

# MAINE STATE LEGISLATURE

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# ACTS AND RESOLVES

AS PASSED BY THE

## One Hundred and First Legislature

OF THE

# STATE OF MAINE

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PUBLIC LAWS  
OF THE  
STATE OF MAINE

As Passed by the One Hundredth Legislature

At The

SPECIAL SESSION, November 27, 1961

to

December 2, 1961

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**Sec. 4. R. S., c. 27, § 175, amended.** Section 175 of chapter 27 of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1961, is amended by adding after the 5th paragraph, the following paragraph:

‘Notice of the hearing shall be given at least 72 hours prior to the time of said hearing, in the same manner as is required for notice of receipt of application, to the person or persons receiving notice of receipt of application, to the applicant in hand or by certified mail, and to such other persons as the court may direct.’

**Sec. 5. R. S., c. 27, § 186, amended.** Section 186 of chapter 27 of the Revised Statutes, as enacted by section 1 of chapter 303 of the public laws of 1961, is amended to read as follows:

‘**Sec. 186. Petition for re-hearing to determine need for continuing hospitalization.** Any patient hospitalized pursuant to section 175, or if hospitalized prior to September 16, 1961 pursuant to chapter 27, sections 104, 105, 107 and 110 shall be entitled to a ~~re-examination~~ re-hearing ~~of the order for his~~ to determine his need for continuing hospitalization on his own petition, or that of his legal guardian, parent, spouse, relative or friend, to the probate court of the county in which he ~~resides or~~ is detained at the time of the request for re-hearing. Upon receipt of the petition, the court shall conduct or cause to be conducted by a special commissioner, proceedings in accordance with ~~such~~ section 175, except that notice of receipt of application may be omitted ~~such~~. Such proceedings shall not be required to be conducted if the petition is filed ~~sooner~~ less than 6 months after the issuance of the original order of hospitalization or ~~sooner~~ less than one year after the filing of a previous petition under this section.’

**Sec. 6. R. S., c. 149, § 38-B, amended.** Section 38-B of chapter 149 of the Revised Statutes, as enacted by chapter 310 of the public laws of 1961, is amended to read as follows:

‘**Sec. 38-B. When acquitted.** When the respondent is acquitted on the ground of mental disease or mental defect excluding responsibility, the verdict and the judgment shall so state and the court shall order him to be committed to the custody of the Commissioner of Mental Health and Corrections to be placed in an appropriate institution for the mentally ill or mentally retarded for custody, care and treatment.’

**Sec. 7. Resolves, 1949, c. 109, repealed.** Chapter 109 of the resolves of 1949, as amended by chapter 34 of the resolves of 1951, is repealed.

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

Effective December 1, 1961

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## Chapter 408

### AN ACT to Clarify the Election Laws.

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

**Sec. 1. R. S., c. 3-A, § 8, sub-§ III, ¶ A, additional.** Subsection III of section 8 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter

360 of the public laws of 1961, is amended by adding a new paragraph A, to read as follows:

**'A. Exception. When there is a vacancy in the office of chairman of the board, the Governor, with the advice and consent of the Council, shall appoint a qualified person to fill the vacancy for the remainder of the term.'**

**Sec. 1-A. R. S., c. 3-A, § 1, amended.** The 4th paragraph of section 1 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, which relates to the definition of "armed forces," is repealed.

**Sec. 1-B. R. S., c. 3-A, § 1, amended.** The 18th paragraph of section 1 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, which relates to the definition of "member of the armed forces," is repealed and the following enacted in place thereof:

**'"Members of the armed forces" include the Army, Navy, Marine Corps, Coast Guard, their spouses and dependents, members of the Merchant Marine of the United States, except those employed in the inland waterways, their spouses and dependents, civilian employees of the United States serving outside the territorial limits of the several states and the District of Columbia, whether or not paid from appropriated federal funds, and their spouses and dependents when accompanying them, and members of religious groups and welfare agencies serving with or accompanying the armed forces and their spouses and dependents.'**

