Maine. I am a duly qualified and registered voter, and am, as I believe, entitled to vote at the next (state) election, at precinct _____, ward _____, in the city or town of _____, in the county of _____ and State of Maine.

(I have conformed to all the requirements of the laws of Maine relative to enrolment and am entitled to vote for the nomination of candidates of the _____ party.)

My address, including street and number if any, on April first of the present year was _____ and is now _____

(Signature).....

CHAP. 38

We, the undersigned, a majority of the officials having charge of the registration of voters of the city or town of _____ hereby certify that the above signature, to the best of our knowledge and belief, appears to be genuine, and that we believe the facts stated in above application to be true.

(Signatures).....

.....

(c) **Envelopes for ballots.** Envelopes of sufficient size to contain the ballots specified in clause (a) bearing on their reverse the following affidavit:—

State of _____ }
County of _____ } ss.

I, _____, do solemnly swear that I am a legally registered voter in the city or town of _____, in the county of _____, and State of Maine, and entitled to cast within ballot; that I am unable to cast my ballot on election day at the polling place where I am entitled to vote because I shall be absent from said town of _____ on election day for the following reasons: (here insert reasons) that I have carefully read the instructions forwarded to me with the ballot herein inclosed; that I showed to the undersigned person taking my oath hereto, said ballot unmarked; that I then marked said ballot and sealed it in this envelope, all in his presence and in the presence of no other person, but without his seeing how I marked said ballot and without communicating to him how I voted or intended to vote.

(Signature).....

Subscribed and sworn to before me by the above affiant, personally known to me, this _____ day of _____ 19____, in the city or town of _____, state of _____.

I hereby certify that the above statements made by said affiant are true to the best of my knowledge and belief and that I have no knowledge as to how said affiant voted.

(Official seal, if any.) Name.....
Residence.....
Official Title.....

(d) **Envelopes in which to enclose the envelope containing the ballot.** Envelopes of sufficient size to contain the preceding addressed

to the clerk of the city or town of _____, county of _____, State of Maine, having at the top blank spaces for the name, voting residence and voting place of the sender with the words "Name," "Voting Residence," "Ward" and "Precinct" appropriately printed thereon.

(e) **Copies of Absent Voting Act with instructions.** Copies of this act with such explanatory matter and instructions as the secretary of state, with the approval of the attorney general, or in case of city elections such as the respective city clerks shall deem appropriate to carry into effect the purposes of this act.

Sec. 135. Secretary of state to supply each city and town with as many papers as he deems necessary. The secretary of state shall supply each city and town clerk in the state with as many as he may deem necessary of the papers prepared by him in accordance with the provisions of the preceding section, and even in city elections shall furnish sufficient copies of this act to said clerks.

Sec. 136. Ballots, blank forms, etc. to be sent to absent voters by city and town clerks upon application. The papers mentioned in clauses (b) and (e) of section one hundred thirty-four shall, as soon as they can be prepared be delivered to any person who by mail or otherwise applies therefor to the clerk of the city or town where he is entitled to vote. All other papers described in said section shall be mailed without unnecessary delay, postage prepaid, by the city or town clerk applied to as aforesaid, to all absentee voters who seasonably file the application set forth in said clause (b), provided said application is duly certified by the proper officials as set forth in the next following section of this act.

Sec. 137. When application is received clerk shall submit it to officials charged with registration of voters; said officials shall certify to genuineness of applicant; if not certified as genuine applicant to be notified: applications to be preserved and note to be made on check list. When an application for an official absent voting ballot is received by the clerk of a city or town, he shall forthwith transmit same to the officials charged by law with the registration and enrolment of voters in said city or town. Said officials shall examine same; and, if they believe the signature thereon to be genuine and the statements therein made by the applicant to be true, they shall execute the certificate thereon and return same to said clerk. The city clerk shall cause to be placed on the voting list, opposite the name of each person to whom an official absent voting ballot is mailed or delivered, and prior to the opening of the polls on election day, the letters in capitals A. V. If said officials do not believe said signature to be genuine or said statements made by the applicant to be true, or decline to execute the said certificate, they shall

CHAP. 38

forthwith mail to the purported applicant at his last address as stated on said application written notice to that effect, giving their reasons for so declining. They shall preserve the application until the time set by law for the destruction of ballots cast in the coming election, at which time said application shall also be destroyed. The clerk shall keep lists of the names and addresses, arranged by voting precincts, of all voters filing applications for absent voting ballots, and shall post copies of said lists for public inspection at each polling place.

