

MAINE STATE LEGISLATURE

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FOURTH REVISION.

THE
REVISED STATUTES

OF THE
STATE OF MAINE,

PASSED AUGUST 29, 1883, AND TAKING EFFECT JANUARY 1, 1884.

BY THE AUTHORITY OF THE LEGISLATURE.



PORTLAND:
PUBLISHED BY LORING, SHORT & HARMON
AND
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1884.

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ERRATA:

**The following two leaves are
inserted because one or more pages
in this chapter have errors
noticed and corrected here.**

ERRORS.

ERROR IN THE TEXT OF THE REVISED STATUTES.

Page 63, § 3, line one.—Erase the last word “may.”

ERROR IN THE TEXT OF THE REPEALING ACT.

Page 999.—Transfer “Chapter 48, Section 6, of an act to facilitate the prompt administration of justice by establishing a superior court in Kennebec County,” from the year 1879 to 1878.

ERROR IN THE COMMISSIONER’S NOTES.

Pages 177, 178.—Erase the last two lines of page 177, and the first three lines of page 178.

ERRORS IN THE MARGINAL REFERENCES.

Page 59, § 6, ¶ xx.—Erase “*R. S.*, c. 1, ¶ xx”, and supply, at the bottom of the page, “*R. S.*, c. 1, § 4”

“ 66, § 24.—Erase “*Resolve of 1837*, c. 52.”

“ 69, § 44.—Supply “*Resolve of 1840*, c. 107.”

“ 72, § 68.—Erase “*See c. 6*, §§ 40-67.”

“ “ § 70.—Erase “*R. S.*, c. 2, § 66.”

“ 79, § 12, (note b).—“*See c. 18*, § 73” should read “*See c. 18*, § 75.”

“ “ “ “ “*See c. 30*, § 15” should read “*See c. 30*, § 16.”

“ “ § 14.—Supply “*See c. 18*, § 75.”

“ 83, § 40.—“*R. S.*, c. 3, § 34” should read “*R. S.*, c. 3, § 33.”

“ 84, § 46.—“*See c. 18*, § 67” should read “*See c. 18*, § 59.”

“ 86, § 59, ¶ i, (note b).—“*See c. 17*, §§ 25-29” should read “*See c. 17*, §§ 27, 28.”

“ “ “ ¶ vi, (note e).—“*See c. 18*, § 15” should read “*See c. 18*, § 17.”

“ 92, note.—“*c. 18*, §§ 39, 103” should read “*c. 18*, §§ 39, 97.”

“ 97, § 16.—Erase “*R. S.*, c. 4, § 16.”

“ 108, § 86.—“*Art. ii*, § 2” should read “*Art. ii*, § 1, ¶ 2.”

“ 117, § 28.—Erase the first reference to “1878, c. 31, § 1.” Also erase “*R. S.*, c. 5, § 26.”

“ 176, § 27.—“*Resolve of 1883*, c. 20” should read “*Resolve of 1883*, c. 86.”

“ 183, § 5.—“*See* § 93, ¶ 6” should read “*See* § 93, ¶ v.”

“ 202, § 102.—“1883, c. 229” should read “*See c. 115*, § 1.”

“ 209, § 1.—Supply “1880, c. 215.”

“ 210, § 7.—Supply “1880, c. 215.”

“ 249, § 44.—“1875, c. 25, § 6” should read “1875, c. 25, § 6.”

“ 270, § 16.—Supply “1880, c. 215.”

“ 330, § 26.—“*See c. 40*, § 77” should read “*See c. 40*, § 74.”

“ “ § 28.—“*See c. 40*, § 38” should read “*See c. 40*, §§ 33, 40.”

“ 374, § 23.—“*See* § 17” should read “1880, c. 234, § 1.”

“ 384, § 74.—Add “1883, c. 138, § 3.”

“ “ “ “ “1883, c. 144, § 4.”

“ 506, § 1.—Supply “*See* 1880, c. 215.”

“ 642, § 80, bottom of the page.—Supply “1878, c. 48, § 6.”

“ 709, § 105.—“*See c. 134*, § 13” should read “*See c. 134*, § 19.”

“ 773, § 42.—Supply “1883, c. 198, § 2.”

“ 804, § 35.—“*See c. 134*, § 26” should read “*c. 134*, § 26.”

“ 861, § 1.—“*R. S.*, c. 2, § 20,” } should read “1883, c. 221.”
“ “ “ “ “*R. S.*, c. 115, § 1.” }

“ 862, § 4.—“*See c. 63*, §§ 32 to 39” should read “*See c. 63*, § 35.”

ERRORS IN CITATIONS OF CASES.

- Page 10, § 8, ¶ iii, (note c).—"14 *Pet.*, 504" should read "14 *Pet.*, 540."
 " 16, § 1, (note b).—"10 *Me.*, 483" should read "10 *Me.*, 283."
 " 78, § 5, (note a).—"13 *Me.*, 472, 489" should read "13 *Me.*, 472."
 " " § 7, (note b).—"12 *Me.*, 589" should read "12 *Me.*, 489."
 " 147, § 97.—"58 *Me.*, 528" should read "58 *Me.*, 532."
 " 166, § 1.—"64 *Me.*, 549" should read "64 *Me.*, 599."
 " 200, § 93, ¶ iv.—Erase "20 *Me.*, 545."
 " 211, § 19.—"3 *Me.*, 347" should read "3 *Me.*, 249."
 " 241, § 5, (note b).—"68 *Me.*, 28" should read "63 *Me.*, 28."
 " 257, § 80, (note a), Construction of ways.—"26 *Me.*, 340" should read "26 *Me.*, 240."
 " 397, § 1, (note a).—Erase "66 *Me.*, 526."
 " 521, § 2, (note a).—Erase "60 *Me.*, 377."
 " " § 9.—Erase "60 *Me.*, 533."
 " 563, § 10.—"31 *Me.*, 286" should read "31 *Me.*, 254."
 " 597, § 23.—"4 *Me.*, 19" should read "4 *Me.*, 8."
 " 705, § 78.—"43 *Me.*, 438" should read "48 *Me.*, 438."
 " 728, § 12.—Erase "68 *Me.*, 30."
 " 750, § 5.—Erase "20 *Me.*, 325."
 " 765, § 1, (note a).—Erase "73 *Me.*, 228."
 " 814, § 19, (note c).—Erase "71 *Me.*, 543."
 " 817, § 8, (note b).—"27 *Me.*, 363" should read "27 *Me.*, 362."
 " 885, § 1.—Erase "62 *Me.*, 285."
 " 886, § 8.—"36 *Me.*, 225" should read "36 *Me.*, 227."
 " 933, § 4.—"34 *Me.*, 478" should read "39 *Me.*, 478."

OMISSION IN REFERENCE INDEX TABLE, PART I.

Page 1060.—Supply "1878, c. 48, § 6," with a reference to "R. S., c. 77, § 80."

CHAP. 3.

If assessors neglect, the co. com'rs shall appoint assessors to return the valuation.
R. S., c. 3, § 59.

SEC. 83. If such valuation is not made and returned by any town or plantation within the time specified, the county commissioners shall appoint three suitable persons of the county to be assessors therein, who shall be sworn and make and return the inventory and valuation required, within the time fixed by said commissioners; and such valuation shall be examined, corrected, and a copy thereof returned to the state treasurer and become a basis for the assessment of state and county taxes, in the same manner as if the valuation had been taken by the assessors chosen by said town or plantation.

Such assessors to be paid by the co. com'rs.
R. S., c. 3, § 60.
—and expense taxed to plantation.

SEC. 84. Assessors appointed under the preceding section, shall be paid from the county treasury a reasonable compensation for their services, to be determined by the county commissioners, and any sum so paid shall be added to the county tax apportioned to such town or plantation, and shall be collected and paid into the treasury in the same manner as county taxes.

Plantations may be reorganized.
R. S., c. 3, § 61.

SEC. 85. Plantations organized upon application of three or more inhabitants, may at any time be reorganized under this chapter.

NOTE.—For provisions relating to elections in plantations, See c. 4, §§ 81 to 85. Schools, c. 11, §§ 4, 99, 100, 101. Highways, c. 18, §§ 39, 103.

CHAPTER 4.

ELECTIONS.

LISTS OF VOTERS.

