

# MAINE STATE LEGISLATURE

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LAWS  
OF THE  
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE

FIRST REGULAR SESSION

January 5, 1977 to July 25, 1977

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

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PORTLAND LITHOGRAPH COMPANY  
PORTLAND, MAINE  
1977

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PUBLIC LAWS  
OF THE  
**STATE OF MAINE**  
AS PASSED AT THE  
**FIRST REGULAR SESSION**  
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ONE HUNDRED AND EIGHTH LEGISLATURE  
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*Be it enacted by the People of the State of Maine, as follows:*

12 MRSA § 2401-B, sub-§ 16, ¶ B, as last amended by PL 1973, c. 562, § 15, is further amended to read:

**B. Willful issuing of resident license to nonresident.** It shall be unlawful for a town clerk or agent to willfully issue any resident license to a person not a resident of the municipality in which the license is issued. It shall be the responsibility of the applicant to submit proof of residency to the agent or the Department of Inland Fisheries and Wildlife, or both.

Effective October 24, 1977

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## CHAPTER 337

**AN ACT to Clarify the Investigatory Authority of the Commission on Governmental Ethics and Election Practices in Regard to Contested Elections.**

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

Sec. 1. 1 MRSA § 1008, sub-§ 2, as enacted by PL 1975, c. 621, § 1, is amended to read:

2. **Election practices.** To administer and investigate any violations of the requirements for campaign reports and campaign financing and to investigate and ~~determine~~ make findings of fact and opinion on the final determination of the results, within the limits of the Constitution of the State of Maine and the Constitution of the United States, of any contested county, state or federal election within this State.

Sec. 2. 21 MRSA § 1422-A is enacted to read:

### § 1422-A. Investigations

1. **Investigations.** The commission may investigate and make findings of the fact and opinion on the final determination of the results, within the limits of the Constitution of the State of Maine and the Constitution of the United States, of any contested county, state or federal election within this State. For this purpose, the commission may subpoena witnesses and records and take evidence under oath. A person who fails to obey the lawful subpoena of the commission or to testify before it under oath shall be punished by the Superior Court for contempt on application of the Attorney General on behalf of the commission.

2. **Investigation requested.** Not more than 5 days after completion of the recount proceedings any candidate in a contested election may make written application to the commission requesting an investigation and stating the reasons for the request. The commission shall review the application and shall make the investigation if the reasons stated show sufficient ground for believing that a violation of law affecting the outcome of the election has occurred.

3. State Auditor; Secretary of State. The State Auditor and the Secretary of State shall assist the commission in making investigations and in other phases of the commission's duties under this chapter and shall have all necessary powers to carry out such responsibilities.

4. Attorney General. The Attorney General shall be counsel for the commission and may examine any witnesses before the commission.

Sec. 3. 21 MRSA § 1423, sub-§ 1, 1st sentence, as enacted by PL 1975, c. 621, § 10, is amended to read:

On receipt of a written appeal or application requesting an investigation, the commission shall notify the opposing candidate, and shall set a time, date and place for a hearing on the matter.

Effective October 24, 1977

## CHAPTER 338

### AN ACT Revising Procedures for Certain Tied Elections.

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

Sec. 1. 21 MRSA § 1122, sub-§ 2, ¶ C is enacted to read:

C. If there is a tie vote for State Representative or State Senator as finally determined by the proper House pursuant to the Constitution of Maine, Article IV, Part Third, Section 3, the Governor shall issue a proclamation declaring the tie and ordering a special election between the persons tied, as provided in section 1444.

Sec. 2. 21 MRSA § 1441, 1st ¶ is amended to read:

A vacancy in any state office, county office, in the office of an election official or in any political committee occurs when the incumbent dies, resigns, becomes disqualified or changes his residence to an electoral division other than that from which he was elected; or when the person elected fails to qualify; ~~and when the electorate fails to elect a person to office.~~

Effective October 24, 1977

## CHAPTER 339

### AN ACT Concerning the Registration of Voters by Justices of the Peace.