

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Eighty-First Legislature

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[supplied from page 1 of volume]

CHAP. 128

decision has been communicated to them. In the case of islands not within the jurisdiction of any town, all powers of municipal officers to issue licenses to build weirs are hereby conferred upon the owner or owners of said islands. If said owner or owners are unable to agree as to the issuance of a license, they shall submit the question of such issuance to the director of sea and shore fisheries who shall after a hearing at which all parties may be represented, decide as to the issuance of such license.'

Approved March 31, 1923.

Chapter 128.

An Act to Repeal Certain Laws Relating to the Alewive Fishery of the State of
Maine.

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

Sec. 1. Acts wherein legal corporate action of municipality is necessary relating to alewive fisheries, and no action has been taken, repealed. In all acts relating to the alewive fisheries wherein legal corporate action by the municipalities is either necessary or permissive and no such action has been taken by such municipality within five years prior to the date of the approval of this act, such acts are hereby declared to be null and void and such acts are hereby repealed, unless such municipality, at their annual meeting in nineteen hundred and twenty-four, take such legal corporate action as is required by such acts as may be necessary to preserve the rights of such municipality therein, such action to be followed, within a reasonable time thereafter, by the doing of such acts or work as may be necessary to carry the vote of such municipality into effect.

Sec. 2. Director of sea and shore fisheries to decide whether action of municipality has been performed. It shall be the duty of the director of sea and shore fisheries, after a hearing of any party or parties interested, to decide whether the action and doings of any municipality required by the preceding section have been reasonably performed.

Approved March 31, 1923.

Chapter 129.

An Act to Amend Section Nineteen of Chapter Five of the Revised Statutes as Amended by Chapter Sixty-nine of the Public Laws of Nineteen Hundred and Seventeen and Chapter One Hundred and Seventy-one of the Public Laws of Nineteen Hundred and Twenty-one, Relating to the Duties of Boards of Registration of Voters.

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

R. S., c. 5, sec. 19; P. L., 1917, c. 69; 1921, c. 171; relating to sessions

of boards of registration; how names shall be placed on lists, etc., amended. Section nineteen of chapter five of the revised statutes, as amended by chapter sixty-nine of the public laws of nineteen hundred and seventeen and by chapter one hundred and seventy-one of the public laws of nineteen hundred and twenty-one, is hereby amended by striking out in line eighteen the word "six" and inserting instead thereof the word 'nine,' and by striking out in said line eighteen the word "four" and inserting instead thereof the word 'six,' and by striking out in line nineteen the word "two" and inserting instead thereof the word 'three,' and by adding after the word "justice" in line fifteen of said bill the words 'No costs shall be allowed either party in any such proceeding,' and by striking out in line forty-one the words "at said previous session" and the word "erroneously," and by adding after the word "list" in line forty-two the words 'through any error of the assessors or said board' and by adding to the end of the section the words 'in case any person is aggrieved by any order or decision of said board, the whole case, upon petition for mandamus, shall be re-examined and determined by any justice of the supreme judicial court in said county, which determination, however, shall not affect any election held prior to said decision of said justice,' so that said section, as amended, shall read as follows:

'Sec. 19. In cities of less than 10,000 inhabitants board of registration to be in session nine secular days prior to election, six days in open session and three in closed to complete lists; names may be added to lists on election day if omitted through error of assessors or board; aggrieved party may have case determined by justice of S. J. court; no costs allowed. In cities of over fifty thousand inhabitants said boards of registration shall be in session on each of the thirty secular days next prior to any election; on the first eighteen of said secular days in open session from nine o'clock 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, to receive evidence touching the qualifications of voters therein, and to revise and correct the voting lists, and on the latter twelve of said secular days in closed session to enable the board to verify the correctness of said lists and to complete and close up its records of said sessions; in cities of less than fifty thousand and over twenty-five thousand inhabitants, said boards shall be in session on each of the sixteen secular days next prior to any election; the first ten days thereof in open session, and the latter six days thereof in closed session, during the hours and for the purposes as above provided; in cities of less than twenty-five and over ten thousand inhabitants, ten secular days, the first seven days in open session and the latter three days in closed session as above provided; and in cities of less than ten thousand inhabitants, nine secular days, the first six days in open

CHAP. 130

session and the latter three days in closed session. No name, except as hereinafter provided, shall be added to or stricken from the general register of voters after nine o'clock in the afternoon of the last of said days devoted to registration as above. Said board shall not place upon said voting lists during said revision of the same, the name of any person who shall not personally appear before said board in open session and request it; but nothing in this chapter shall be so construed as to require any voter, whose name is already upon any ward list and who afterwards moves from said ward to any other ward in said city, to appear personally before said board in order that his name may be transferred from one ward list to another. On the last of said secular days devoted to the completion of the records as above provided, the sessions of the board shall close at five o'clock in the afternoon, and certified copies of said voting lists shall at that hour be delivered to the clerks of said cities and receipts taken therefor. The wardens of cities shall 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, except as hereinafter provided, 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 said voting lists or for any error in the same, unless such name and residence are correctly entered in said general register of voters; but on the day of election said board shall be in session, and shall give to any voter whose name has been stricken from said general register or omitted from said voting list through any error of the assessors or said board, 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 said certificate, and securely attach said certificate to said voting list. In case any person is aggrieved by any order or decision of said board, the whole case, upon petition for mandamus, shall be re-examined and determined by any justice of the supreme judicial court in said county, which determination, however, shall not affect any election held prior to said decision of said justice. No costs shall be allowed either party in any such proceeding.'

Approved March 31, 1923.

Chapter 130.

An Act to Amend Chapter Eighty-three of the Public Laws of Nineteen Hundred and Twenty-three, Relating to Close Time on Scallops, for the Purpose of Correcting a Clerical Error.

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

P. L., 1923, c. 83; reference to R. S., c. 22, changed to c. 45 to correct