

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
1ST SPECIAL SESSION
JANUARY 2, 1974 TO MARCH 29, 1974
AND BY THE
One Hundred and Seventh Legislature
REGULAR SESSION
JANUARY 1, 1975 TO JULY 2, 1975

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH THE REVISED STATUTES OF 1964, TITLE 3,
SECTION 164, SUBSECTION 6.

THE KNOWLTON AND MCLEARY COMPANY
FARMINGTON, MAINE
1975

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE
One Hundred and Sixth Legislature
AT THE
SPECIAL SESSION
January 2, 1974
to
March 29, 1974

The President of the Senate and Speaker of the House of Representatives shall each receive \$5,000 for each regular session of the Legislature, with the same mileage as other members. The President of the Senate and the Speaker of the House of Representatives shall receive an additional 50% above regular compensation, the majority and minority leaders of the Senate and House of Representatives shall receive an additional 25% above regular compensation and the assistant majority and minority leaders of the Senate and House of Representatives shall receive an additional 12½% above regular compensation. Any member acting as President pro tempore of the Senate, or Speaker pro tempore of the House, shall receive \$2 a day extra therefor.

In addition to the salary paid for the regular session of the Legislature, when an extra session is called, the members of the Senate and House of Representatives shall each be paid \$25 for every day's attendance, and mileage as aforesaid.

The President of the Senate and Speaker of the House of Representatives at such extra session shall receive, in addition, \$5 for every day's attendance.

The member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent his tribe at the biennial assembly of the Legislature shall receive a compensation of ~~\$1,500~~ \$2,000 for such attendance and travel at each legislative session for ~~20~~ 30 trips to and from his place of abode at the same rate as state employees receive, and allowance for meals and housing expenses as any other member of the Senate and House of Representatives for ~~20~~ 30 days' attendance at each legislative session. The President of the Senate or the Speaker of the House shall, at all times, whether the Legislature be in session or not, have the authority to approve accounts and vouchers for payment.

Sec. 2. Appropriation. There is appropriated from the General Fund to the Legislative Account the sum of \$400,976 to carry out the purposes of this Act. The breakdown shall be as follows:

1974-75

LEGISLATIVE

Legislative Expense	
Personal Services	\$235,376
All Other	165,600
	<hr/>
	\$400,976

Effective June 28, 1974

CHAPTER 782

AN ACT to Clarify Certain Election Laws.

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

Sec. 1. R. S., T. 21, § 1, sub-§ 1, amended. The last sentence of subsection 1 of section 1 of Title 21 of the Revised Statutes is repealed.

Sec. 1-A. R. S., T. 21, § 43, amended. The first sentence of section 43 of Title 21 of the Revised Statutes, as amended by section 3 of chapter 398 of the public laws of 1965 and by section 3 of chapter 414 of the public laws of 1973, is further amended to read as follows:

In a city or town which has a population of 5,000 or over, a board of registration consisting of 3 members must be appointed as follows: One member nominated by the city committees of each of the 2 major political parties, who shall be enrolled in the party of the city committee by which he is nominated, and appointed by the municipal officers, and the 3rd member appointed by the Governor with the advice and consent of the Council.

Sec. 1-B. R. S., T. 21, § 247, additional. Title 21 of the Revised Statutes is amended by adding a new section 247 to read as follows:

§ 247. Restrictions on persons convicted of felonies

A person who is convicted of a felony and committed to a jail or a penal or correctional institution may not vote at any election and may not be a candidate for any federal, state or county office prior to his discharge or to the granting of parole or while serving the unexpired portion of a sentence after parole has been revoked.

Sec. 2. R. S., T. 21, § 361, sub-§ 1, amended. Subsection 1 of section 361 of Title 21 of the Revised Statutes, as amended by section 12 of chapter 414 of the public laws of 1973, is further amended by adding at the end the following new sentence:

At the request of the municipal committee of a political party, municipal or town officers shall provide available space in a public building for a caucus.