- SEC. 1. Assessors to make lists of voters where selectmen are not assessors.
2. Selectmen to prepare corrected lists by August 11, in each election year.
3. Special meetings to correct the lists. Notice to be given.
4. Lists to be deposited with town clerk and posted by August twentieth.
5. Names not to be added or stricken out, except as provided. Names may be added at regular session on evidence.
6. Duties of selectmen respecting papers of naturalization.
7, 8, 9. When selectmen shall meet to correct lists.
10. Notice of such meetings to be given in warrant for town meetings.
11. Lists of electors to be made by February twenty, annually.
12. Selectmen to be in session to correct lists before March meeting.
13. Check list to be kept by clerk or moderator for choice of town officers.
14. Penalty if clerk or moderator neglects or refuses to use check list.
15. Provisions applicable to cities.
16. Ward lists of voters to be posted in cities having more than one thousand voters. Voting in wards regulated.

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18. When such meeting shall be opened.
19. Officers presiding, empowered as moderators.
20. When selectmen pro tempore may be chosen.
21. Who shall preside at such choice.
22. Duties and powers of selectmen pro tempore.
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25. Check list, rules, and only one ballot box for candidates allowed.
26. Town clerks to preserve check lists and to furnish certified copies.
27. Ballot boxes, how constructed and used. Votes, how received; method of voting on constitutional amendments. Duties of officers, and penalties.
28. Penalty for not using check list and proper boxes, how recovered.
29. Votes to be on white paper without marks.
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31. Meetings for choice of certain officers and for determining questions submitted to the people.
32. How the result of balloting shall be ascertained. Governor to order new election in case of tie vote.
33. Governor to call election to fill congressional vacancy.
34. Town clerks to mail such returns to secretary of state. Governor and council to canvass returns and declare result, and governor to issue certificate of election.
35. Clerk to transmit returns of votes to secretary of state.
36. If return is not received, secretary to notify county attorney. His duty.
37. New certificates to be returned by selectmen and clerk in case of loss.
38. How such certificates are to be authenticated.
39. How to be sealed and returned.
40. Of filling vacancies for representatives in towns not classed.

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- SEC. 41. Electors in cities to meet in wards. Warden to preside.
42. Warden pro tempore may be chosen.
43. Regulations for voters on islands in Portland.
44. Proceedings at such meetings. How their votes shall be returned.
45. When representatives may be voted for on separate ticket in cities.
46. When no representative is chosen, new meetings to be called within two weeks. Vacancies how filled.
47. When aldermen shall be in session to correct lists of voters.
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- 49, 50. If no choice is effected or vacancy happens, further proceedings.

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- SEC. 51. Contestant for seat in house of representatives, when and how to serve notice on claimant. Testimony, how taken and presented.
52. Contestant, when to present petition to house. Depositions, how taken.
53. Claimants of county offices may proceed in equity. Process, where commenced and returnable.
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55. Appeal within ten days. Summary hearing thereof by law justices.
56. Any justice of S. J. C. may issue final judgment. Enforcement thereof. The prevailing party shall enter upon the office.
57. Prevailing party recovers costs. Court may award double or treble costs.

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- SEC. 58. Voters residing in unincorporated places may vote in adjacent town on certain conditions.

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- SEC. 59. General provisions in case of wilful neglect or misconduct of selectmen and certain other officers.
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61. Penalty for wilful neglect of warning officers: recovered by indictment.
62. Penalty for wilful neglect of proper officers to deposit with clerk and post lists of voters.

- CHAP. 4. SEC. 63. Penalty for wilful neglect of selectmen to keep and use check list or to reject illegal votes.
64. Penalties in two foregoing sections, how recoverable.
65. Penalty for municipal officer striking from the list the name of any voter without notice. How recovered.
66. Penalty for any person altering, erasing or mutilating any name on list, or fraudulently voting in the name of another.
67. Penalty for neglect to supply lost return.
68. Penalty for making false certificates in such cases.
69. Penalty for neglect in persons intrusted with returns.
70. County attorney's duty when notified of failure of any return.
71. Liability of town officers limited.
72. Punishment for misconduct of any person at elections.
73. Forfeiture by military officers for parading their men on days of election.
74. Penalties of the two preceding sections, how recovered.
75. Punishment for bribery and corruption at elections.
76. Punishment for electors knowingly voting where they have no legal right.
77. Betting on elections prohibited and punished. Wager forfeited.
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80. Conveyances of property for such purposes, void. Value of such estate may be recovered by the town.

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82. State election on second Monday of September, biennially. How called.
83. Votes, how received. List of persons voted for, of voters, and of persons actually voting, to be returned to secretary of state.
84. Votes to be received and allowed the same as in towns.
85. If it does not appear by the returns that the plantation has been duly organized and that section eighty-three has been obeyed, the votes are to be rejected. The secretary of state shall furnish blanks.

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- SEC. 86. Electors of president and vice president. Meetings, when and how called. All the electors' names to be on one ballot.
87. Proceedings at the meeting. Votes how returned. Secretary of state to send messenger for each return not received. Governor and council to count the votes. Secretary to notify persons elected.
88. Expense of sending for returns to be paid by state and added to state tax of delinquent town.
89. When no choice of a majority of electors is made, governor to assemble legislature.
90. Meeting of the electors. Vacancies how filled.
91. Proceedings at such meeting.
92. Compensation of electors.
93. Secretary of state to furnish town clerks with blanks.
94. Duty of town officers, as in other meetings.

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- SEC. 95. Soldiers allowed to vote for president and vice president.
96. Soldiers' elections, how conducted.
97. Certain military officers, where allowed to vote.
98. Supervisors, ballot box, qualification of voters.
99. Voters challenged, to be put under oath. Poll lists to be kept.
100. Names of voters to be checked. Vote, how declared and returned.
101. Soldiers may vote for governor, senators, representatives, county officers and representatives to congress.
102. Such elections, how held and conducted.
103. Secretary of state to prepare blank poll lists.
104. Governor and council to correct errors and frauds in returns.

LISTS OF VOTERS.

Assessors to
prepare lists

- SEC. 1. In every town, where the selectmen are not assessors, the

assessors on or before the first day of August in each year in which an election of governor, senators and representatives is held, shall prepare a list of the persons whom they judge to be constitutionally qualified to vote therein at such election and deliver it to the selectmen.

SEC. 2. The selectmen of every town, on or before the eleventh day of August in every such year, shall prepare a corrected list of persons so qualified.

SEC. 3. In every town, having by the census of the United States, then last taken, more than three thousand inhabitants, the selectmen shall be in open session to receive evidence of the qualifications of persons claiming the right to vote at any such election, and for the correction of said list, for a reasonable time, on not more than two days, between the eleventh and eighteenth days of August in every such year, giving previous notice of the time and place of each session, as their town meetings are notified.

SEC. 4. On or before the twentieth day of August in every such year, the selectmen shall deposit in the office of the town clerk, an alphabetical list of voters thus prepared and revised, and post a similar list in one or more public places in the town.

SEC. 5. After such lists are thus prepared, deposited with the clerk, and posted, the selectmen shall not add thereto, nor strike therefrom, the name of any person, except in open session on one of the days prescribed by law for receiving evidence of the qualifications of voters; nor shall they strike from said list the name of any person residing in the town, without notice first given to him that his right to vote is questioned, and an opportunity for a hearing on one of such days. But at any regular session for receiving such evidence, the selectmen shall place on the list of voters, the name of every person known by, or proved to them to be so qualified, whether he applies therefor or not.

SEC. 6. When a person of foreign birth exhibits to the selectmen of his town papers of naturalization, issued to him in due form by a court having jurisdiction, they shall, if satisfied of their genuineness, and that such person is entitled to vote, approve such papers by a written indorsement thereon, with the date thereof, signed by one of them; register in a book kept for that purpose the name of the person, the date of the papers, the date of approval, and the name of the court by which they were issued; cause the name of such person to be entered on the list of voters; and continue his name on the successive lists so long as he continues to reside there and is in other respects qualified to vote. If they are of opinion, that such papers are not genuine, or were not issued to the person presenting them, or that he is not for other cause a voter, they shall not approve them or perform the other acts required; but he shall not, by their refusal to approve his papers, or to enter his name, be deprived of his right to vote, upon satisfactory proof.

SEC. 7. In all towns, cities not included, having one thousand or more registered voters, the municipal officers shall receive applications of persons claiming a right to vote, on the three secular days next preceding the day of election, and no application shall be received after the

CHAP. 4.

of voters and deliver to selectmen.

