

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 Hundred and First Legislature

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rules and regulations of the commission, or for breach of the terms of any contract entered into with the commission; and the commission shall have the right to cancel all outstanding licenses at any time that the commission deems such action necessary to the best interest of the potato industry as a whole. The commission shall also have the right to grant an exclusive license for the use of such trademarks to a single co-operative which shall, by contract with the commission, be empowered to issue licenses to shippers and processors on such terms and conditions as the commission may require.

Sec. 341. Enforcement; jurisdiction. The commission or a duly authorized representative may recover penalties imposed for violation of section 337 in a civil action brought in the name of the commission, and if it prevails in such action shall recover full costs; or the commission may prosecute for violations thereof by complaint or indictment. The District Court and the Superior Court shall have concurrent jurisdiction of actions brought for the recovery of penalties imposed by section 337, and of prosecutions for violations thereof. All fines received under section 337 by county treasurers shall be paid by them to the Treasurer of State and the same are appropriated for carrying out sections 336 to 340.'

Effective September 21, 1963

Chapter 254

AN ACT Providing for Voting by New Residents in Presidential Election.

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

R. S., c. 3-A, §§ 29-A - 29-O, additional. 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 15 new sections, to be numbered 29-A to 29-O, to read as follows:

'New Residents in Presidential Election.

Sec. 29-A. Eligibility of new residents to vote. Each citizen of the United States who immediately prior to his removal to this State was a citizen of another state and who has been a resident of this State for less than 6 months prior to a presidential election is entitled to vote for presidential and vice-presidential electors at that election, but for no other offices, if

- I. Qualifications. He otherwise possesses the substantive qualifications to vote in this State, except the requirement of residence and registration; and
- II. Compliance. He complies with sections 29-A to 29-O.

Sec. 29-B. Application for presidential ballot by new residents. A person desiring to qualify under sections 29-A to 29-O in order to vote for presidential

and vice-presidential electors is not required to register but on or before 30 days before the election shall make an application in the form of an affidavit executed in duplicate in the presence of the municipal clerk substantially as follows:

State of Maine _____

ss.

County of _____

I, _____, do solemnly swear that:

1. I am a citizen of the United States.

2. Before becoming a resident of this State, I resided at _____ Street, _____, of _____ of the State of _____ Municipality County

3. On the day of the next presidential election, I shall be at least 21 years of age and I have been a resident of this State since _____, 19 _____, now residing at _____ Street, in _____ Municipality of _____ County

4. I have resided in Maine less than 6 months and under the laws of this State, I believe I am entitled to vote at the presidential election to be held in November _____, 19 _____

5. I hereby make application for a presidential and vice-presidential ballot. I have not voted and will not vote otherwise than by this ballot at that election.

Signed _____ Applicant

Subscribed and sworn to before me this _____ day of _____, 19 _____

Signed _____ (Title and name of officer authorized to administer oaths.)

Sec. 29-C. Mailing duplicate application. The municipal clerk shall immediately mail to the appropriate official of the state in which the applicant last resided the duplicate of the application.

Sec. 29-D. Filing and indexing information from other states. The municipal clerk shall file each duplicate application or other official information received by him from another state indicating that a former resident of this State has made application to vote at a presidential election in another state and shall maintain an alphabetical index thereof, for a period of one year after the election.

Sec. 29-E. Delivery of ballot to applicant. If satisfied that the application is proper and that the applicant is qualified to vote under sections 29-A to 29-O, the municipal clerk then shall deliver to the applicant a ballot for presidential and vice-presidential electors not sooner than 15 days nor later than one day prior to the next presidential election.

Sec. 29-F. Voting by new residents. The applicant, upon receiving the ballot for presidential and vice-presidential electors shall mark forthwith the ballot in the presence of the municipal clerk but in such manner that the official cannot know how the ballot is marked. He shall then fold the ballot in the municipal clerk's presence, so as to conceal the markings, and deposit and seal it in an envelope furnished by the municipal clerk.

The voter shall enclose the envelope containing the ballot in a carrier envelope which shall be securely sealed. The carrier envelope shall have imprinted upon its back, a statement substantially as follows:

“Certification of New Resident Voter

I have qualified as a new resident voter in this State to vote for presidential and vice-presidential electors and I have not applied nor do I intend to apply for an absentee voter's ballot from the state from which I have removed and I have not voted and I will not vote otherwise than by this ballot.

Dated: _____ (Signature of Voter)

Witness: _____”
Municipal clerk

The voter shall sign the certification upon the enclosure envelope as set forth above, and shall then deliver the sealed carrier envelope to the municipal clerk, who shall keep the carrier envelope in his office until delivered by him to the warden at the appropriate voting place.

Sec. 29-G. List of applicants open for public inspection. The municipal clerk shall keep open to public inspection a list of all persons who have applied under sections 29-A to 29-O to vote as new residents with their names, addresses and application dates.

Sec. 29-H. Delivery and deposit of ballots. The Secretary of State shall prepare and deliver the ballots for new residents to the municipal clerk in the manner prescribed by law for absentee ballots, and the ballots shall be processed in accordance therewith.

The municipal clerk shall record the new resident voter's name with a notation designating him as a new resident voting for presidential and vice-presidential electors only.

Sec. 29-I. Challenge of new resident's vote. The vote of any new resident may be challenged for cause. The warden at the appropriate voting place has all the powers and authority conferred upon them by law in respect to hearing and determining the legality of challenged votes.

Sec. 29-J. Penalties. Any person willfully making a false statement or affidavit required by sections 29-A to 29-O shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for a period of not less than one month nor more than 11 months, or by both. If any public official willfully refuses or neglects to perform any of the duties prescribed by sections 29-A to 29-O or violates any of their provisions, he shall be punished by a fine of not less than \$100 nor more than \$1,000, or by imprisonment for a period of not less than one month nor more than 11 months, or by both.

Sec. 29-K. Application of other statutes. Except as otherwise provided in sections 29-A to 29-O and insofar as they are applicable, the law relating to absentee ballots applies to the casting and counting of ballots and challenging of votes by new residents, the furnishing of election supplies, ballots, canvassing of ballots and making proper returns of the results of the election.

Sec. 29-L. Definition of state. As used in sections 29-A to 29-O, "state" includes the District of Columbia.

Sec. 29-M. Uniformity of interpretation. Sections 29-A to 29-O shall be so construed as to effectuate the general purpose to make uniform the law of those states which enact them.

Sec. 29-N. Severability. If any provisions of sections 29-A to 29-O or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of sections 29-A to 29-O which can be given effect without the invalid provision or application, and to this end the provisions of sections 29-A to 29-O are declared to be severable.

Sec. 29-O. Short title. Sections 29-A to 29-O may be cited as the "Act for Voting by New Residents in Presidential Elections."

Effective September 21, 1963

Chapter 255

AN ACT Clarifying the Maine Milk Law.

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

Sec. 1. R. S., c. 32, § 87-B, sub-§ I, amended. Subsection I of section 87-B of chapter 32 of the Revised Statutes, as enacted by section 1 of chapter 163 of the public laws of 1961, is amended to read as follows:

I. Adulterated milk and milk products. Adulterated and misbranded milk and milk products means milk or milk products which upon analysis are