

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

One Hundred and Seventh Legislature

AT THE

1ST SPECIAL SESSION

JANUARY 19, 1976 TO APRIL 29, 1976

AND

2ND SPECIAL SESSION

JUNE 14, 1976

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

PORTLAND LITHOGRAPH COMPANY
PORTLAND, MAINE
1977

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
One Hundred and Seventh Legislature
AT THE FIRST SPECIAL SESSION
January 19, 1976 to April 29, 1976
AND THE SECOND SPECIAL SESSION
June 14, 1976

Supplementary to the Acts and Resolves of the Regular Session

[supplied from page 3097 of volume]

CHAPTER 752

AN ACT Relating to the Formation of Political Parties and to Political Designations.

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

Sec. 1. 21 MRSA § 1, sub-§ 21, as repealed and replaced by PL 1975, c. 623, § 24-A, is repealed and the following enacted in place thereof:

21. Party. "Party" refers to a political organization which has qualified to participate in a primary election or in a general election pursuant to chapter 10.

Sec. 2. 21 MRSA c. 10 is enacted to read:

CHAPTER 10

PARTIES

§ 321. Qualified parties

1. Primary election. A party is qualified to participate in a primary election if its party designation was listed on the general election ballot in the last preceding gubernatorial or presidential election and if the party:

A. Held municipal caucuses as prescribed by chapter 11 in at least one municipality in each county in the State during that election year and fulfills this same requirement during the year of the primary election;

B. Held a state convention as prescribed by chapter 13 during that election year; and

C. Its candidate for Governor or for President polled at least 5% of the total vote cast in the State for Governor or President in the last preceding gubernatorial or presidential election.

D. Each state party committee must file with the Secretary of State a statement on or before April 4th certifying that the party has held the necessary number of municipal caucuses required by paragraph A. The statement shall be signed by the party chairman or his designated agent.

2. General election. A party which qualifies under subsection 1 to participate in a primary election shall, in that same year, hold a state convention, as prescribed by chapter 13, in order to have the party designation of its candidates printed on the general election ballot, in accordance with section 702, in the general election of that year.

§ 322. Formation of new party; organization about a candidate

A party, the designation of which was not listed on the general election

ballot in the last preceding gubernatorial or presidential election, shall qualify to participate in a primary election if it fulfills the requirements described in subsections 1, 2 and 3.

1. Declaration of intent. A voter or a group of voters who are not enrolled in a party qualified under section 321 shall file with the Secretary of State on or before 5 p.m. on the 180th day before a primary election a declaration of intent to form a party. The declaration of intent shall be on a form designed by the Secretary of State and shall include:

A. The designation of the proposed party;

B. The name of a candidate for Governor or for President in the last preceding gubernatorial or presidential election who was nominated by petition pursuant to chapter 17 and who received 5% or more of the total vote cast in the State for Governor or for President at such election;

C. The signed consent of that candidate; and

D. The name and address of the voter or one of the group of voters who file the declaration of intent.

2. Enrollment of voters. Upon filing the declaration described in subsection 1, the voter or voters proposing to form the party may then enroll voters in the proposed party in accordance with sections 131 to 135.

3. Municipal caucuses. The proposed party shall conduct municipal caucuses in at least one municipality in each of the 16 counties during that election year as prescribed in chapter 11. The chairman of the municipal committee or a resident voter in the municipality shall file with the Secretary of State, on or before 5 p.m. on April 15th, a copy of the notice required by section 361, subsection 2.

4. Convention. A party which has qualified pursuant to subsections 1, 2 and 3 to participate in a primary election shall, in that same year, hold a state convention, as prescribed by chapter 13, in order to have the party designation of its candidates printed on the general election ballot, in accordance with section 702, in the general election of that year. The voter or group of voters who file the declaration of intent shall be authorized to carry out the duties of the state committee described in section 401, subsection 1, for the party's initial convention.

§ 323. Formation of new party; organization by petition

In addition to the procedure described in section 322, a party the designation of which was not listed on the general election ballot in the last preceding gubernatorial or presidential election shall qualify to participate in a primary election if it fulfills the requirements described in subsections 1, 2, 3 and 4.

