

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

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The secretary of state shall prepare for the use of election officials, city and town clerks, and the officials having charge of the registration of voters in the various cities and towns of the state, such printed information and instructions, subject to approval by the attorney-general, as he may deem proper to facilitate the operation of this chapter. Such printed matter shall be transmitted to said officials prior to each election. The said secretary is further authorized to prepare and distribute, subject to like approval, such general information relative to this chapter as he may deem expedient.

Sec. 15. Penalty for violations by private individuals and election officials. 1921, c. 38, § 147. 1929, c. 90. Whoever, not being entitled to vote under the provisions of this chapter votes or attempts to vote under the provisions hereof, or whoever, being entitled to vote under the provisions of this chapter, knowingly votes or attempts to vote in violation of the terms hereof, or whoever being an official entrusted with the execution of this chapter wilfully or negligently violates any provision thereof, shall be punished by a fine of not more than five hundred dollars and by imprisonment for not more than eleven months.

CHAPTER 10.

Corrupt Practices.

Sec. 1. Application to caucuses, primaries, and to elections. R. S. c. 7, § 124. The provisions of this section and the eight following sections shall apply to the election of all officers for whom ballots shall be cast pursuant to the provisions of chapter eight, and to the elections of all officers to be voted for by the legislature or either branch thereof, the board of aldermen, municipal officers, common council or city council of any city, to all caucuses and primary elections preliminary to any such other elections and to all candidates to be voted for at such elections, caucuses and primary elections. The term "caucuses and primary elections" shall include: (a) all meetings held to nominate a candidate for office or to elect delegates to a nominating convention; (b) nominating conventions of such delegates; and (c) caucuses of members of the legislature or either branch thereof, of the board of aldermen, common council, or city council of any city.

Sec. 2. Definitions; appointment of treasurer or political agent to be filed with secretary of state. R. S. c. 7, § 125. The term "political committee" shall include every committee or combination of three or more persons to aid or promote the success or defeat of any political party or principle in any such election, or to aid or take part in the nomination or election of any candidate for public office. The term "treasurer" shall include all persons appointed by any political committee to receive or disburse moneys to aid or promote the success or defeat of any such party, principle, or candidate. The term "political agent" shall include all persons appointed by any candidate before any such election, caucus, or primary election to assist him in his candidacy. No person shall act as any such treasurer or political agent unless, after his appointment and before the election for which he is appointed, a writing designating him as such treasurer or political agent shall be filed with the secretary of state, except that, in case the duties of such treasurer or political agent shall relate to any town, city, or ward election exclusively, or to any caucus or primary election preliminary thereto, such writing shall be filed with the town clerk of the town within which such candidate resides instead of with the secretary of state. The treas-

urer of a representative-class committee shall file such writing with the town clerk of the town within which he resides. Every such writing shall designate the particular period, election, caucus, or primary election during which such treasurership or political agency shall continue. The treasurer or political agent of any organization or candidate may be the treasurer or political agent of any other organization or candidate, and any candidate for public office may designate himself as his own political agent.

Sec. 3. Contribution of money for election or nomination purposes regulated.

R. S. c. 7, § 126. Any person nominated as a candidate for public office, or a candidate for such nomination, may make a voluntary payment of money to any treasurer or political agent for any of the purposes permitted by this chapter; provided, however, that no person other than such a candidate shall, to aid or promote the success or defeat of any political party or principle, or of any candidate for public office, within six months prior to any such election make a contribution of money or property to any person other than to a treasurer or political agent. Nothing contained herein shall limit or affect the right of any person to expend money for proper legal expenses in maintaining or contesting the results of any such election.

Sec. 4. Only political agents or treasurer may make payments for expenses.

R. S. c. 7, § 127. No person other than a treasurer or political agent shall pay any of the expenses of any election, caucus, or primary election, except that a candidate may pay his actual personal expenses for postage, telegrams, telephones, stationery, express, and traveling; but the provisions of this section shall not apply to non-partisan election and ante-election expenses paid for out of the public moneys of the state, or of any town, city, or other municipality.

Sec. 5. Treasurer or political agents may pay certain expenses. R. S. c. 7, § 128. Subject to the foregoing limitations, it shall be lawful for any treasurer or political agent, in connection with any election, caucus, or primary election, to pay the following expenses: (a) of hiring public halls and music for conventions, public meetings, and public primaries, and for advertising the same by posters or otherwise; (b) of printing and circulating political newspapers, pamphlets, and books; (c) of printing and distributing ballots and posters; (d) of renting and furnishing rooms to be used by political committees, and for the reasonable entertainment and refreshment, exclusive of alcoholic beverages, of the members of such committee; (e) of compensating clerks and other persons employed in committee rooms and at the polls; (f) of traveling expenses of political agents, committees and public speakers, and reasonable compensation to public speakers; (g) of necessary postage, telegrams, telephones, printing, newspaper advertising, express, and conveyance charges. The term "conveyance charges" shall include the conveyance of electors to the polls. No treasurer or political agent shall incur any expense for any purpose not authorized by this section.

As applied to primary elections, see c. 7, § 19.

Sec. 6. Treasurer or political agent to file statement of money expended or promised; penalty for failure. R. S. c. 7, § 129. Within fifteen days after any such election, every treasurer and every political agent shall file an itemized sworn statement with the officer with whom his designation was filed as aforesaid, which statement shall include the amount of money or property in each case received or promised, the name of the person from whom it was received or by whom it was promised, the amount of every expenditure made or liability incurred, (other than the actual personal expenses of candidates enumerated in section four, which need not be returned), the name of the person to whom such expenditure or promise was made, and shall clearly state the purpose for which such money or property was so expended or promised. Any treasurer or polit-

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ical agent who shall fail to file such a statement within the time required shall be punished by a fine of twenty-five dollars for each day on which he is in default, unless he shall be excused by the court. This section shall not apply to primary elections held under the provisions of the first twenty-nine sections of chapter seven, nor shall it apply to candidates who are their own political agents, the return required of such candidates under the provisions of the following section being sufficient.

