

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
AS PASSED BY THE  
Eighty-ninth and Ninetieth  
Legislatures

OF THE  
STATE OF MAINE

From April 21, 1939 to April 26, 1941  
AND MISCELLANEOUS STATE PAPERS

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Published by the Revisor of Statutes in accordance  
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1941

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninetieth Legislature

**1941**

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## Chapter 150

## AN ACT Relating to Election Returns.

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

R. S., c. 8, § 55, amended. Section 55 of chapter 8 of the revised statutes is hereby amended to read as follows:

‘Sec. 55. Mode of determining who are elected; proceedings for correcting returns; notice of election; rule for canvassing returns and determining election. The governor and council, by the first day of December as to presidential elections and by the 15th day of October as to all other elections, in each year in which an election is held, shall open and compare the votes so returned and have the same tabulated, and may receive testimony on oath to prove that the return from any town does not agree with the record of the vote of such town in the number of votes, or the names of the persons voted for, and to prove which of them is correct; and the return, when found erroneous, may be corrected by the record. The secretary of state shall have printed copies of the tabulation of the vote of such election which shall be available to the public, and no such correction can be made without application within 20 days after the ~~returns are opened and tabulated~~ printed tabulation is made available to the public by the secretary of state, stating the error alleged, nor without reasonable notice thereof given to the person affected by such correction, and during said 20 days any person voted for, may personally, and by or with counsel, examine said returns in presence of the governor and council, or either of them, or any member of the council. Upon written application filed with the secretary of state within 20 days after the ~~returns are opened and tabulated~~ printed tabulation is made available to the public by the secretary of state, alleging that the return or record of the vote cast in any town does not correctly state the vote as actually cast in such town and specifying the offices as to which such errors are believed to have occurred, the governor and council in open meeting shall examine the ballots cast in said town and return to the secretary of state, and if such return or record is found to be erroneous the return shall be corrected in accordance with the number of ballots found to have been actually cast in said town; but no such examination of the ballots shall be made without reasonable notice to all candidates for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made, and affording such candidates a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto. The persons having the highest number of votes, not exceeding the number to be chosen, shall be declared

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elected; and they shall be notified thereof by the secretary of state, and enter upon the discharge of official duties on the 1st day of January thereafter. If a number of persons, exceeding the number to be chosen, receive an equal number of votes, no one is elected.

To ascertain what persons have received the highest number of votes, the governor and council shall count and declare for any person all votes appearing by said returns to have been intentionally cast for him, although his name upon the return is misspelled or written with only the initial or initials of his christian name or names; and they may hear testimony upon oath, in relation to such returns, in order to get at the intention of the electors, and shall decide accordingly. This section shall be applied in determining the election of all county officers, and, so far as it relates to the examination and correction of returns, it shall be applied in determining the election of ~~state auditor~~ United States senator, representatives to congress, members of the legislature, and presidential electors. When a return is defective by reason of any informality, an attested copy of the record may be substituted therefor.'

Approved April 4, 1941

## Chapter 151

### AN ACT Relating to Apportionment of School Funds.

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

Sec. 1. R. S., c. 19, § 207, amended. Section 207 of chapter 19 of the revised statutes is hereby amended to read as follows:

'Sec. 207. Apportionment to towns for teaching positions. On the basis of information furnished to the commissioner of education by the return of educational statistics for the year ending July 1st, annually, as provided for by section 58, said commissioner shall apportion to each town the sum of \$100 for each teaching position, or a corresponding fractional part of \$100 for each fractional part of a teaching position maintained in the elementary and secondary schools of such town. Whenever any school is closed or suspended as provided for by section 2 of this chapter and pupils attending such school have been conveyed to another school under such conditions of conveyance as may be approved by the commissioner of education, there may be apportioned to the town in which such school was maintained such amount as, added to the amount apportioned under the provisions of this section on account of teaching positions, will give to said town, on account of said school, the same amount as though this