Sec. 138. How the voter who has received an absent voting ballot may vote. A voter who has executed and filed an application for an official absent voting ballot with the clerk of the city or town in which he is a registered voter may, after his application is certified and he has obtained an official absent voting ballot as provided in the two sections last preceding, vote by mailing said ballot as hereinafter provided or by delivering said ballot in person, to such city or town clerk. He shall mark said ballot in the presence of any official authorized by law to administer oaths, if the marking is done within the State of Maine, and in the presence of any notary public having a seal, if the marking is done outside of the State of Maine; but, in either case, no person other than the voter and the official taking his oath shall be present during the marking and sealing of said ballot. Before marking said ballot, the voter shall exhibit it to said official, who shall satisfy himself that it is unmarked, but he shall not allow said official to see how he marked it. Said official shall hold no communication with the voter, nor he with said official, as to how he is to vote. Thereafter the voter shall enclose and seal the ballot in the envelope provided for in clause (c) of section one hundred thirty-four. He shall then execute before said official the affidavit on said envelope as set forth in said clause (c), said official shall endorse thereon the certificate provided for in said clause (c) and affix his official seal, if any, and said voter shall enclose and seal the envelope with the ballot in the envelope provided for in clause (d) of section one hundred thirty-four, endorse thereon his name, address and voting place, and mail the same within the time prescribed in the following section, by registered mail requesting return receipt therefor, postage prepaid, at any post office, or may deliver same in person as above provided.

Sec. 139. When ballots shall be mailed or delivered by absent voter. All ballots cast under the provisions of the preceding section shall be mailed on or prior to the day of election, or, if delivered in person, shall be delivered at least twenty-four hours before the opening of the polls at the voter's polling place on the day of the election. The postmark, if legible, shall be conclusive evidence of the time and place of mailing. Any clerk, if requested thereto, shall give to any person delivering such

ballot in person a receipt therefor setting forth the precise date, hour and minute of the delivery.

Sec. 140. Procedure to be employed by clerk upon receipt of envelope purporting to contain absent voting ballot. Upon receipt of an envelope purporting to contain an official absent voting ballot, the clerk of the city or town shall attach thereto the application for an official absent voting ballot executed by the voter whose name appears thereon and certified by the registration officials as hereinbefore provided. All such envelopes shall be preserved unopened. Upon election day before the hour for closing the polls the said clerk shall deliver all envelopes received by him to the election officials in the several voting precincts in which the voters named therein assert the right to vote, together with a list signed by him of the voters' names and addresses as shown upon said envelopes.

Sec. 141. Procedure to be employed by election officials at polls, in respect to absent voting ballots. Immediately after the closing of the polls, and after the ballots cast have been removed from the ballot box, the presiding officer in each polling place shall open all envelopes delivered to him under the provisions of the preceding section and shall compare the signatures on the envelopes therein enclosed with the signatures on the applications attached thereto, and shall examine the affidavits. If the affidavits are duly and properly executed in accordance with the provisions of this act, and if the voter's signatures on the affidavits appear to be made by the same persons who signed the applications, and to be the signatures of duly registered voters who have not voted at the election, he shall make public announcement of the names of the absentee voters, open the envelopes in such manner as not to destroy the affidavits thereon, take out the ballots without unfolding them or permitting them to be opened or examined, and, after checking the names of the absentee voters on the voting list, shall deposit the ballots in the ballot box. If he finds an envelope to bear an affidavit not duly and properly executed as aforesaid, or not signed by the same person who signed the accompanying application, or if the voter whose name appears thereon is not a registered voter, is not enrolled when enrollment is requisite to the casting of the ballot, or has voted in person, the presiding officer shall not open the envelope, but shall mark across the face thereof "Rejected as defective," "Rejected as not a voter," "Rejected as not enrolled" or, "Voted in person" as the case may be. In event of its appearing from the color of the ballot at a primary election, when said ballot is taken from its envelope by the said presiding officer, that said ballot is for the nomination of candidates of a party other than that in which the absentee voter is enrolled, said presiding officer, without opening said ballot, shall endorse on the outside thereof and of the envelope containing same, "Rejected as not enrolled in the proper party,"

CHAP. 38

and shall thereupon replace said ballot in its envelope and reseal said envelope securely. All envelopes, opened or unopened, shall be retained with the ballots cast at the election, and preserved and destroyed in the manner provided by law for the retention, preservation or destruction of official ballots. The tally sheets in use at elections shall provide in convenient form for the recording thereon of all envelopes, as well as all accepted or rejected ballots of absentee voters.

