

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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or shall have declared their intention to become citizens of the United States as shall volunteer therein, who shall be more than 17 years of age, ~~provided the~~. The restriction as to citizenship shall not apply to soldiers and sailors who have previously served honestly and faithfully in the United States Army, Air Force, Navy, Marine Corps, the organized militia or the National Guard; ~~and provided further, that youths~~. Youths not less than 16 years of age may be enrolled if written consent thereto is given by parents or guardian ~~may be enrolled in the state guard or other authorized state military or naval units~~.

~~Such forces shall be replacements of and distinct from the National Guard and shall be known as the "Maine State Guard"~~

~~Such forces shall be uniformed and the expense thereof shall be paid by the state~~

A person may not become a member of the Maine State Guard if he is a member of the National Guard or other reserve component of the armed forces of the United States.'

Sec. 2. R. S., c. 14, § 99, repealed and replaced. Section 99 of chapter 14 of the Revised Statutes is repealed and the following enacted in place thereof:

'Sec. 99. Period of service. The term of service or enlistment of officers commissioned and men enlisted in such forces shall be that prescribed for officers and enlisted men of the National Guard.'

Sec. 3. Appropriations. There is appropriated from the Unappropriated Surplus of the General Fund to the Department of Adjutant General the sum of \$2,500 for the fiscal year ending June 30, 1964 and the sum of \$2,500 for the fiscal year ending June 30, 1965 to carry out the provisions of this act.

Effective September 21, 1963

Chapter 406

AN ACT Relating to Election Recounts.

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

Sec. 1. R. S., c. 3-A, § 127, amended. The first paragraph and subsections I and II of section 127 of chapter 3-A of the Revised Statutes, as enacted by section 1 of chapter 360 of the public laws of 1961, are repealed and the following enacted in place thereof:

'On the written application of a losing candidate in any election not later than 10 days after the tabulation of the vote is submitted to the Governor and Council, the Secretary of State shall permit him or his counsel to recount the ballots under proper protective regulations, subject to the following provisions:

I. Vote shows proper percentage of difference. The percentage of difference between the combined vote received by the losing candidate and the nearest

winning candidate, as shown by the official tabulation must meet the following requirements:

- A. If the combined vote is 1,000, or less, the percentage of difference between the vote must be 10%, or less, of the total vote.
- B. If the combined vote is 1,001 to 5,000, the percentage of difference between the vote must be 5%, or less, of the total vote.
- B-1. If the combined vote is 5,001 to 10,000, the percentage of difference between the vote must be 4%, or less, of the total vote.
- C. If the combined vote is 10,001 to 50,000, the percentage of difference between the vote must be 3%, or less, of the total vote.
- D. If the combined vote is 50,001 to 100,000, the percentage of difference between the vote must be 1%, or less, of the total vote.
- E. If the combined vote is 100,001, or over, the percentage of difference between the vote must be $\frac{1}{2}$ of 1%, or less, of the total vote.

II. Recount on deposit. A losing candidate may request a recount upon making a deposit with the Secretary of State in the following amounts:

- A. If the combined vote is 1,000, or less, and the percentage of difference between the vote for the 2 candidates is more than 10%, \$50.
- B. If the combined vote is 1,001 to 5,000, and the percentage of difference between the vote for the 2 candidates is more than 5%, \$75.
- B-1. If the combined vote is 5,001 to 10,000, and the percentage of difference between the vote for the 2 candidates is more than 4%, \$100.
- C. If the combined vote is 10,001 to 50,000 and the percentage of difference between the vote for the 2 candidates is more than 3%, \$125.
- D. If the combined vote is 50,001 to 100,000, and the percentage of difference between the vote for the 2 candidates is more than 1%, \$250.
- E. If the combined vote is 100,001, or over, and the percentage of difference between the vote for the 2 candidates is more than $\frac{1}{2}$ of 1%, \$500.

The deposit made by the candidate requesting the recount shall be forfeited to the State in the event that the recount fails to change the result of the election. If the recount reverses the election, the deposit shall be returned to the candidate requesting the recount.

II-A. Ballots and check lists recalled. On receipt of the application, the Secretary of State shall recall all the ballots and check lists from the clerk of each municipality concerned. The clerk shall return or release them to him as soon as any pending ballot inspection has been made.

II-B. Notice of recount. The Secretary of State shall send written notice of the recount to the candidates for the office in question, stating the time and place of the recount.'

Sec. 2. R. S., c. 3-A, § 127, sub-§ VIII, additional. Section 127 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 VIII, to read as follows:

'VIII. **Withdrawal from recount.** A losing candidate who requests and receives a recount may withdraw from the recount at any time while the recount shows him to be the loser. If during the recount, the losing candidate shall overtake and pass the winning candidate, the losing candidate shall not be permitted to withdraw and the recount shall be completed.'

Sec. 3. P. L., 1963, c. 78, § 19, repealed; limitation. Section 19 of chapter 78 of the public laws of 1963, heretofore passed by this Legislature, amending section 127 of chapter 3-A of the Revised Statutes, is hereby repealed and shall not be printed as part of the session laws of 1963.

Effective September 21, 1963

Chapter 407

AN ACT Providing for Separate Voting Place for Connor.

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

Sec. 1. R. S., c. 3-A, § 203, 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 a new section 203, to read as follows:

'Sec. 203. **Connor to have separate voting place.** The municipal officers of Caswell Plantation are directed to establish a voting place at Connor, an unorganized township in the County of Aroostook, for all state and national elections, including primary elections, at which voting place all residents of unorganized places entitled to vote in Caswell Plantation may cast their ballots under the conditions provided in this section. The municipal officers shall prepare a separate list of such voters, resident in unorganized places who are entitled to vote in Caswell Plantation, as may request the privilege of voting at Connor at the time they qualify as voters in Caswell Plantation under section 29, and all persons whose names are so included in said list shall be entitled to vote at said voting place in Connor instead of at Caswell Plantation.

Municipal officers of Caswell Plantation shall select 4 ballot clerks from the inhabitants of Connor, representing the 2 political parties which at the gubernatorial election next preceding such appointment cast the greatest number of votes and shall select a warden who shall be a resident of Caswell Plantation.

The conduct of elections at said voting place shall be the same as in towns having separate voting districts, and all the provisions of the Revised Statutes