1. Declaration of intent. A voter or group of voters who are not enrolled in a party qualified under section 321 shall file with the Secretary of State a declaration of intent to form a party. The declaration of intent shall be on a form designed by the Secretary of State and shall include:

A. The designation of the proposed party; and

B. The name and address of the voter or one of the group of voters who file the declaration of intent.

2. Petition. Upon filing the declaration described in subsection 1, the voter or a group of voters is then qualified to circulate petitions. Such petitions shall be signed in the same manner as provided for primary petitions in section 445, subsections 3 and 4. The circulator of such petition shall certify his belief that the signatures on it are genuine and that the signers are registered voters. Each page of the petition shall have a caption, in conspicuous type, which shall contain the designation of the proposed party followed by the words "Petition to participate in the primary election." The Secretary of State shall prepare forms for such petitions. Such petitions shall be filed in the Office of the Secretary of State on or before 5 p.m. on the 180th day before a primary election and shall contain the signatures and legal addresses of voters who are equal in number to at least 5% of the total vote cast in the State for Governor at the last preceding gubernatorial election.

3. Enrollment of voters. Upon filing the declaration of intent required in subsection 1, the voter or voters proposing to form the party may then enroll voters in the proposed party, in accordance with sections 131 to 135.

4. Municipal caucuses. The proposed party shall conduct municipal caucuses in at least one municipality in each of the 16 counties during that election year as prescribed in chapter 11. The chairman of the municipal committee or a resident voter in the municipality shall file with the Secretary of State, on or before 5 p.m. on April 15th, a copy of the notice required by section 361, subsection 2.

5. Convention. A party which has qualified pursuant to subsections 1, 2, 3 and 4 to participate in a primary election shall, in that same year, hold a state convention, as prescribed by chapter 13, in order to have the party designation of its candidates printed on the general election ballot, in accordance with section 702, in the general election of that year. The voter or group of voters who file the declaration of intent shall be authorized to carry out the duties of the state committee described in section 401, subsection 1, for the party's initial convention.

§ 324. Disqualification of parties

A party which qualified pursuant to section 322 or section 323 to participate in the last preceding primary election and general election shall not qualify to participate in a primary election unless it fulfills the requirements of section 321.

§ 325. Secretary of State

The Secretary of State shall determine whether or not a party has fulfilled the requirements of sections 321, 322 and 323.

§ 326. Enrolled voters

A voter who is enrolled in a party which failed to fulfill the requirements of sections 322 or 323 or which is disqualified pursuant to section 324 shall be considered as an unenrolled voter for all purposes.

§ 327. Party designation

No voter or group of voters seeking to qualify as a party to participate in a primary election under either section 322 or section 323 shall use as the party designation the designation or a combination thereof or an abbreviation thereof of a party which is qualified to participate in a primary election or general election under section 321 or the name of the State or any abbreviation thereof or combination thereof or any designation which exceeds 3 words in length.

Sec. 3. 21 MRSA § 491, as last amended by PL 1973, c. 414, §§ 19 and 20, is repealed and the following enacted in place thereof:

§ 491. Nomination authorized

The nomination of a candidate, other than by a party, for any federal, state or county office must be made by nomination petition. A person may file as a candidate for any federal, state or county office either by primary election or nomination petition, but not by both.

Sec. 4. 21 MRSA § 492, sub-§ 1, 3rd sentence is amended to read:

It must contain the name of only one candidate, ~~his the candidate's place of residence and the office sought and his political designation expressed in not more than 3 words.~~

Effective July 29, 1976

CHAPTER 753

AN ACT Enabling Municipalities to Conduct Soil Tests to Determine Feasibility of Solid Waste Disposal Sites.

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

Whereas, the Revised Statutes, Title 38, section 1305 requires municipalities to provide solid waste disposal facilities; and

Whereas, without the permission of the landowner, there is no legal way municipalities may enter upon private premises to make soil tests and other related tests to determine the feasibility of solid waste disposal sites to the end that the best possible site may be established; and