R. S., c. 4, § 1.
1880, c. 239, § 10.

Selectmen to prepare corrected list.

R. S., c. 4, § 2.
1880, c. 239, § 10.
See § 71.

Sessions of selectmen to correct lists; notice of.

R. S., c. 4, § 3.
1880, c. 239, § 10.

Lists to be deposited with clerk and posted.

R. S., c. 4, § 4.
1880, c. 239, § 11.
See §§ 62, 71.

Names not to be added or stricken out, except as provided.

R. S., c. 4, § 5.
See §§ 65, 71.

—names may be added at regular sessions on evidence.

Selectmen, duties respecting papers of naturalization.

R. S., c. 4, § 6.

—their indorsement and registry.

In towns having 1,000 or more voters, when application may be made to

CHAP. 4.
selectmen for
registration.
—what chan-
ges in list
may be made
on election
day.
1873, c. 62.

Between 500
and 1,000
voters.
1873, c. 136.

Under 500
voters.
R. S., c. 4, § 9.

Notice of ses-
sions.
R. S., c. 4, § 10.
3 Me., 310.

Lists of
voters.
R. S., c. 4, § 11.
3 Me., 296.
See §§ 62, 71.

Selectmen's
sessions to
correct lists
to be held on
March elec-
tion day or
the secular
day preced-
ing.
R. S., c. 4, § 12.

Check list to
be kept for
choice of
town officers.
R. S., c. 4, § 13.
See § 26.

Penalty if
clerk or mod-
erator
neglects or
refuses.
R. S., c. 4, § 14.
See §§ 28, 71.

These provi-
sions applica-
ble to cities.
R. S., c. 4, § 15.

hour of five in the afternoon on the secular day next preceding said day of election; and no names shall be added to the list of voters on the day of election, by certificate or otherwise, except such as were upon the list of the previous year, and have been inadvertently omitted by the selectmen; and on that day no change shall be made in names except to correct clerical errors therein.

SEC. 8. In every town containing more than five hundred and less than one thousand voters, the selectmen shall be in open session on one or more secular days next preceding such election, for the purpose aforesaid, and on the day of election they shall be in session and proceed as in the section following.

SEC. 9. In every town containing less than five hundred voters, the selectmen shall be in session on the day of any such election to receive and decide on such applications, at some convenient place, for so long a time immediately preceding the opening of the polls, as they think necessary, and shall hear and determine any such application at any time before the polls are closed.

SEC. 10. The selectmen shall order notice of the time and place of all their sessions required or authorized in the three preceding sections, to be given in the warrant for calling the town meetings.

SEC. 11. The selectmen shall make a correct alphabetical list of the inhabitants in their towns qualified to vote in the choice of town officers, and deposit it in the office of the town clerk, and post a copy thereof in one or more public places in such town, on or before the twentieth day of February, annually.

SEC. 12. They shall be in session at some convenient time and place to be by them notified in the warrant for calling the meeting in such town, on the secular day next preceding the annual election in March, or on the morning of the day of election, to hear and decide upon the applications of persons claiming to have their names entered upon said list; and such session, when held on a secular day preceding the election, shall continue at least three hours, and when held on the day of election, shall continue until the election of town officers required by law to be elected by ballot, has been completed.

SEC. 13. The town clerk shall have the list of voters provided for by the two preceding sections, at every town meeting held for the choice of town officers required by law to be chosen by ballot, and it shall be kept and used as a check list at the polls by said clerk or moderator at such meeting, in the manner prescribed for selectmen or assessors by section twenty-five; if demanded by one third of the voters present.

SEC. 14. If the town clerk or moderator presiding at such meeting wilfully neglects or refuses to comply with the preceding section, he forfeits not less than fifty nor more than one hundred dollars, to be recovered in an action of debt in the name and for the use of the town, to be prosecuted by the treasurer at the request of any voter therein.

SEC. 15. The aldermen and assessors of cities shall prepare lists of voters in the wards thereof for elections of governor, representatives to congress, and electors of president and vice president, and for annual

city elections, in the same manner as selectmen and assessors are required to prepare them for towns, the aldermen performing the duties of selectmen; and the wardens shall be governed by said lists. CHAP. 4.
See §§ 47, 48.

SEC. 16. In cities having more than one thousand voters, the aldermen shall post in some public place in each ward, a true printed or written list of the voters in said ward, at least seven days previous to the day of any election. No elector who has removed his residence from one ward to another in any city within the sixty days next preceding an election, shall vote at such election in the ward to which he has removed, but his name may be placed on the check list of the ward from which he removed, and he may vote therein. Ward lists of voters to be posted in cities having more than 1,000 voters. R. S., c. 4, § 16, 1880, c. 169.
—voting in wards regulated.

NOTIFYING MEETINGS, PROCEEDINGS, AND RETURNS.

SEC. 17. The selectmen of every town, by their warrant shall cause the inhabitants thereof, qualified according to the constitution, to be notified and warned seven days at least before the second Monday of September biennially, to meet at some suitable place designated in said warrant to give in their votes for governor, senators, and representatives, as the constitution requires; and such meeting shall be warned like other town meetings. Call of meeting for election of state officers. R. S., c. 4, § 17, 1880, c. 239, § 12.

SEC. 18. No such meeting shall be opened before ten o'clock in the forenoon on the day of election, unless the number of voters in such town exceeds five hundred; if it does, an earlier and suitable time in the day may be appointed by the selectmen. At all elections for choice of state officers and of electors of president and vice president of the United States, in towns and plantations having more than five hundred and less than five thousand inhabitants, if the time is not otherwise fixed by law, the polls shall be kept open until five o'clock in the afternoon and then be closed. Meeting, when to be opened R. S., c. 4, § 18.
—polls in certain towns to be kept open until 5 P. M.

SEC. 19. The selectmen or other officers, required by the constitution and laws to preside at any such meeting, shall have all the powers of moderators of town meetings, as provided in chapter three; and they shall refuse the vote of any person not qualified to vote. Officers presiding have powers of moderator. R. S., c. 4, § 19. See c. 3, § 28.

SEC. 20. If a majority of the selectmen are absent from any such meeting duly warned, or being present, neglect or refuse to act as such and to do all their duties, the voters may choose so many selectmen pro tempore, as are necessary to constitute or to complete the number competent to act. Selectmen absent, others may be chosen pro tempore. R. S., c. 4, § 20, 70 Me., 565.

SEC. 21. During the choice of selectmen pro tempore any selectman present may act as moderator; if no selectmen are present, or if those present neglect or refuse to act as such, the town clerk shall preside; and the person so presiding shall have all the powers and discharge the duties of moderator. At such choice, who shall preside. R. S., c. 4, § 21.

SEC. 22. Selectmen pro tempore accepting the trust, shall be sworn faithfully to discharge the duties of said office, so far as relates to such meeting and election; and in making a record and return of the votes, as the constitution or laws require, and in all matters incidental to the trust, they shall have the powers of permanent selectmen, and be subject to the same duties and liabilities. Duties and powers of selectmen pro tempore. R. S., c. 4, § 22.

CHAP. 4.

What votes shall be on one list.
R. S., c. 4, § 23.

In case of division of a town, electors may vote where annexed, if within their original district.
R. S., c. 4, § 24.
—if not, then in the town whence set off.

Check list required.
—rules prescribed.
R. S., c. 4, § 25.
See §§ 63, 71.

—only one ballot box for candidates allowed.

Town clerks to preserve check lists and to furnish certified copies.
R. S., c. 4, § 26.
See § 13.

Ballot boxes how constructed and used.
R. S., c. 4, § 27.
—votes, how received.

—method of voting for constitutional amendments.
1880, c. 248.

—officers, duties of.

Penalties, how recovered.
R. S., c. 4, § 28.

Votes to be on white paper without marks or figures.
R. S., c. 4, § 29.
See §§ 63, 71.
54 Me., 604.
70 Me., 566.

SEC. 23. At every meeting for choice of governor, senators, representatives, and other public officers requiring like qualifications in the electors, the selectmen or officer presiding shall require the electors to give in their votes for the officers to be chosen, on one list or ballot, or so many of such officers, as the voter determines to vote for; designating the intended office of each person voted for.

SEC. 24. Whenever any territory is set off from one town and annexed to another, the inhabitants of the territory set off, otherwise qualified, may vote for representative to congress, senators or representatives to the legislature, in the town to which they are annexed, if said town is within the congressional, senatorial or representative district, as the case may be, to which they previously belonged; otherwise, such inhabitants may vote for said officers in the town from which they were set off, until the next congressional, senatorial or representative apportionment has been made.

