

MAINE STATE LEGISLATURE

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



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

REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

REVISED STATUTES OF MAINE

1963 Cumulative Supplement

VOLUME 1

Chapter 1.

Sovereignty and Jurisdiction.

Eminent Domain. Flags. State Paper, etc.

Sections 21-A to 21-L. Emergency Interim Executive Succession.

Section 24-A. Purchase by State.

Sections 24-B to 26-D. State Seal, Motto, Flag and Other Emblems.

Sections 36-41. Freedom of Access to Public Records and Proceedings.

Sections 42-44. Emergency Location of State Government.

Sections 45-47. Emergency Location of Local Governments.

Sovereignty and Jurisdiction.

Sec. 1-A. Jurisdiction over offshore waters and submerged land.—The jurisdiction of this state shall extend to and over, and be exercisable with respect to, waters offshore from the coasts of this state as follows:

I. The marginal sea to its outermost limits as said limits may from time to time be defined or recognized by the United States of America by international treaty or otherwise;

II. The high seas to whatever extent jurisdiction therein may be claimed by the United States of America, or to whatever extent may be recognized by the usages and customs of international law or by any agreement, international or otherwise, to which the United States of America or this state may be party;

III. All submerged lands, including the subsurface thereof, lying under said aforementioned waters. (1959, c. 197.)

Sec. 1-B. Ownership of offshore waters and submerged land.—The ownership of the waters and submerged lands enumerated or described in section 1-A shall be in this state unless it shall be, with respect to any given parcel or area, in any other person or entity by virtue of a valid and effective instrument of conveyance or by operation of law. (1959, c. 197.)

Sec. 1-C. Certain jurisdiction and ownership unimpaired.—Nothing contained in sections 1-A to 1-D shall be construed to limit or restrict in any way:

I. The jurisdiction of this state over any person or with respect to any subject within or without the state which jurisdiction is exercisable by reason of citizenship, residence or for any other reason recognized by law;

II. Jurisdiction or ownership of or over any other waters or lands thereunder, within or forming part of the boundaries of this state. Nor shall anything in sections 1-A to 1-D be construed to impair the exercise of legislative jurisdiction by the United States of America over any area to which such jurisdiction has been validly ceded by this state and which remains in the ownership of the United States of America. (1959, c. 197.)

Sec. 1-D. Existing jurisdiction or ownership not waived. — Nothing in sections 1-A to 1-D shall alter the geographic area to which any statute of this state applies if such statute specifies such area precisely in miles or by some other numerical designation of distance or position. However, nothing in any such statute or in sections 1-A to 1-D shall be construed as a waiver or relinquishment of jurisdiction or ownership by this state over or in any area to which such jurisdiction or ownership extends by virtue of sections 1-A to 1-D or any other provision or rule of law. (1959, c. 197.)

Sec. 4. Standard time.

At 2 o'clock ante-meridian of the last Sunday in April of each year, the standard time in this state shall be advanced one hour, and at 2 o'clock ante-meridian of the last Sunday in October of each year the standard time in this state, by the retarding of one hour, shall be made to coincide with the mean astronomical time of the degree of longitude governing the zone wherein the state is situated, the standard official time of which is described as United States Eastern Standard Time, so that between the last Sunday of April at 2 o'clock ante-meridian and the last Sunday in October at 2 o'clock ante-meridian in each year the standard time in this state shall be one hour in advance of the United States Eastern Standard Time and said time shall be known as "Eastern Daylight Time." (R. S. c. 1, § 4. 1955, c. 403, § 1.)

Postponed effective date of proposed amendment.—P. L. 1963, c. 212, § 1, established February as the month for advancing standard time one hour, but § 2 of such act provided that the act would become effective on February 1, 1966, only if the states of Massachusetts, New Hampshire, Vermont, Rhode Island, Connecticut and New York also provided for the beginning

of Eastern Daylight Time on the same day.

Effect of amendment.—The 1955 amendment, which became effective on its approval, May 20, 1955, added the above paragraph at the end of this section. As the rest of the section was not changed, only the paragraph added by the amendment is set out.

Sec. 4-A. Transfer of legislative jurisdiction.—

I. In order to acquire all, or any measure of, legislative jurisdiction of the kind involved in article I, section 8, clause 17 of the constitution of the United States over any land or other area; or in order to relinquish such legislative jurisdiction, or any measure thereof, which may be vested in the United States; the United States acting through a duly authorized department, agency or officer, shall file a notice of intention to acquire or relinquish such legislative jurisdiction, hereinafter called notice, together with a sufficient number of duly authenticated copies thereof to meet the recording requirements of subsection III, with the governor. The notice shall contain a description adequate to permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought and a precise statement of the measure of legislative jurisdiction sought to be transferred. Immediately upon receipt of the notice, the governor shall furnish the attorney general with a copy thereof and shall request his comments and recommendations thereon.

