

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Third Legislature

OF THE

STATE OF MAINE

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PUBLIC LAWS
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STATE OF MAINE
AS PASSED BY THE
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§ 1078. Manual counting authorized

If for any reason it becomes impracticable to count all or a part of the ballots or ballot cards with tabulating equipment, the clerk shall direct that they be counted manually, following the provisions governing the counting of paper ballots.

§ 1079. Absentee votes

Absentee votes may be cast on paper ballots or ballot cards, or both methods may be used. Such ballots may be counted by automatic tabulating equipment or by deputized personnel at the counting center appointed by and under the direction of the clerk. A true copy of absentee paper ballots may be made on ballot cards, which after being duly verified, shall be counted in the same manner as other ballot cards.

§ 1080. Recounts

In case of a recount the ballots or ballot cards shall be recounted in the manner provided by sections 1075 to 1078 unless the court ordering the recount directs that they be counted manually.

§ 1081. Penalty

The penal laws and election laws relating to misconduct at elections apply to elections conducted with voting devices and automatic tabulating equipment. Any person who before, during or after an election tampers with or willfully injures any voting device, ballot cards, or other records or equipment used in the election, or interferes or attempts to interfere with the correct operation of such device or equipment or the secrecy of voting, is guilty of a felony, and upon conviction shall be punished by a fine of not more than \$1,000 or by imprisonment in the State Prison for not more than one year, or by both.

§ 1082. Application of provisions to voting by electronic voting system

The provisions of this Title which are not inconsistent with this chapter apply to all elections where an electronic voting system is used.

Effective October 7, 1967

Chapter 465

AN ACT Relating to Clerks of Indian Tribes and Excise Taxes Paid by Residents of the Various Indian Reservations.

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

Sec. 1. R. S., T. 22, § 4706, repealed and replaced. Section 4706 of Title 22 of the Revised Statutes is repealed and the following enacted in place thereof:

§ 4706. Clerks of tribes

1. **Appointment.** The tribal governor of each reservation, with the advice and consent of the tribal council of each such reservation, shall appoint a tribal clerk for the reservation.

The qualifications for such positions and the duties of such positions will be determined by the respective tribal governor and council.

The compensation for such positions shall be mutually agreed upon in writing by the respective tribal governor and council and the Commissioner of Indian Affairs or his representative.

The terms of appointments for such positions will be for the term of the appointing tribal governor and council.

2. **Duties and powers.** Each tribal clerk shall keep a record of the births and deaths of persons living on such reservation and shall perform all other duties with respect to the same as are required of the clerks of towns under section 2702. Each clerk shall receive a fee of 25c for each certificate returned to the Bureau of Vital Statistics.

All excise taxes of residents of the various reservations shall be paid to the respective tribal clerk, who shall hold and disburse the proceeds for the benefit of each such tribe in accordance with the vote of the respective tribal council.

Each such tribal clerk shall give a corporate surety bond for the faithful discharge of his duty to the respective tribal council in the sum and with such sureties as the tribal council approves.

The accounts of each tribal clerk shall be audited annually by the State Department of Audit or by a qualified public accountant. The report of each audit shall be certified to the respective tribal governor and council by the person conducting such audit.

Each such tribal clerk shall perform other duties of a clerical or record-keeping nature as may be specified by the respective tribal governor and council, including keeping minutes of all tribal and council meetings.

3. **Removal.** For inefficiency or neglect of duty or misconduct in office a tribal clerk may be removed after a hearing by the appointing tribal governor with the advice and consent of the respective tribal council, provided he shall have been given a copy of the charges at least 10 days prior to the hearing and had an opportunity to be heard in person or by counsel. In the event of the removal of a tribal clerk, a record of the proceedings shall be filed in the office of the respective tribal council and with the Department of Indian Affairs.

Sec. 2. R. S., T. 22, § 4790, repealed. Section 4790 of Title 22 of the Revised Statutes is repealed.

Sec. 3. R. S., T. 36, § 1484, sub-§ 2, ¶ C, additional. Subsection 2 of section 1484 of Title 36 of the Revised Statutes is amended by adding a new paragraph C, to read as follows:

C. The excise tax for house trailers owned by residents of the various Indian reservations shall be paid to the tribal clerks thereof.

Sec. 4. R. S., T. 36, § 1484, sub-§ 3, ¶ A, amended. Paragraph A of subsection 3 of section 1484 of Title 36 of the Revised Statutes is amended to read as follows:

A. If the motor vehicle is owned by an individual resident of this State, or a domestic corporation, the excise tax shall be paid in the place where the owner resides; the excise tax for motor vehicles owned by ~~members of the Penobscot Tribe of Indians living on the reservation~~ residents of the various Indian reservations shall be paid to the tribal ~~clerk~~ clerks thereof.

Sec. 5. R. S., T. 36, § 1487, sub-§ 3, repealed and replaced. Subsection 3 of section 1487 of Title 36 of the Revised Statutes is repealed and the following enacted in place thereof:

3. Tribal clerk. Excise taxes of residents of the various Indian reservations shall be paid to the tribal clerks thereof who shall hold and disburse the proceeds for the benefit of the respective tribes in accordance with Title 22, section 4706.

Effective October 7, 1967

Chapter 466

AN ACT Revising the Minimum Wage Law.

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

Sec. 1. R. S., T. 26, § 663, sub-§ 3, ¶ C, amended. Paragraph C of subsection 3 of section 663 of Title 26 of the Revised Statutes, is amended to read as follows:

C. ~~Any individual employed as a waiter, waitress, car hop, not to include counter waiters or waitresses, or those whose tips are required to be divided with others; doorman or bellhop, or as a chambermaid in a resort establishment; or those~~ Those employees whose earnings are derived in whole or in part from sales commissions and whose hours and places of employment are not substantially controlled by the employer;

Sec. 2. R. S., T. 26, § 663, sub-§ 3, ¶ F-1, repealed. Paragraph F-1 of subsection 3 of section 663 of Title 26 of the Revised Statutes, as enacted by section 2-A of chapter 410 of the public laws of 1965, is repealed as follows:

~~F-1. Any individuals who do not replace regular employees of any business and who are under the age of 19 and are regularly enrolled in an educational institution or are on vacation therefrom;~~

Sec. 3. R. S., T. 26, § 663, sub-§ 3, ¶ K, amended. Paragraph K of subsection 3 of section 663 of Title 26 of the Revised Statutes is amended to read as follows:

K. Any individual employed in a bona fide executive, administrative, or professional capacity, and who is paid on a salary basis of not less than \$90 weekly for one year starting October 15, 1967, and thereafter not less than \$100 weekly.