SEC. 25. The officers presiding at any election shall use the check list herein required at the polls during the election of any such officers, and use suitable ballot boxes to be furnished at the expense of the town, and no votes shall be received unless delivered by the voter in person, nor until the presiding officers have had opportunity to be satisfied of his identity and find his name on the list and mark it and ascertain that his vote is single, nor shall more than one ballot box be used for receiving votes for candidates at any election at any one time.

SEC. 26. Clerks of towns shall preserve the check lists used at the September elections, for one year without alteration, and shall furnish to any person a certified copy thereof within twenty days after demand and payment or tender of the legal charges therefor, under the penalty provided in section fifty-nine.

SEC. 27. Ballot boxes used at elections shall be covered at the top with a slide only, which shall not be opened till the name of the person offering his vote is found and checked on the list, and then shall be shut until another voter presents himself, and his name is found and checked; and whenever a constitutional amendment is submitted to the people for adoption, a ballot box shall be provided at every poll or voting place as at other elections, in which the ballots or votes for or against such proposed amendment shall be deposited separately from all other ballots or votes. And if the presiding officers do not comply with these requirements, they shall be subject to the penalties provided in section fifty-nine.

SEC. 28. Any penalty provided in this chapter, if the treasurer refuses or neglects for ten days after written request of any voter to commence suit therefor, may be recovered by said voter in a suit in his own name, to the same uses as if recovered by said treasurer.

SEC. 29. No ballot shall be received at any election of state or town officers, unless in writing or printing upon clean white paper without any distinguishing mark or figures thereon, besides the names of the persons voted for and the offices to be filled; but no vote shall be rejected on this account after it has been received into the ballot box.

SEC. 30. When at a town meeting held for election of representatives to the legislature, in a town not classed with other towns as a representative district, by reason of persons having an equal number of votes, a full choice of representatives is not effected, the meeting shall be adjourned to the same day of the week following, and to the same hour and place at which the first meeting was called; and at such adjourned meeting, the voters shall give in their votes for so many representatives as are necessary to make up the number to which said town is entitled; and like adjournments shall be had until the full number is elected.

SEC. 31. All town meetings required for election of county treasurer, of register of deeds, of representatives to congress, or of electors of president and vice president of the United States, or for the determination of questions submitted to the people by the legislature, shall, as to calling, notifying and conducting them, be subject to the regulations made in this chapter for election of governor, senators, and representatives, unless otherwise provided by law.

SEC. 32. To determine the result of any election by ballot, the number of persons who voted shall first be ascertained by counting the whole number of separate ballots given in, which shall be distinctly stated, recorded, and returned. No person ineligible to the office shall be declared elected; but such votes shall be counted, to determine whether any person has received the necessary number of all votes cast. In case of representatives to congress and members of the legislature, registers of deeds, and county and state officers, except where a different rule is prescribed in the constitution, the person or persons, not exceeding the number to be voted for at any one time for any such office, having the highest number of votes given at such election shall be declared elected, and the governor shall issue a certificate thereof. If, by reason of two or more persons receiving an equal number of votes, the election of the requisite number of officers cannot be declared without declaring more than the requisite number elected, no one of those having an equal number of votes shall be declared elected. In all other cases no person shall be declared elected, who has not received a majority of the whole number of votes counted as aforesaid; and if a number greater than is required to be chosen receive a majority of said whole number, the number so required, of those who have the greatest excess in votes over such majority, shall be declared elected. If the number to be elected cannot be so completed by reason of any two or more of such persons having received an equal number of votes, the persons having such equal numbers shall be declared not elected. In all cases not otherwise provided for, if no person eligible to the office receives the requisite number of votes to elect him, then the governor shall order a new election; *provided, however*, that nothing in this section shall give the governor and council authority to determine questions of eligibility in cases of senators and representatives to the legislature.

SEC. 33. Whenever a vacancy occurs in the representation of the state in the national house of representatives, the governor, in any manner having knowledge thereof, shall issue his proclamation for an election

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In case of no choice of representatives in an unclassified town, meeting to be adjourned one week, and from week to week.
R. S., c. 4, § 30.

Meetings for choice of certain officers, and to determine certain questions.
R. S., c. 4, § 31.

Result of any election by ballot, how determined.
1878, c. 2.

—no ineligible person shall be declared elected, but his votes are to be counted to determine result.

—officers elected by plurality vote.

See Constitution, art. iv, part 1, § 5; part 2, § 3; art. vi, § 7; art. ix, § 10; am'd't xxiv. 71 Me., 373.

—proceedings in case of tie vote.

—officers elected by majority vote.

—proceedings in case of tie vote.

—governor to order new election, if no eligible person is chosen.

—executive, not to determine eligibility of legislators.

Governor to issue proclamation for election to fill congressional vacancy.

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1881, c. 87, § 1.
See U. S.
Const., art. i,
§ 2, ¶ 4.

Clerks of
towns to mail
returns to
secretary of
state.
1881, c. 87, § 2.
—canvass of
returns, de-
claration of
result and is-
sue of certifi-
cate of elec-
tion.

Clerk to
transmit re-
turns of votes
to secretary
of state.
R. S., c. 4, § 33.
64 Me., 598.
See § 71.

County attor-
ney, to be
notified if
return is not
received.
His duty.
R. S., c. 4, § 34.

Loss of re-
turns to be
supplied by
copy of
record.
R. S., c. 4, § 35.
See §§ 67, 71.

Oaths to be
made to copy.
R. S., c. 4, § 36.
See §§ 68, 69,
72.

Certificates
how sealed
and returned.
R. S., c. 4, § 37.
See §§ 67, 68,
71.

SEC. 34. The clerk of each town, within twenty-four hours after the close of the polls, shall deposit in some post office the returns of the votes cast at such special election, post paid, directed to the secretary of state, to be transmitted by mail. The governor and council shall meet seven days after such election, and open and canvass such returns, and declare the result. They shall receive certified copies of the record of any town if the return from such town is lost, or is not received by the secretary of state. The governor shall immediately issue a certificate of election to the person thus declared to have received a plurality of votes.

SEC. 35. The clerk of each town shall cause to be delivered at the office of the secretary of state, the returns of votes given in his town, for governor, senators, representatives to the legislature, representatives to congress, electors of president and vice president of the United States, and for county officers, within thirty days next succeeding any meeting for their election, or shall deposit them, post paid, in some post office, directed to the secretary of state, within fourteen days after such meeting, to be transmitted by mail; and shall also forward to such office, as soon as practicable, a statement attested by him of the number of votes for said several officers, given at such election in his town, which shall be opened and filed by the secretary, and kept for public examination.

SEC. 36. If any such return is not received by the secretary of state within thirty days next after such meeting, he shall forthwith notify the county attorney of the county in which such town is situated, who shall give immediate notice thereof to the clerk of such town, and unless he receives satisfactory evidence that said clerk has complied with the requirements of the preceding section, he shall prosecute for the penalty hereinafter provided.

SEC. 37. When such original return is lost or destroyed, the selectmen and clerk of such town, on receiving information of such loss or destruction, shall forthwith cause a copy of the record of the meeting at which such vote was given, to be made with their certificate upon the same sheet, that it is a true copy of the record, that it truly exhibits the names of all persons voted for, for the offices designated, and the number of votes given for each at such meeting, and that said copy contains all the facts stated in the original return.

SEC. 38. The selectmen and town clerk, who were present at the meeting and signed the original return, shall sign the certificate mentioned in the preceding section, designating their office against their names as in the original return, and make oath that said copy and certificate are true, before some justice of the peace of the county, who shall make certificate of such oath on the same paper.

SEC. 39. Such copy and certificates shall then be sealed up, and directed to the secretary of state, with the nature of the contents written on the outside; and the clerk of such town shall cause the same to be delivered into the office of the secretary of state, as soon as may be.

SEC. 40. When the selectmen of any town not classed with others as a representative district, have knowledge that the seat of a representative thereof has been vacated, they shall forthwith issue their warrant, giving at least seven days' notice, for a meeting of the electors of said town to fill such vacancy; and at such meeting like proceedings shall be had, as at any meeting held on the second Monday in September for the like purpose.