Sec. 3. R. S., T. 21, § 171, sub-§ 2, amended. Subsection 2 of section 171 of Title 21 of the Revised Statutes is amended by adding at the end a new sentence to read as follows:

When the registrar employs the facilities of the United States Postal Service to determine which voters have moved from the municipality and when the United States Postal Service reports to the registrar that a voter has moved from the address shown on the voting list without having notified the United States Postal Service of a forwarding address, the registrar shall remove the name of such voter from the voting list and shall not be required to send, or to attempt to send, to such voter a notice in accordance with section 172.

Sec. 4. R. S., T. 21, § 445, sub-§ 7, amended. Subsection 7 of section 445 of Title 21 of the Revised Statutes is amended to read as follows:

7. Signatures restricted. A voter may sign only as many primary petitions and nomination petitions under section 492 for each office as there are vacancies to be filled.

Sec. 5. R. S., T. 21, § 492, sub-§ 7, amended. Subsection 7 of section 492 of Title 21 of the Revised Statutes is amended to read as follows:

7. Signatures restricted. A voter may sign only as many nomination petitions and primary petitions under section 445 for each office as there are

vacancies to be filled. ~~The signing of a primary petition under section 445 does not prohibit a voter from signing a nomination petition~~

Sec. 6. R. S., T. 21, § 601, sub-§ 1, amended. The 3rd and 4th sentences of subsection 1 of section 601 of Title 21 of the Revised Statutes, as amended by section 22 of chapter 414 of the public laws of 1973, are further amended to read as follows:

All election materials must be packed in a sealed **package or packages** or box or boxes and sent to the clerk of each municipality. Each **package or box** must be labeled on the outside with the number of each kind of material enclosed and the name of the voting place for which they are intended.

Sec. 7. R. S., T. 21, § 602, sub-§ 4, amended. Subsection 4 of section 602 of Title 21 of the Revised Statutes, as enacted by chapter 218 of the public laws of 1973, is amended to read as follows:

4. Size. Municipalities must provide a polling place of sufficient size to allow at least one worker from each political party to remain outside the guardrail for the purpose of checking voters, challenging voters or viewing. Upon written complaint to the Secretary of State by the chairman of either state committee no later than ~~7~~ **30** days prior to an election, the Secretary of State shall authorize an inspection of the polling place deemed to be too small to allow party workers access. If the Secretary of State finds a polling place to be too small to allow party workers access, he shall instruct the municipal officers to change the location of the polling place to one of a suitable size. The municipal officers must advertise at **least 3 times** the change of the polling place in the daily or **weekly** newspaper, or **both**, that covers the area.

Sec. 8. R. S., T. 21, § 631, sub-§ 1, amended. Subsection 1 of section 631 of Title 21 of the Revised Statutes is amended to read as follows:

1. Municipality of 2,500 or less. In a municipality of 2,500 or less population, he shall accept registrations during the time prescribed by the municipal officers on at least one business day during the week before election day. He shall accept registrations **in person** on election day, but not on the business day next prior to it.

Sec. 9. R. S., T. 21, § 672, amended. The 3rd paragraph from the end of section 672 of Title 21 of the Revised Statutes, as amended by section 68-B of chapter 622 of the public laws of 1971, is further amended to read as follows:

The registrar of voters or **board of registration** will hold office hours while the polls are open to correct any error in or change a name or address on the voting list; to accept the registration of any person **eligible to vote who becomes 18 years of age on election day, or after the close of registrations prior to it;** ~~(to accept new registrations if the municipality has a population of 2,500 or less);~~ and to accept new enrollments.

Sec. 10. R. S., T. 21, § 801, sub-§ 2, amended. Subsection 2 of section 801 of Title 21 of the Revised Statutes, as last repealed and replaced by section 37 of chapter 414 of the public laws of 1973, is amended to read as follows:

2. **Election materials distributed and posted.** At any time after receipt thereof and prior to the opening of the polls, the clerk may open the **packages** or boxes of election materials, break the seals on the packages not marked "ballots," use the materials for instructional purposes, and then the clerk or his designated agents shall post an adequate number of instruction posters and specimen ballots in the voting room outside the guardrail. At the opening of the polls, the warden shall break the seals on the packages containing the ballots, and distribute the ballots to the incoming election clerks.