Sec. 142. Challenge of absent voting ballots, procedure. All absent voting ballots shall be subject to challenge when and as cast by any qualified elector of the city or town where said ballot is presented for non-compliance with this act, or for any reason disqualifying the person whose ballot is challenged from voting same, and an opportunity shall be given for such challenge by the officer presiding at the polling place, and such officer presiding shall note the fact of such challenge upon the voting list used at said polling place. Said presiding officer shall also note the fact of such challenge together with the name of the voter upon the ballot so challenged, witnessed by two election officers representing two different parties. Any failure to comply with the provisions of this section shall be a misdemeanor punishable by a fine not exceeding one thousand dollars or by imprisonment not exceeding two years.

Sec. 143. Ballot not to be rejected for any irregularity; ballot not to be counted if voter has died since application was made. No ballot transmitted under the provisions of this act shall be rejected for any immaterial addition, omission, or irregularity in the preparation or execution of any writing or affidavit required herein. No ballot presented under the provisions hereof shall be counted if the officers charged with the duty of counting the same are cognizant of the fact that the voter has died prior to the opening of the polls on the day of election.

Sec. 144. Ballots received after close of polls to be retained by clerk until time set for destruction of regular ballots. All envelopes received by clerks of cities and towns after the hour fixed for the closing of the polls on the day of election shall be retained by them unopened until the time set by law for the destruction of ballots cast at said election, at which time the envelopes shall likewise be destroyed, unopened and unexamined.

Sec. 145. Voter who is in town on day of election and attempts to vote as an absent voter guilty of a misdemeanor. Nothing herein contained shall prevent a voter who has undertaken to vote at an election in accordance with the provisions of this act from voting at said election in person. In case such voter shall be present on the day of said election, in the city or town where he is entitled to vote, for so long after the opening

or so long before the close of the polls therein as to give him time so to do, he shall go in person to the polling place where he is entitled to vote and cast his ballot, or offer to cast his ballot, in person. Any such voter who shall wilfully or knowingly neglect to comply with the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one hundred dollars or by imprisonment not more than thirty days in jail, or by both such fine and imprisonment.

Sec. 146. Secretary of State to furnish printed information and full instructions to local election officials in regard to absent voting. The secretary of state shall prepare for the use of election officials, city and town clerks and the officials having charge of the registration of voters in the various cities and towns of the state, such printed information and instructions, subject to approval by the attorney general, as he may deem proper to facilitate the operation of this act. Such printed matter shall be transmitted to said officials prior to each election. The secretary is further authorized to prepare and distribute, subject to like approval, such general information relative to this act as he may deem expedient.

Sec. 147. Penalty for violations by private individuals and election officials. Whoever, not being entitled to vote under the provisions of this act votes or attempts to vote under the provisions hereof, or whoever, being entitled to vote under the provisions of this act, knowingly votes or attempts to vote in violation of the terms hereof, or whoever being an official entrusted with the execution of this act wilfully or negligently violates any provision thereof, shall be punished by a fine of not more than five hundred dollars and by imprisonment in jail for not over one year.

Sec. 148. Not effective until constitution is amended, as proposed. This act shall not take effect unless and until the constitution of this state is amended by striking out the word "present" in the fifth and thirty-fourth lines of section five, article four, part first, thereof, or is otherwise amended so as to allow the casting of ballots at elections by voters not present at the polls in person.

Approved March 21, 1921.

Chapter 39.

An Act to Amend Section Ninety-eight of Chapter Eighty-two of the Revised Statutes, Relating to the Exchange of Justices of Superior Courts.

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

R. S., c. 82, § 98; relating to sessions of superior courts, when justice is ill or for any reason cannot preside, amended. Section ninety-eight of chapter eighty-two of the revised statutes is hereby amended