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Vacancies how filled in towns not classed for representatives.
R. S., c. 4, § 38.
See §§ 46, 49, 70 Me., 560, 571.

ELECTIONS IN CITIES.

SEC. 41. For all purposes mentioned in sections seventeen and thirty-one, the inhabitants of cities shall meet as the constitution requires, in ward meetings, to be notified and warned, as town meetings for similar purposes are. The warden shall preside; the clerk shall make such record as the constitution requires, and the city constables shall preserve order.

Electors in cities to meet in wards.
R. S., c. 4, § 39.

—warden to preside.

SEC. 42. If the warden is absent from any such meeting, or refuses or neglects to preside, a warden pro tempore shall be chosen, and during such choice the ward clerk shall preside; and the warden pro tempore accepting the trust, shall be sworn, and have the power and perform the duties of warden of such meeting, and shall be liable to like penalties.

Warden pro tem. may be chosen.
R. S., c. 4, § 40.

SEC. 43. The several islands within the city of Portland, so far constitute two separate wards as to entitle the voters of each of said wards to choose a warden, ward clerk and one constable, who shall be residents of said islands and of their respective wards. The first of said wards comprises Long Island, Crotch Island, Hope Island, Jewell's Island and Little Chebeague Island, or such parts of said islands as are within the city of Portland, and the ward meetings of said first ward shall be held on Long Island. The second of said wards comprises the remaining islands within the city of Portland, and the ward meetings of said second ward shall be held on Peak's Island. The electors of each of said wards may meet as provided in section forty-one, and also for the choice of city officers, at the place designated, and may, on the day of election, vote for all officers named in the warrant calling the meeting.

Portland islands constitute two wards for certain purposes.
1879, c. 97.
—first ward.

—second ward.

SEC. 44. The warden shall preside impartially at such meetings, receive the votes of all electors present, sort, count, and declare them in open meeting and in presence of the clerk, who shall make a list of the persons voted for with the number of votes for each person against his name, and the offices respectively, and in open ward meeting and in presence of the warden, shall make a fair record thereof; a fair copy of this list shall be attested by the warden and clerk, sealed up in open meeting, and delivered to the clerk of ward number one in Portland within eighteen hours after closing the polls, and the votes thus thrown shall belong to the last mentioned ward.

Proceedings at such meetings.
R. S., c. 4, § 42.
—how the votes shall be returned.

SEC. 45. In voting for representatives to the legislature in the wards of a city, the names shall be on the same ballot with the other officers to be chosen at the meeting by voters of like qualifications, unless the board of aldermen in their warrant notifying the meeting require a separate ballot or ballots.

In cities, names of representatives to be on same ballots as other officers.
R. S., c. 4, § 43.
56 Me., 514.

SEC. 46. When a choice of any such representative is not effected, If no choice,

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new meetings.
R.S., c. 4, § 44.

—vacancies,
how filled.
See §§ 40, 49.
70 Me., 560,
570.

Aldermen of
cities of more
than 10,000 in-
habitants to
be in session
four days to
correct voting
lists.
1878, c. 73.

—in smaller
cities three
days.

—no names to
be added on
election day.
R.S., c. 4, § 45.

Three alder-
men a quo-
rum.
R.S., c. 4, § 46.
—notice of
sessions.
—polls close
at four.

Vacancies
how filled.
R.S., c. 4, § 47.
See §§ 40, 46.
70 Me., 560,
570.

Same subject.
R.S., c. 4, § 48.

Notice by
contestant,
how and
when served.
1875, c. 9, § 1.
—testimony,
how taken
and present-
ed.

the aldermen shall call new meetings of the wards for the purpose, to be held at the same time, within two weeks after any former meeting; and like proceedings shall be had at such meetings, as at the first, until a choice is effected; and when the aldermen of any city have knowledge that the seat of a representative therein has been vacated, they shall call meetings of the wards for the purpose of filling such vacancy; and like proceedings shall be had at such meetings as at other meetings for the election of representatives.

SEC. 47. In cities containing more than ten thousand inhabitants, the aldermen shall be in open session on each of not less than four secular days next preceding any election when a list of voters is required, at some convenient place, to receive evidence of the qualifications of voters whose names are not on the list; and on satisfactory evidence produced at such session, they shall enter the names of the persons qualified on the list for the proper ward; and for said purposes said aldermen shall be in session in the forenoon from nine to twelve o'clock, and from two to five o'clock in the afternoon on each of said days; and in cities containing less than ten thousand inhabitants the aldermen shall be in open session on each of not less than three secular days, for the purposes herein provided. And no application shall be received after the hour of five in the afternoon, on the secular day next preceding said election, and no names shall be added to the lists of voters on the day of election.

SEC. 48. For the purposes of the preceding section, three aldermen shall be a quorum. Notice of the times and places of all sessions required by the preceding section, shall be given in the warrant for calling the ward meetings. In all elections in cities, the polls shall be open until four o'clock in the afternoon, and then be closed.

REPRESENTATIVE DISTRICTS.

SEC. 49. When the selectmen of the oldest town in a district are notified or otherwise satisfied, that at the last meeting of the district for the election of a representative no choice was effected, or that the seat of their representative has been vacated, they shall, as soon as may be, leaving a convenient time for calling meetings in the several towns, appoint a day of election to fill such vacancy, and notify the selectmen of the other towns accordingly.

SEC. 50. The selectmen of the several towns shall call meetings upon the day appointed, and proceedings shall then be had, as required by the constitution and laws for the election of representatives on the second Monday of September.

CONTESTED ELECTIONS.

SEC. 51. Notice of intention to contest the right of any person claiming to be elected to the house of representatives, with a statement of the reasons for so doing, may be served on such person by the contestant at any time after the election, and shall be served at least fifteen days prior to the organization of the house; and all testimony on either side shall be by depositions taken in accordance with the statute or by parol evidence,

and presented to said body within three days from the commencement of the session. If this law is not strictly complied with, except in extreme cases where injustice would be done if a continuance was not allowed, the party neglecting shall be denied a postponement, and the committee on elections shall proceed to determine the case by the testimony before them.

SEC. 52. When any person intends to contest, before the house of representatives, the right of any other person to his seat therein, he shall present his petition to said house within three days after its organization, stating the grounds upon which he proposes to contest such seat. Depositions may be taken in the manner authorized by chapter one hundred and seven, in cases of contested senatorial elections.

SEC. 53. Any person claiming to be elected to any county office, or to the office of county attorney, may proceed as in equity against the person holding or claiming to hold such office, or who holds a certificate of his election to such office from the governor and council, or who has been declared elected thereto by the governor and council, or who has been notified of such election by the secretary of state, by petition, returnable before any justice of the supreme judicial court, in term time or vacation, in the county where either party resides, or where the duties of such office are to be performed, and said court shall have jurisdiction thereof.

SEC. 54. The petition shall state the names and residences of the several parties, and the facts upon which the claimant relies to maintain his suit, and shall be signed by him and verified by his oath. Such petition shall be filed in the office of the clerk of courts in the county where it is returnable, and the time of hearing thereon shall be appointed by said justice, and indorsed upon said petition. Notice of pendency of said suit, and the time and place of hearing upon said petition shall be served on the adverse party, by giving him in hand, or leaving at his last and usual place of abode, a copy of said petition and order of the court thereon, or in such other manner as the court directs, and such notice shall be given at least seven days before such hearing. The parties, or their counsel, shall be heard upon written or oral testimony, according to the practice in like procedure, and in such manner as the justice directs; and if it appears upon such trial or hearing that the petitioner has been elected, and is entitled by law to the office claimed by him, or if such adverse party fails to appear, such justice shall render judgment in favor of such petitioner, if he is found, upon hearing, to be entitled thereto.

SEC. 55. Either party may, within ten days after rendition of said judgment, enter an appeal therefrom in the office of the clerk in the county where said judgment is rendered, which appeal shall briefly set forth the reasons therefor, and an attested copy of said appeal shall be served upon the appellee or his attorney within ten days after the same has been filed, in such manner as the justice orders. The appellant shall cause copies of the petition, pleadings, findings, and testimony upon which such judgment is rendered, approved by the justice before whom

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—neglecting party denied postponement.

Petition of contestant, when to be presented to house of representatives. 1875, c. 9, § 2. —depositions how taken.

Claimant of county office may proceed as in equity. 1880, c. 198, § 1. 71 Me., 365, 382.

—how commenced and where returnable.