**Sec. 2. R. S., c. 3-A, § 51, amended.** Section 51 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

**'Sec. 51. Wardens and ward clerks. In a city, the election, term of office, compensation and partial duties of wardens and ward clerks are determined by the city charter. Additional duties are prescribed by this chapter. ~~In a town, the chairman of the municipal officers shall appoint a municipal officer as warden of each voting place before each election. He may designate himself as a warden~~ In a town, the chairman of the municipal officers shall appoint a warden and one or more deputy wardens to serve in the absence or disability of the warden. The warden and deputy wardens must be municipal officers. The chairman may designate himself as warden or deputy warden. In a town which has more than one voting place, the clerk may appoint a special deputy to help perform his duties on election day.'**

**Sec. 3. R. S., c. 3-A, § 52, sub-§ II, amended.** The first paragraph of subsection II of section 52 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

**'The municipal officers shall appoint 4 election clerks for each voting place in each municipality who must be residents of the electoral divisions in which they are to serve.'**

**Sec. 3-A. R. S., c. 3-A, § 59, sub-§ I, additional.** Section 59 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding a new subsection I, to read as follows:

**I. Exception.** In municipalities of 2,500 or less population, the publication by the registrar of his time schedule shall be discretionary, rather than compulsory.'

**Sec. 4. R. S., c. 3-A, § 66, sub-§ II, ¶ C, amended.** Paragraph C of subsection II of section 66 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

**'C. Further instructions.** The following instructions must be printed in bold type across both columns ~~below~~ above the party name: "IF YOU DO NOT VOTE A STRAIGHT TICKET, MAKE A CROSS (X) OR A CHECK MARK (✓) IN THE SQUARE AT THE RIGHT OF THE NOMINEE FOR WHOM YOU WISH TO VOTE. FOLLOW DIRECTIONS AS TO THE NUMBER OF NOMINEES TO BE ELECTED TO EACH OFFICE. YOU MAY VOTE FOR A PERSON WHOSE NAME DOES NOT APPEAR ON THE BALLOT BY WRITING IT IN THE PROPER BLANK SPACE AND MARKING A CROSS (X) OR A CHECK MARK (✓) IN THE PROPER SQUARE AT THE RIGHT. DO NOT ERASE NAMES."

**Sec. 5. R. S., c. 3-A, § 89, sub-§ I, ¶ A, additional.** Subsection I of section 89 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended by adding a new paragraph A, as follows:

**'A. Exception.** In a primary election the election clerks designated by the warden must be of the same political party as the voter.'

**Sec. 6. R. S., c. 3-A, § 121, amended.** The first sentence of section 121 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'Within 10 days after ~~an~~ a general election, the registrar shall send a report to the Secretary of State stating the number of voters in each voting district of the municipality at the close of the polls on election day.'

**Sec. 7. R. S., c. 3-A, § 131, amended.** Section 131 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

**'Sec. 131. Determination of election results.** The Governor and Council shall review the tabulation of the vote, hear appeals and determine the result of referendum questions and the persons to whom the Governor shall issue certificates of election or notices of apparent election **except** where the final determination as to their election depends on the Federal or State Constitution.'

**Sec. 8. R. S., c. 3-A, § 142, repealed and replaced.** Section 142 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is repealed and the following enacted in place thereof:

**'Sec. 142. Procedure for obtaining absentee ballot.** The following procedure must be observed in obtaining an absentee ballot:

**I. Applications available.** On request, the clerk shall furnish a reasonable number of ballot applications to any person.

**II. Application or request received.** On receipt of a completed application or a request for an absentee ballot signed by the applicant, the clerk shall send or deliver an absentee ballot and return envelope forthwith to him or to a third person designated in the application or request. He shall also include a ballot application to be completed by the person who signed only a written request.

**III. Clerk to list.** The clerk shall keep a list of the persons to whom he furnishes absentee ballots, until after election day.