Sec. 7. After election candidates to file statement of contributions, and expenses; statement to be made if no money was expended; penalty for failure; forfeiture of salary. R. S. c. 7, § 130. Every candidate for public office, including candidates for the office of senator of the United States, shall, within fifteen days after the election at which he was a candidate, file with the secretary of state, if a candidate for a senator of the United States, representative in congress, or for any state or county office, state senator or representative in the legislature, but with the town clerk of the town in which he resides, if he was a candidate for a town, city, or ward office, an itemized, sworn statement setting forth in detail all the moneys contributed, expended, or promised by him to aid and promote his nomination or election, or both, as the case may be, and all existing unfulfilled promises, or liabilities remaining uncanceled and in force at the time such statement is made, whether such expenditures, promises, and liabilities were made or incurred before, during or after such election, excepting, however, his actual personal expenses enumerated in section four, which he need not return. If no money or other valuable thing was given, paid, expended, contributed, or promised, and no unfulfilled liabilities were incurred by a candidate for public office to aid or promote his nomination or election, (other than said actual personal expenses), he shall file a statement to that effect within fifteen days after the election at which he was a candidate. Any candidate who shall fail to file such a statement shall be fined twenty-five dollars for every day on which he is in default, unless he shall be excused by the court. Fifteen days after any such election the secretary of state or the town clerk, as the case may be, shall notify the proper prosecuting officer of any failure to file such a statement on the part of any candidate, and within ten days thereafter such prosecuting officer shall proceed to prosecute such candidate for such offense. This section shall not apply to primary elections held under the provisions of the first twenty-nine sections of chapter seven. No person elected to any office established by the constitution or laws of this state shall receive any salary or emolument for the period during which he shall have failed to file such statement.

Sec. 8. Statements to be preserved and open to inspection. R. S. c. 7, § 131. All statements filed in accordance with the provisions of the two preceding sections shall be preserved for fifteen months after the election to which they relate, and shall, during said period, be open to public inspection. The secretary of state shall, at the expense of the state, provide every town clerk with blank forms suitable for the statements required to be returned to the secretary of state.

Sec. 9. Persons who shall be deemed guilty of corrupt practices and penalty. R. S. c. 7, § 132. The following persons shall be guilty of corrupt practices and shall be punished by a fine of not less than fifty dollars, nor more than two thousand dollars or by imprisonment for not less than thirty days, nor more than two years, or by both: (a) every person who shall directly or indirectly receive, accept, request, or solicit from any person, committee, association, organization, or corporation any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, for the purpose of inducing or procuring any person to vote or refrain from voting for or against any person, or for or against any

measure at any such election, caucus, or primary election; (b) every person, who, in consideration of any money, gift, advantage, preferment, aid, emolument, or any valuable thing whatsoever, paid, received, accepted, or promised to the advantage of himself or any other person, shall vote or refrain from voting for or against any person, or for or against any measure at any such election, caucus, or primary election; (c) every person, other than political committees, treasurers, and political agents, as defined in section two, who shall solicit from any candidate for the office of elector of president and vice-president of the United States, of senator of the United States, or representative in congress, or of any state, county, town, city, or ward office, any money, gift, contribution, emolument, or other valuable thing for the purpose of using the same for the support, assistance, benefit, or expenses of any club, company, or organization, or for the purpose of defraying the cost or expenses of any political campaign or election; but this subsection shall not be construed to permit political agents of candidates for the legislature to solicit contributions from candidates for the office of United States senator; (d) every person who shall, directly or indirectly, pay, give, contribute, or promise any money or other valuable thing, to defray, or towards defraying, the cost or expenses of any campaign or election to any person, committee, company, club, organization, or association other than to a treasurer or political agent; but this subsection shall not apply to the actual personal expenses for postage, telegrams, telephones, stationery, express, or traveling incurred by any candidate for office or for nomination thereto; (e) every person who, in order to secure or promote his own nomination or election as a candidate for public office, shall, directly or indirectly, promise to appoint or promise to secure or assist in securing the appointment, nomination, or election of any other person to any public position, or to any position of honor, trust, or emolument, provided, however, that any person may publicly announce his own choice or purpose in relation to any appointment, nomination, or election in which he may be called to take part, if he shall be nominated for or elected to any public office; (f) every person who shall, directly or indirectly by himself or through another person, make a payment or promise of payment to a treasurer or political agent, in any other name than his own, and every treasurer or political agent who shall knowingly receive a payment or promise of payment, or enter or cause the same to be entered in his accounts, in any other name than that of the person by whom such payment or promise of payment is made.

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Sec. 10. Political advertisements to be signed. 1921, c. 20. Whoever writes, prints, posts or distributes, or causes to be written, printed, posted or distributed a circular, poster, or advertisement which is designed to promote the nomination or election of a candidate for public office or to injure or defeat the nomination or election of any candidate for public office, or to influence the voters on any constitutional amendment or any other question submitted to the voters, or to influence the vote of any member of the legislature, unless there appears upon such circular or poster or advertisement, in a conspicuous place, either the name of the chairman or secretary or of two officers of the organization issuing the same, or of the person who is responsible therefor, with his name and address, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than one hundred dollars, or by imprisonment for not more than thirty days, or by both such fine and imprisonment. Provided, that nothing in this section shall apply to the editorial or news articles of any magazine or newspaper where the same is not a political advertisement, nor to cards, posters, lithographs, or circulars, issued by a candidate advertising his own candidacy.