Petition of claimant to be filed in clerk of court's office. 1880, c. 198, § 2.

—notice to be given to adverse party.

—parties to be heard as the justice shall direct.

—when judgment shall be rendered.

Appeal may be entered within ten days by either party. 1880, c. 198, § 3.

—proceedings.

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the hearing is had, to be printed and transmitted to the chief justice within twenty days after such appeal is taken, with written argument thereon. A copy of such argument shall, within said twenty days, be served upon the adverse party, or his attorney, who may forward within ten days thereafter an argument in reply, and thereupon the justices of said court shall consider said cause immediately, and decide thereon and transmit their decision to the clerk of the county where the suit is pending, and final judgment shall be entered accordingly.

Court may issue order where final judgment has been rendered.
1880, c.198, § 4.

—enforcement.

—prevailing party shall enter upon duties of office.

Costs.
1880, c.198, § 5.

SEC. 56. Where final judgment has been rendered, any justice of said court may issue an order to the party unlawfully claiming or holding said office, commanding him to yield up to the officer who has been adjudged to be lawfully entitled thereto, said office, and all papers, records, moneys and property connected therewith or belonging thereto, and may enforce said order by fine or imprisonment, or both, and thereupon said party in whose favor such judgment is rendered, shall be qualified and enter upon the duties of such office, and hold the same until the expiration of the term for which he has been elected.

SEC. 57. The prevailing party shall recover costs, and double or treble costs may be awarded in the discretion of the justice.

VOTERS IN UNINCORPORATED PLACES AND ON ISLANDS.

Electors on unincorporated islands and places, may vote in adjacent towns by furnishing lists of polls and estates.

R. S., c. 4, § 50.
See Constitution, art. 4, part 1, § 5;
part 2, § 3.
—tax to be assessed.

SEC. 58. Electors living on islands adjacent to the mainland along the coast of the state and within the jurisdiction thereof, but not incorporated with any town, and all such electors living in other unorganized places may furnish lists of their polls and estates to the assessors of any adjacent town, on or before the first day of each April, and said assessors shall assess state and county taxes upon all such persons, and they shall be collected in the same manner and by the same officers as if such electors were inhabitants of such town. And such electors so presenting their polls and estates may vote in such town in all elections for governor, senators, representatives and county officers.

REGULATIONS AFFECTING PURITY OF ELECTIONS. PENALTIES.

Penalty for neglect, misfeasance of selectmen or other officers.
R. S., c. 4, § 51.
10 Me., 111.

SEC. 59. If any town officer, or such officer chosen pro tempore, wilfully neglects or refuses to perform any duty required of him, or wilfully does, authorizes, or permits to be done, anything prohibited by the constitution or by this chapter, he shall for each offence, forfeit not less than fifty, nor more than five hundred dollars, and be imprisoned not more than nine, nor less than three months, except where otherwise expressly provided in this chapter.

Penalty for neglect to issue warrants for state or national elections.
R. S., c. 4, § 52.
See § 71.

—how recovered, and by whom.

SEC. 60. If aldermen of cities, selectmen of towns, or assessors of plantations neglect to issue their warrant as required by law for a meeting for choice of state or county officers, representatives to the legislature, or to congress, or of electors of president and vice president of the United States, they each forfeit fifty dollars to their city, town, or plantation, to be recovered in action of debt by the treasurer, or by any citizen thereof when said treasurer is a member of the delinquent board.

Penalty for neglect of

SEC. 61. If any person required to summon the voters of a city,

town, or plantation to assemble at any meeting for choice of any officers mentioned in the preceding section, neglects to do so, or to make due return of the warrant therefor, he forfeits twenty-five dollars to his city, town, or plantation for each offence, to be recovered as provided in the preceding section; but if he wilfully neglects or refuses, he forfeits not less than fifty, nor more than two hundred dollars, half to the state and half to the prosecutor, to be recovered by indictment.

SEC. 62. If selectmen of a town or assessors of a plantation wilfully neglect to deposit a list of voters with the town or plantation clerk, and to post such lists, as are hereinbefore required, they each forfeit not less than fifty, nor more than one hundred dollars; and for each day's neglect after the twentieth day of August, and until the state election next ensuing, they each forfeit thirty dollars.

SEC. 63. If such selectmen or assessors wilfully neglect or refuse to keep and use a check list, as provided in section twenty-five, or wilfully receive any vote prohibited by section twenty-nine, or fraudulently receive the vote of any person not qualified to be an elector, as provided by the constitution, they each forfeit not less than fifty nor more than one hundred dollars.

SEC. 64. The penalties in the two preceding sections may be recovered in an action of debt, in the name and to the use of the town or plantation, where the offence is committed, to be prosecuted to final judgment at the request of any voter therein, by the treasurer, unless he is one of the delinquent officers, and in that case, by one of the constables.

SEC. 65. Any municipal officer who strikes from the list of voters, after it has been prepared and posted, the name of any person residing in the town, without the notice and opportunity for hearing provided in section five, forfeits not less than twenty, nor more than one hundred dollars, to be recovered in an action on the case by the person whose name was struck out.

SEC. 66. Whoever wrongfully alters, erases, or mutilates any name on a list of voters, or fraudulently votes in the name of another, or under an assumed name, forfeits the sum named in the preceding section, half to the prosecutor, and half to the state, and be imprisoned not more than six months.

SEC. 67. If any town officer, or any such officer chosen pro tempore, wilfully neglects or refuses to perform the duties required by sections thirty-seven, thirty-eight and thirty-nine, on notice of the loss and destruction of any return therein described, he forfeits not less than one hundred, nor more than five hundred dollars.

SEC. 68. Any such officer, permanent or pro tempore, who in such case makes a false certificate and makes oath to its truth, shall be punished for perjury, and be disqualified from holding any office under the constitution and laws of the state for ten years.

SEC. 69. If a person, to whom returns of votes of any city, town, or plantation, for governor, senators, or representatives in congress, are intrusted by the clerk thereof to be forwarded to the office of the secretary of state, wilfully neglects to use all proper means for their delivery

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constable to summon voters.
R. S., c. 4, § 53.
See § 71.

—for wilful neglect to be recovered by indictment.

Penalty for neglect of selectmen to deposit and post lists.
R. S., c. 4, § 54.

Penalty for their neglect to keep check lists or to reject illegal votes.
R. S., c. 4, § 55.
See § 71.

Penalties, of two preceding sections, how recoverable.
R. S., c. 4, § 56.

Penalty for municipal officer striking names from list without notice.
R. S., c. 4, § 57.

Altering, erasing, &c., names on check list, or voting in another's name.
R. S., c. 4, § 58.

Neglect to supply lost return.
R. S., c. 4, § 59.

Making false certificate.
R. S., c. 4, § 60.

Neglect of persons to whom returns are intrusted to deliver them.

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R. S., c. 4, § 61.

County attorneys to prosecute for wilful negligence in not delivering returns.
 R. S., c. 4, § 62.

Liability of town officers limited.
 —neglect deemed wilful, unless contrary is shown.
 R. S., c. 4, § 63.
 See §§ 4, 5, 11, 14, 17, 25, 29, 34, 35, 37, 39, 60, 61, 63.

Punishment for misconduct of electors at elections.
 R. S., c. 4, § 64.
 56 Me., 513.

Liability of militia officers for military parades on election days.
 R. S., c. 4, § 65.
 See c. 10.

Penalties in §§ 72, 73, how recovered.
 R. S., c. 4, § 66.
 Punishment for bribery and corruption at elections.
 1881, c. 42.
 73 Me., 94.
 —punishment for accepting bribe.

Punishment for knowingly voting where not entitled.

within the time required, he shall forfeit not less than one hundred, nor more than five hundred dollars, or be imprisoned not less than two, nor more than six months.

SEC. 70. Every county attorney, who receives from the secretary of state a certificate that the return of votes of any town, in his county, for governor, senators, or representatives in congress, has not been duly received at the secretary's office, shall immediately ascertain, so far as he can, by the default of what officer or person such neglect happened, and demand of him, if he finds such default wilful or caused by culpable negligence, the sum thereby forfeited; and if it is not immediately paid he shall prosecute such delinquent.

SEC. 71. In no case, except as in sections sixty and sixty-one, shall an officer of a town, incur any punishment, or be liable in damages by reason of his official acts or neglects, unless they are unreasonable, corrupt, or wilfully oppressive; but the neglect to prepare the list of voters; to deposit it in the town clerk's office; to post it, as required herein; to call town meetings for elections; to cause returns of votes, or copies thereof to be delivered into the office of the secretary of state, as required by the constitution and laws; or to make the records by law required, shall be deemed wilful and unreasonable, unless the contrary is shown.