Sec. 11. R. S., T. 21, § 831, sub-§ 3, reenacted. Subsection 3 of section 831 of Title 21 of the Revised Statutes, as amended and as last repealed by section 38 of chapter 414 of the public laws of 1973, is reenacted to read as follows:

3. **Registration and enrollment.** He shall accept registrations as provided in sections 631 and 632. He shall accept the enrollment of any voter as provided in section 133.

Sec. 12. R. S., T. 21, § 925-A, amended. Section 925-A of Title 21 of the Revised Statutes, as enacted by section 41 of chapter 414 of the public laws of 1973, is amended to read as follows:

§ 925-A. Disqualification of ballots

Any person engaged at a ~~primary or general~~ any election as a ballot clerk, assistant ballot clerk or any person employed as a counter of ballots shall use pens or pencils containing only red ink or red lead.

Sec. 13. R. S., T. 21, § 1256, sub-§ 5, amended. Subsection 5 of section 1256 of Title 21 of the Revised Statutes, as amended, is further amended to read as follows:

5. **Envelopes and lists delivered.** ~~Before the polls are closed on~~ On election day, he shall deliver ~~or cause to be delivered~~ the return envelopes prescribed by section 1255 with the applications attached and the list required by subsection 4 to the warden of the voting district in which the voter is registered, except in those municipalities where the municipal officers have authorized the clerk to process absentee ballots. If more than one return envelope is received from the same voter, the clerk shall deliver ~~or cause to be delivered~~ to the warden for counting only the return envelope bearing the earliest date and time.

A. Exceptions. ~~In a presidential election, the clerk shall deliver the return envelopes with the applications received between 3 p.m. and the close of the polls and the list required by subsection 4 to the warden of the voting precinct as soon as he reasonably can following the closing of the polls. This exception does not apply to municipalities with 2 or more voting precincts where absentee ballots are counted at a place other than the voting district.~~

Sec. 14. R. S., T. 21, § 1309, amended. The first sentence of section 1309 of Title 21 of the Revised Statutes, as repealed and replaced by section 22 of chapter 225 of the public laws of 1967, is further amended to read as follows:

The clerk shall accept all absentee ballots delivered to him before ~~3 p.m.~~ 8 p.m. on election day.

Sec. 15. R. S., T. 21, § 1397, sub-§ 1-A, additional. Section 1397 of Title 21 of the Revised Statutes, as amended, is further amended by adding a new subsection 1-A to read as follows:

1-A. Exception. The state committees of the major political parties and candidates for federal office and the treasurers of the political committees of such candidates shall file one copy of the completed report required of them by federal law with the Secretary of State on the same day as required by federal law, except for the final campaign report, which shall be filed not later than 45 days after the election. Candidates for Governor and the treasurers of their political committees shall file a report of the same form and content on the same dates as required of federal candidates by the federal law, except for the first campaign report, which shall be filed on or before April 10th of the election year and except for the final campaign report, which shall be filed not later than 45 days after the election.

Sec. 16. R. S., T. 21, § 1572, sub-§ 1, amended. Subsection 1 of section 1572 of Title 21 of the Revised Statutes, as amended by section 11 of chapter 451 of the public laws of 1965 and by section 57 of chapter 414 of the public laws of 1973, is further amended by adding at the end a new sentence to read as follows:

If the municipal officers determine that there is no building within a voting district which is suitable for a voting place as described in section 602, the municipal officers may, subject to the approval of the Secretary of State, establish a voting place outside the voting district in a suitable building which is as close as possible to the voting district and as convenient as possible to the voters of the voting district.

Sec. 17. R. S., T. 21, § 1576, sub-§ 1, repealed. Subsection 1 of section 1576 of Title 21 of the Revised Statutes, as repealed and replaced by section 2 of chapter 402 of the public laws of 1973, is repealed.

Sec. 18. Appropriation. There is appropriated from the General Fund to the Treasurer of the State the sum of \$1,000 to carry out the purposes of section 10 of this Act. The breakdown shall be as follows:

	1974-75
TREASURER OF STATE	
All Other	\$1,000

Effective June 28, 1974

CHAPTER 783

AN ACT to Correct Errors and Inconsistencies in the Education Laws.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, many Acts enacted by the Legislature have created inconsistencies and technical errors; and