**IV. Application checked by registrar.** As soon as reasonably possible the clerk shall deliver the completed application to the registrar. If the applicant is registered, and enrolled where necessary, the registrar shall so certify on the application. If not, the registrar shall write 'Not registered' or 'Not enrolled' upon the face of the application and sign his name. He shall return all applications to the clerk forthwith.'

**Sec. 8-A. R. S., c. 3-A, § 144, amended.** Section 144 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'**Sec. 144. Deadline on receipt of absentee ballots.** In order to be valid, an absentee ballot must be delivered to the clerk before  $\pm$  3 P. M. on election day in a municipality having more than one voting district. In other municipalities, it must be delivered to the clerk before 5 P. M. on election day.

**I. Received after deadline.** An absentee ballot received by the clerk after the deadline must be kept by the clerk unopened. He shall write "Received after deadline" on it and keep it segregated from the other ballots, unopened.'

**Sec. 9. R. S., c. 3-A, § 145, sub-§ V, amended.** Subsection V of section 145 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'**V. Envelopes and lists delivered.** Before the polls are closed on election day, he shall deliver the return envelopes including those received after the deadline prescribed by section 144 with the applications attached, and the list required by subsection ~~III~~ IV to the warden of the voting district in which the voter is registered.'

**Sec. 10. R. S., c. 3-A, § 148, sub-§ III, amended.** Subsection III of section 148 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'**III. Rejected if incorrect.** If the warden finds that the signatures do not appear to have been made by the same person, that the affidavit is not properly completed, that the person is not registered or enrolled where necessary, that the voter has voted in person or that the ballot was received by the clerk after the deadline, he shall not open the envelope. He shall write "Rejected" on it, the reason why and his initials.'

**Sec. 10-A. R. S., c. 3-A, § 152, repealed and replaced.** Section 152 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is repealed and the following enacted in place thereof:

'Sec. 152. Application of law. Sections 153 to 163 apply to members of the armed forces as defined in section 1.'

Sec. 11. R. S., c. 3-A, § 166, amended. The last sentence of section 166 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

'The instructions must be printed in bold type on ~~each page of~~ the petition.'

Sec. 11-A. R. S., c. 3-A, § 173, sub-§ I, amended. Subsection I of section 173 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

**I. Exception.** The treasurer of a municipal committee ~~need~~ shall not file campaign reports with the Secretary of State, but the amounts of money received and spent, and the liabilities incurred by his committee ~~must~~ shall be ~~included in the reports of the proper county committee~~ filed with the treasurer of the county committee, who shall forward such reports with the county committee report to the Secretary of State.'

Sec. 12. R. S., c. 3-A, § 176, sub-§ I, amended. Subsection I of section 176 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

**I. Regular election.** It shall meet in Augusta 7 days before a regular primary or general election to review the preliminary campaign reports. ~~It shall meet again in Augusta 30 days after a regular primary or general election to review the final campaign reports~~ It shall meet again in Augusta to review the final campaign reports for the regular primary or general election within 3 days after the filing date provided by section 173, subsection II.'

Sec. 13. R. S., c. 3-A, § 205, sub-§ VI, amended. Subsection VI of section 205 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, is amended to read as follows:

**VI. Procedure at election.** ~~The registration commissioner shall act as warden, ward clerk and has the powers of moderator in the conduct of the election~~ The registration commissioner shall act as a warden, ward clerk and clerk and shall perform all their duties in the conduct of the election. He shall appoint 2 election clerks, if available and qualified, who are Indian residents of the district, and who represent the 2 major parties from candidates nominated by the chairman of the county political committee. Each election clerk shall receive \$10 per day.'

Effective March 3, 1962

## Chapter 409

### AN ACT Relating to Salary of Register of Deeds of Franklin County.

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

Sec. 1. R. S., c. 89, § 254, amended. That part of section 254 of chapter 89 of the Revised Statutes, as repealed and replaced by section 7 of chapter 372 of