SEC. 72. At any meeting for the election of any officer, where a list of voters is necessary, whoever wilfully votes before the presiding officer has had opportunity to find his name on said list, or knowing that it is not on it, or wilfully gives any false answer or statement to the selectmen or other officers when previously preparing such list, or presiding at such meeting, in order that his name may be entered on such list or his vote received; or casts more than one vote at one balloting; or is disorderly at such meeting, forfeits, for each offence, not exceeding one hundred, nor less than ten dollars.

SEC. 73. Any officer of the militia who, except in time of war or public danger, parades his men, or exercises any military command on a day of election, as described in section one hundred and sixty of chapter two hundred and twenty-five of the public laws of eighteen hundred and eighty, and not thereby excepted, forfeits for each offence not less than ten, nor more than three hundred dollars.

SEC. 74. The penalties, provided in the two preceding sections, may be recovered by indictment, half to the state, and half to the prosecutor.

SEC. 75. Whoever by bribery, menace, wilful falsehood, or other corrupt means, directly or indirectly attempts to influence any voter in giving his vote or ballot, or to induce him to withhold it, or disturbs or hinders him in the free exercise of his right of suffrage at any election held under the provisions of the constitution or of this chapter, and whoever receives or offers to receive a bribe for his vote as aforesaid, shall be fined not more than five hundred dollars, or imprisoned not more than one year, and be ineligible to any office for ten years.

SEC. 76. Whoever, at an election of state and county or municipal officers, or of electors of president and vice president, knowingly votes in any city, town, or plantation, where he has no legal right to vote,

shall be imprisoned in the county jail not less than three months, nor more than one year.

SEC. 77. No person shall make a bet or wager upon the result of any election in the state, in money or in any kind of property, real or personal, under penalty of forfeiting the money or property so bet or wagered, to the town in which he resides, or if he does not reside in the state, then to the town in which the bet or wager is made, to be recovered in an action on the case.

SEC. 78. The mayor of the city, or the treasurer of the town or plantation entitled to such forfeiture shall forthwith proceed to sue for it, as soon as he has proper evidence of such betting or wagering.

SEC. 79. Any party to such bet or wager, who has paid or conveyed to the winning party the money or property so bet or wagered, may recover it, or its value, in an action on the case.

SEC. 80. All conveyances, by deed or otherwise, of any interest in real estate, made by reason of any such bet or wager, are void; the person making them, forfeits the full value of the interest so conveyed, to the town entitled to the forfeiture for such betting or wagering, to be recovered as aforesaid.

PLANTATIONS.

SEC. 81. The assessors of each plantation shall on or before the eleventh day of August in each year in which an election for governor, senators and representatives is held, prepare a list of such inhabitants within its limits, as they judge to be constitutionally qualified to vote in the election of such state officers; deposit it in the office of the plantation clerk; and post and correct it in the manner required in case of towns.

SEC. 82. They shall call a meeting of such voters, to be held on the second Monday of September in every such year, at some convenient and central place in the plantation, for the election of governor, senators and representatives to the legislature, by a warrant in due form by them signed, in which the time, place, and purposes of the meeting shall be set forth; and notice shall be given by posting a copy thereof in one or more public places in the plantation at least seven days before the day of meeting. Similar notice shall be given of all meetings for choice of representatives to the legislature, or to congress, of state and county officers, and of electors of president and vice president.

SEC. 83. Such assessors shall preside impartially at all such meetings, receive the votes of all voters present, sort, count, and declare them in open plantation meeting and in presence of the clerk, who shall form a list of the persons voted for, with the number of votes for each person written out in words against his name, and make a full record thereof in presence of the assessors and in open plantation meeting. The clerk shall make fair copies of the list of voters so posted as corrected, and of the names of all voters on said list who were present and voted at said election, which shall be attested by the assessors and the clerk in open plantation meeting, and he shall cause the record of said votes to be delivered, within the time required by the constitution and

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R. S., c. 4, § 68.
57 Me., 149.

Betting on elections punished.

—wager forfeited to town.

—how recovered.

R. S., c. 4, § 69.
69 Me., 121.

Mayor or treasurer to sue.

R. S., c. 4, § 70.
70 Me., 496.

Money paid on bet may be recovered.

R. S., c. 4, § 71.
68 Me., 531.

—conveyances for such purposes void; forfeit to town.

R. S., c. 4, § 72.

List of voters prepared, posted and corrected.

R. S., c. 4, § 73.
1880, c. 239, § 13.

State officers, meetings to be called for their choice.

R. S., c. 4, § 74.
1880, c. 239, § 14.

Votes, how received.

R. S., c. 4, § 75.

—list of votes and voters to be returned by the clerk to the secretary of state.

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the laws, to the person appointed to receive them, and shall cause the copy of the list of voters and of the names of the persons present and voting to be transmitted to the secretary of state with the record of votes aforesaid.

Votes to be allowed in elections, as in towns.
R. S., c. 4, § 76.

SEC. 84. Votes so thrown shall be received and allowed for electors of president and vice president of the United States, for governor, senators, and representatives to the legislature, and to congress, and for county officers, the same as votes thrown in a town in said county.

Votes to be rejected on failure of plantation to comply with legal provisions.
R. S., c. 4, § 77.

SEC. 85. If it does not appear by the return of the list of voters so posted, and of the names of the voters on said list who were present and voted at such election, and by the return of its organization duly signed and made to the office of the secretary of state within the time required by law, that the plantation has been duly organized and that section eighty-three has been fully complied with, such votes shall be rejected. The secretary of state shall furnish to the clerks of such plantations suitable blanks for the returns herein required.

—secretary of state to furnish blanks.

CHOICE OF ELECTORS OF PRESIDENT AND VICE PRESIDENT.

Electors of president and vice president to be chosen.
R. S., c. 4, § 78.
See U. S. Constitution, art. ii, § 2.

SEC. 86. Whenever the election of president and vice president of the United States is to take place, there shall be chosen from the inhabitants of the state, as many electors of president and vice president as the state is entitled to; and on the Tuesday next after the first Monday in November of such year, the people qualified to vote for senators, shall assemble in town, plantation, city or ward meetings, to be notified, held, and regulated as prescribed by the constitution and laws for the election of such senators; and each voter shall bring in on a single ballot the names of so many of said electors, as he determines to vote for.

—meetings, when and how called.

—all names to be on one ballot.

Votes how received and returned.
R. S., c. 4, § 79.

SEC. 87. The votes shall be sorted, counted, declared, and recorded; and the returns of the number of ballots, and of the votes given for each elector, shall be made according to the constitution and laws, to the secretary of state, on or before the second Thursday after such meeting; on the third Thursday after such meeting, the governor and council shall be in session, and shall open, examine, and count the returns of votes so made, and the secretary of state shall forthwith send a messenger to every city and town from which a return has not been received at his office; and the governor and council shall again meet on the Thursday next before the first Wednesday in December, and examine and count all the votes received from the several cities, towns and plantations, and the votes of citizens in the military service lawfully returned into the secretary's office; and they shall forthwith send a certificate of election to each person who has received the greatest number of all the votes returned to said office, not exceeding the number to be chosen.

—governor and council to count votes.

—secretary to send for delinquent returns.

—governor and council to examine and count votes.

—notice to persons elected.

Expense of sending for such returns to be paid by state, and added to state tax of delinquent towns.
R. S., c. 4, § 80.

SEC. 88. The expense of each messenger sent as required in the preceding section shall be audited and allowed by the governor and council, and paid out of the state treasury; and unless they think that the officers of any delinquent town have fully performed their duties in making the required returns, the amount so paid shall be added to the next state tax assessed on such town; but if the same messenger is sent to two or

more towns on the same route, the amount to be paid by each of them, shall be apportioned by the governor and council according to their relative distances and the expense of travelling. CHAP. 4.

SEC. 89. If, on such examination it appears that there has not been a choice of a majority of the whole number of electors, the governor, by proclamation, shall convene the legislature forthwith; and the legislature by joint ballot of the senators and representatives assembled in one room shall choose as many electors, as are necessary to complete the number to which the state is entitled.

In case of no choice of majority of electors, governor to assemble legislature.
R. S., c. 4, § 81.

