

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES  
AS PASSED BY THE  
Ninetieth and Ninety-first  
Legislatures  
OF THE  
STATE OF MAINE  
From April 26, 1941 to April 9, 1943  
AND MISCELLANEOUS STATE PAPERS

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Published by the Revisor of Statutes in accordance  
with the Resolves of the Legislature approved June  
28, 1820, March 18, 1840, March 16, 1842, and Acts  
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1943

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

As Passed by the Ninety-first Legislature

**1943**

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such meat. The provisions of this paragraph shall not apply to sales made at retail.

**Sec. 2. Commissioner of agriculture to enforce.** The commissioner of agriculture shall by adequate inspection see that the requirements of this act are carried out.

**Sec. 3. Penalty.** Any person, firm or corporation who shall violate any of the provisions of this act shall be punished by a fine of not more than \$100 for the first offense, and by a fine of not more than \$200 for each subsequent offense, and the municipal and superior courts shall have concurrent jurisdiction of the offense.

**Emergency clause.** In view of the emergency cited in the preamble, this act shall take effect when approved.

Effective April 5, 1943

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## Chapter 264

### AN ACT Relating to Inspections and Recounts in Municipal Elections.

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

**Sec. 1. Inspection of ballots.** Upon written application by any candidate for any city office within 3 days after the result of a city election is declared, the clerk of each city shall permit any candidate or his agent to inspect the ballots cast at any municipal election after the same have been returned to him, under such reasonable regulations or restrictions consistent with the right of inspection as will secure every ballot from loss, injury, or change in any respect. Such inspection shall be permitted only after written notice by said clerk to the ward officers who signed the returns of said election and to the other contesting candidates, sufficient to enable them to be present in person or by agent at said inspection. After each inspection the packages shall be again sealed, and the fact and date of inspection noted on the package. No such examination of the ballots shall be made without reasonable notice to all candidates upon the ballot 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. Said inspection of ballots shall be held not later than 5 days after written application for an inspection of said ballots has been received by the said city clerk.

**Sec. 2. Recount proceedings.** Whenever any candidate for any mu-

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municipal office shall desire a recount of the votes cast for the particular office for which he was a candidate, he shall within 3 days from the date of said inspection file a sworn petition with the city clerk of said municipality setting forth the particular office for which he was a candidate, and state on his own knowledge or on information and belief, that because of the closeness of the vote, or a mistake in counting of the ballots or in the return of the ward offices, or fraud committed before or during said election, or any other cause, he would like a recount of all the ballots cast in said municipality for the office for which he was a candidate.

**Sec. 3. Fixing date of recount.** Upon the filing of said petition said clerk shall fix a date forthwith, not more than 5 days after date of filing, for said recount; and shall call a meeting of the municipal officers to consider said recount, and shall notify the petitioner and all opposing candidates of the date of hearing. At said hearing the said clerk shall sort and count the ballots under the supervision of the municipal officers. In the examination of ballots upon application as provided in the preceding section, the municipal officers upon making corrected returns may in their discretion accept such facts as the candidates involved shall agree upon.

**Sec. 4. Displaying of ballots.** At said hearing the petitioner or his opponents may have all ballots in any way involved in the election displayed for counting or inspection, including absentee and physical incapacity ballots, and all applications, certifications and envelopes, and other papers required by law to be kept in connection with absentee or incapacity ballots. Upon request absentee or incapacity ballots may be segregated from other ballots.

**Sec. 5. Witnesses and evidence.** Witnesses may be called by the parties, and may be sworn by any municipal officer. A record shall be kept if requested by any party in interest. The fees of witnesses shall be paid by the city, if authorized by the municipal officers.

**Sec. 6. Certification of elected candidate.** Within 24 hours after the determination of the results of a contested election, the municipal officers shall certify the results of their count to the respective candidates involved; and shall issue a certificate of election to the candidate whom they find to have been elected; this certificate of election will supersede and nullify any previous certificate that may have been issued in this particular contest. For the purposes of this section, if any candidate or candidates shall concede the election to the remaining candidate, by signed statement or statements addressed to the municipal officers, during the course of the recount, the municipal officers shall issue a certificate of election to the party whose election is conceded. Nothing contained in this act shall affect the jurisdiction of the superior court or any justice thereof to entertain proceedings under sections 89 to 93, both inclusive, of chapter 8 of the revised statutes.

**Sec. 7. Application of act.** This act shall, so far as is applicable, apply to elections conducted pursuant to sections 38 to 52 of chapter 5 of the revised statutes.

Effective July 9, 1943

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## Chapter 265

**AN ACT** Relating to Commitment of Persons of Unsound Mind to the State Hospitals for Observation.

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

**P. L., 1933, c. 1, § 414, repealed.** Section 414 of chapter 1 of the public laws of 1933, as amended, is hereby repealed.

Effective July 9, 1943

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## Chapter 266

**AN ACT** to Make Uniform the Law of Transfer of Shares of Stock in Corporations.

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

**Sec. 1. How title to certificates and shares may be transferred.** Title to a certificate and to the shares represented thereby can be transferred only,

(a) By delivery of the certificate indorsed either in blank or to a specified person by the person appearing by the certificate to be the owner of the shares represented thereby, or

(b) By delivery of the certificate and a separate document containing a written assignment of the certificate or a power of attorney to sell, assign, or transfer the same or the shares represented thereby, signed by the person appearing by the certificate to be the owner of the shares represented thereby. Such assignment or power of attorney may be either in blank or to a specified person.

The provisions of this section shall be applicable although the charter or articles of incorporation or code of regulations or by-laws of the corporation issuing the certificate and the certificate itself, provide that the shares represented thereby shall be transferable only on the books of the corporation or shall be registered by a registrar or transferred by a transfer agent.