

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES
AS PASSED BY THE
Ninety-second and Ninety-third
Legislatures
OF THE
STATE OF MAINE

From April 22, 1945 to May 14, 1947
AND MISCELLANEOUS STATE PAPERS
From May 25, 1945 to May 14, 1947

Published by the Revisor of Statutes in accordance
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PUBLIC LAWS
OF THE
STATE OF MAINE

As Passed by the Ninety-third Legislature

1947

Chapter 144

AN ACT Relating to Leases of Premises for State Stores, Warehouses and Other Merchandising Facilities.

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

R. S., c. 57, § 8, amended. The 2nd sentence of section 8 of chapter 57 of the revised statutes is hereby amended to read as follows:

'Leases shall be limited to terms of not more than ~~a~~ years, and may be for seasonal occupancy.'

Effective August 13, 1947

Chapter 145

AN ACT Relating to Arrests of Intoxicated Persons.

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

R. S., c. 57, § 95, amended. The last sentence of section 95 of chapter 57 of the revised statutes is hereby amended to read as follows:

'Any such intoxicated person shall be taken into custody by any sheriff, deputy sheriff, liquor inspector, constable, marshal, police officer or watchman and committed to the watch-house or police station or restrained in some other suitable place, until a complaint can be made and a warrant issued against him, upon which he may be arrested and tried.'

Effective August 13, 1947

Chapter 146

AN ACT Amending the Absent Voting Law With Reference to Towns and Plantations.

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

Sec. 1. R. S., c. 6, § 5, amended. Section 5 of chapter 6 of the revised statutes is hereby amended as follows:

'Sec. 5. Ballots, blank forms, etc., to be sent to absent voters by city and town clerks upon application. The papers mentioned in subsections II and III, whichever is applicable, of section 2 hereof shall 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. The papers described in subsections I, IV, VI, and VII, except copies of this chapter, and also, if physical incapacity ballot is applied for, the form described in subsection V shall be mailed without unnecessary delay, postage prepaid or otherwise delivered to the applicant, by the city or town clerk applied to as aforesaid, to every absentee voter or voter physically incapacitated who seasonably files the application set forth in said subsections II or III, provided such application is duly certified by the proper officials as required by the 2 following sections.'

Sec. 2. R. S., c. 6, § 6-A, additional. Chapter 6 of the revised statutes is hereby amended by adding thereto a new section to be numbered 6-A, to read as follows:

'Sec. 6-A. Procedure in towns and plantations. When an application for an absent voting ballot or physical incapacity voting ballot is received by a clerk of a town or plantation, he shall forthwith mail or deliver the ballot to the applicant. Before the opening of the polls on election day, the clerk shall deliver to the officials charged by law with the registration and enrolment of voters in such town or plantation all applications for absent voting and physical incapacity voting ballots which have been received by him. Said officials shall examine each application 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 it to the clerk. If the officials do not believe the signature to be genuine or the statements made by the applicant to be true, and so decline to execute the certificate, they shall forthwith mail to the applicant at his address as stated on his application written notice to that effect, giving their reasons for so declining and informing him that his ballot will not be counted. They shall preserve the application until the time set by law for the destruction of ballots cast in the coming election, at which time the application shall also be destroyed. The clerk shall cause to be placed on the voting list, opposite the name of each person to whom an official absent voting ballot or physical incapacity voting ballot is mailed or delivered and whose application has been certified as herein set forth prior to the opening of the polls on election day, the letters in capitals A. V.'

Sec. 3. R. S., c. 6, § 7, amended. Section 7 of chapter 6 of the revised statutes is hereby amended as follows:

'Sec. 7. How the voter who has received an absent voting ballot or physical incapacity voting ballot may vote. A voter who has executed and filed an application for an official absent voting ballot or physical incapacity 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 and has ob-

tained an official absent voting ballot or physical incapacity voting ballot, may vote by mailing or delivering such ballot as hereinafter provided to such city or town clerk. He shall mark his ballot in the presence of any official authorized by law to administer oaths, if the marking is done within this state, or in the presence of any notary public having a seal, if the marking is done outside this state, or in the presence of any commissioned officer of the army, navy, or marine corps, including officers of the national guard, officers' reserve corps, naval militia, naval reserve, or marine corps reserve in federal service, if the voter is in the military service of the United States, whether within or outside this state, who are authorized to administer the oaths herein required, 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 the ballot. Before marking his ballot, the voter shall exhibit it to the official, who shall satisfy himself that it is unmarked, but he shall not allow the official to see how he marks it. The official shall hold no communication with the voter, nor he with the official, as to how he is to vote. Thereafter the voter shall enclose and seal the ballot in the envelope provided for in subsection IV of section 2. He shall then execute before the official the affidavit on the envelope as set forth in said subsection IV, and commissioned officers of the army, navy, and marine corps, including officers of the national guard, officers' reserve corps, naval militia, naval reserve, and marine corps reserve in federal service are authorized to administer the oaths herein required. The official shall indorse thereon the certificate provided for in said subsection IV and affix his official seal, if any, and the voter shall enclose and seal the envelope with the ballot in the envelope provided for in subsection VI of section 2, indorse 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 it in person or by his accredited agent. For the purpose of this section, the clerk of any city or town within this state is authorized to administer the required oath.'

Sec. 4. R. S., c. 6, § 9, amended. Section 9 of chapter 6 of the revised statutes is hereby amended as follows :

'Sec. 9. Procedure to be employed by clerk upon receipt of envelope purporting to contain absent voting ballot or physical incapacity voting ballot. Upon receipt of an envelope purporting to contain an official absent voting ballot or physical incapacity voting ballot, the city clerk ~~of the city or town~~ shall attach thereto the corresponding application and shall keep lists of names and addresses, arranged by voting precincts, of all voters whose names appear thereon together with the date when such envelopes were received, and these lists shall be public records and shall be

preserved by the clerk until the time fixed by law for the destruction of ballots cast in the coming election. All such envelopes shall be preserved unopened. Upon election day before the hour for closing the polls the clerk shall deliver all such 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 thereon.

In towns and plantations, the clerk shall attach to any envelope purporting to contain an official absent voting or physical incapacity voting ballot the corresponding application as soon as the same has been returned to him properly certified. All such envelopes shall be preserved unopened. Upon election day before the hour for closing the polls the clerk shall deliver all such envelopes received by him to the election officials in the several voting precincts in which the voters named therein assert the right to vote.'

Effective August 13, 1947

Chapter 147

AN ACT Relating to Proceeds of Sale of Timber on the Indian Township.

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

R. S., c. 22, § 359, amended. The 3rd sentence of section 359 of chapter 22 of the revised statutes is hereby amended to read as follows:

'The net proceeds from such sales shall be set up in the state treasury as an improvement fund for the reservations of the Passamaquoddy tribe of Indians to be expended with the approval and under the direction of the department; provided that in the event the balance in said improvement fund shall at ~~any time~~ the end of any fiscal year exceed the sum of \$10,000, the excess over \$10,000 shall be added to the permanent trust funds of said tribe.'

Effective August 13, 1947

Chapter 148

AN ACT Relating to Trespasses on Public Reserved Lots.

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

R. S., c. 32, § 46, amended. Section 46 of chapter 32 of the revised statutes is hereby amended by adding at the end thereof the following:

'The assessors in the organized plantations of the state shall help police