SEC. 90. The electors shall convene in the senate chamber at Augusta, on the Tuesday preceding the first Wednesday of December next after their election, at two o'clock in the afternoon; and if any elector so chosen is not present, the electors then present, by a majority of votes, shall forthwith elect the requisite number of persons qualified to supply such deficiency.

Meeting of electors.

—vacancies, how filled.
R. S., c. 4, § 82.

SEC. 91. Said electors, on said first Wednesday of December, shall vote by ballot for one person for president, and one person for vice president of the United States; one of whom, at least, shall not be an inhabitant of this state; they shall name in their ballots the person voted for as president, and in distinct ballots the person voted for as vice president; they shall make and subscribe three certificates of all the votes by them given, each of which shall contain two distinct lists, one of the votes given for president, and the other of the votes given for vice president; they shall seal them up and certify on each certificate, that a list of votes of the State of Maine for president and vice president of the United States is contained therein. They or a majority of them shall, under their hands, appoint a person to take charge of one of said certificates, and deliver it at the seat of government of the United States, to the president of the senate of the United States, before the first Wednesday of the next January; they shall forthwith forward by the post office, another of said certificates, directed to the president of the same senate, at the same seat of government; and they shall forthwith cause the other certificate to be delivered to the judge of the district court of the United States for the district of Maine.

Proceedings of presidential electors.
R. S., c. 4, § 83.
See U. S. Constitution, Amendment xii.

SEC. 92. Electors shall receive the same compensation for their travel and attendance as members of the legislature.

Compensation.
R. S., c. 4, § 84.

SEC. 93. The secretary of state shall procure blank returns of the proper form for such cities, towns, and plantations, and furnish them to the several clerks thereof at least thirty days before the day for election of electors as aforesaid.

Sec'y to furnish town clerks with blanks.
R. S., c. 4, § 85.

SEC. 94. All laws in relation to the duties of city, town, and plantation officers, and of voters in the election of governor, senators, and representatives to the legislature, and to the penalties incurred for their violation, apply, so far as applicable, to meetings held for the election of such electors, and to returns thereof.

Town officers to proceed as in other meetings.
R. S., c. 4, § 86.

SOLDIERS AUTHORIZED TO VOTE.

SEC. 95. All citizens of the state absent therefrom in the military

Citizens absent in mili-

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tary service
(if not in reg-
ular army)
may vote for
president.
R. S., c. 4, § 87.

Polls to be
opened where
soldiers may
be found, or
stationed out
of the state.
R. S., c. 4, § 88.

—vote, how
taken.

—who shall
act as super-
visors.

—supervi-
sors shall be
sworn.

—proviso.

Where cer-
tain officers
may vote.
R. S., c. 4, § 89.

Supervisors
shall prepare
ballot boxes.
R. S., c. 4, § 90.

—ballots how
prepared.

—qualifica-
tion of voters.

If challenged,
voters may be
put upon

service of the United States or of this State, and not in the regular army of the United States, may vote for electors of president and vice president of the United States at all elections of those officers.

SEC. 96. On the day of election a poll shall be opened at every place without the state where a regiment, battalion, battery, company, or detachment of not less than twenty soldiers from the State of Maine, may be found or stationed, and every citizen, of the age of twenty-one years, in such military service, may vote as aforesaid; and he shall be considered as voting in the city, town, plantation and county in this state where he resided when he entered the service. The vote shall be taken by regiments, when it can conveniently be done; when not so convenient, any detachment or part of a regiment not less than twenty in number, and any battery or part thereof, numbering twenty or more, may vote wherever they may be. The three ranking officers of such regiment, battalion, battery, company or part of either, as the case may be, acting as such on the day of election, and if no officers, then three non-commissioned officers according to their seniority, shall be supervisors of elections. If any officer or non-commissioned officer neglects or refuse to act, the next in rank shall take his place. If there are no officers or non-commissioned officers present, or if they, or either of them, refuse to act, the electors present, not less than twenty, may choose by written ballot enough of their own number, not exceeding three, to fill vacancies, and the persons so chosen shall be supervisors. Supervisors shall be first sworn to support the constitution of the United States and of this state, and faithfully and impartially to perform their official duties. Each may administer the necessary oath to the others; and certificates thereof shall be annexed to the lists of votes by them made and returned into the office of the secretary of this state as hereinafter provided. The polls shall be opened and closed at such hours as the supervisors, or a majority of them direct; *provided, however*, that due notice and sufficient time shall be given for all voters in the regiment, battalion, battery, detachment, company, or part of either, as the case may be, to vote.

SEC. 97. Regimental and field officers may vote with their respective commands. When not in actual command, such officers, and all general and staff officers, surgeons, assistant surgeons, and chaplains, may vote at any place where polls are opened.

SEC. 98. The supervisors of elections shall prepare a ballot-box or other suitable receptacle for the ballots. On one side of every ballot shall be printed or written the name of the county and of the city, town or plantation of this state in which is the residence of the person proposing to vote. On the other side shall be the names of so many electors for president and vice president as such person may determine to vote for. Before receiving any vote, the supervisors, or a majority of them, must be satisfied of the age and citizenship of the person claiming to vote, and that he has a residence in the city, town, or plantation, and county which are printed or written on the vote offered by him.

SEC. 99. If his right to vote is challenged, they may require him to make true answers, upon oath, to all interrogatories touching his age, citizenship, residence, and right to vote, and shall hear any other evi-

dence offered by him, or by those who challenge his right. They shall keep correct poll-lists of the names of all persons allowed to vote, and of their respective places of residence in this state, and also of the number of the regiment and company, or battery, to which they belong; and the names of voters shall be entered on such lists by counties; which lists shall be certified by them or a majority of them to be correct, and that such residence is in accordance with the indorsement of the residence of each voter on his vote.

SEC. 100. They shall check the name of every person before he is allowed to vote, and the check-mark shall be plainly made against his name on the poll-lists. They shall sort, count and publicly declare the votes at the head of their respective commands on the day of election, unless prevented by the public enemy; and in that case, as soon thereafter as may be; and on the day of said declaration, they shall form a list of the persons voted for, with the number of votes for each person against his name, and shall sign and seal up such list and cause the same, with the poll-lists aforesaid, to be delivered into the office of the secretary of state aforesaid on or before the Thursday next before the first Wednesday of December in each year when a presidential election occurs.

SEC. 101. All citizens of the state absent therefrom in the military service of the United States or of this State, and not in the regular army of the United States, being otherwise qualified electors, may vote for governor, senators and representatives to the legislature, county officers and representatives to congress on the day designated by law for the election of such officers. Each shall be considered as voting in the city, town, plantation and representative district where he resided when he entered said service.

SEC. 102. Such elections shall be held and conducted in the same manner and under the same regulations as those provided for allowing citizens absent from the state in the military service to vote for electors of president and vice president, and returns thereof shall be made in the same manner to the office of the secretary of state. Such citizens shall present but one ballot, upon which shall be printed the names of all candidates voted for, and the offices which they are intended to fill, and one poll-list and one return of votes only is necessary.

SEC. 103. The secretary of state shall seasonably prepare and cause to be delivered to each regiment and battery without the state, a sufficient number of blank poll-lists, and forms for returns of votes in conformity with the provisions hereof, and with article two, section four of the constitution; and said section of the constitution and sections ninety-five to one hundred and four inclusive, of this chapter, shall be printed in each poll-list so delivered.

SEC. 104. The governor and council may correct errors and frauds, if any, in all returns of votes given by soldiers in the army for county officers. But no informality, merely, shall authorize the rejection of such return, if it appears on its face, or otherwise, that the provisions of the constitution, and of this chapter, were substantially complied with.

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oath by
supervisors.
R. S., c. 4, § 91.

—they shall
keep correct
poll-lists.

Check names
of voters.
R. S., c. 4, § 92.

—sort, count
and declare
votes.

—make re-
turn to office
of secretary
of state.

Citizens ab-
sent in mili-
tary service
(if not in reg-
ular army) al-
lowed to vote
for congress-
men, and for
state, and
county offi-
cers.
R. S., c. 4, § 93.

Such elec-
tions, how
held.
R. S., c. 4, § 94.

Secretary of
state to pre-
pare poll
lists, &c.
R. S., c. 4, § 95.

Governor and
council may
correct errors
and frauds in
returns of sol-
diers' votes.
R. S., c. 4, § 96.