II. The governor shall transmit said notice together with his comments and recommendations, if any, and the comments and recommendations of the attorney general, if any, to the next session of the legislature which shall be constitutionally competent to consider the same. Unless prior to the expiration of the legislative session to which said notice is transmitted as provided herein, the legislature has adopted an act approving the transfer of legislative jurisdiction as proposed in said notice, the said transfer shall not be effective.

III. The governor shall cause a duly authenticated copy of the notice and act to be recorded in the registry of deeds of the county where the land or other area affected by the transfer of jurisdiction is situated, and upon such recordation the transfer of jurisdiction shall take effect. If the land or other area shall

be situated in more than one county, a duly authenticated copy of the notice and act shall be recorded in the registry of deeds of each such county.

IV. The governor shall cause copies of all documents recorded pursuant to sections 4-A to 4-C to be filed with the secretary of state. (1959, c. 213, § 1.)

Sec. 4-B. Compliance with certain conditions necessary for valid transfer.—In no event shall any transfer of legislative jurisdiction between the United States and this state take effect nor shall the governor transmit any notice proposing such a transfer pursuant to section 4-A, subsection II, unless under the applicable laws of the United States:

I. The United States of America has acquired title to such land by purchase, condemnation or otherwise.

II. This state shall have jurisdiction to tax private persons, private transactions and private property, real and personal, resident, occurring or situated within such land or other area to the same extent that this state has jurisdiction to tax such persons, transactions and property resident, occurring or situated generally within this state.

III. Any civil or criminal process, lawfully issued by competent authority of this state or any of its subdivisions, may be served and executed within such land or other area to the same extent and with the same effect as such process may be served and executed generally within this state; provided only that the service and execution of such process within land or other areas over which the federal government exercises jurisdiction shall be subject to such rules and regulations issued by authorized officers of the federal government, or of any department, independent establishment or agency thereof, as may be reasonably necessary to prevent interference with the carrying out of federal functions.

IV. This state shall exercise over such land or other area the same legislative jurisdiction which it exercises over land or other areas generally within this state, except that the United States shall not be required to forego such measure of exclusive legislative jurisdiction as may be vested in or retained by it over such land or other area pursuant to sections 4-A to 4-C, and without prejudice to the right of the United States to assert and exercise such concurrent legislative jurisdiction as may be vested in or retained by it over such land or other area. (1959, c. 213, § 1.)

Sec. 4-C. Legislative jurisdiction transferred by operation of law unimpaired.—Nothing in sections 4-A to 4-C shall be construed to prevent or impair any transfer of legislative jurisdiction to this state occurring by operation of law. (1959, c. 213, § 1.)

Sec. 6. Governor may cede not exceeding 10 acres to the United States; compensation to owner.

Cited in *Williams v. State Highway*
Comm., 157 Me. 324, 172 A. (2d) 625.

Sec. 8. Land surveyed; plan, etc., to be filed and recorded.

Stated in *Williams v. State Highway*
Comm., 157 Me. 324, 172 A. (2d) 625.

Sec. 10. Repealed by Public Laws 1959, c. 213, § 2.

Sec. 11. Property not to be taxed.—Lands with the tenements and appurtenances acquired for the purposes mentioned in section 9 shall be and continue exempt from all state, county and municipal taxation, assessment or other charges which may be levied or imposed under the authority of this state, so far as the taxation of such property is prohibited under the constitution and laws of

the United States, so long as the said lands shall remain the property of the United States, and no longer. (R. S. c. 1, § 13; 1963, c. 188.)

Effect of amendment.—The 1963 amendment added “so far as the taxation of such property is prohibited under the constitution and laws of the United States.”

Sec. 12. Relinquishment to United States to title to land for erection of lighthouses, forts, etc., when title cannot otherwise be obtained; disposal of purchase money.—Whenever, upon application of an authorized agent of the United States, it is made to appear to the superior court that the United States desires to purchase a tract of land and the right of way thereto, within the state, for the erection of a lighthouse, beacon light, range light or light keeper's dwelling, forts, batteries or other public building, and that any owner is a minor, or is mentally ill, or is from any cause incapable of making perfect title to said lands, or is unknown, or a nonresident, or from disagreement in price or any other cause refuses to convey such land to the United States, said court shall order notice of said application to be published in some newspaper in the county where such land lies, if any, otherwise in a paper in this state nearest to said land, once a week for 3 weeks, which notice shall contain an accurate description of said land, with the names of the supposed owners, provable in the manner required for publications of notice in chapter 112, and shall require all persons interested in said land on a day specified in said notice to file their objections to the proposed purchase. At the time so specified said court shall empanel a jury, in the manner provided for the trial of civil actions, to assess the value of said land at its fair market value and all damages sustained by the owner of such land by reason of such appropriation. Such amount when so assessed, with the entire costs of said proceedings, shall be paid into the treasury of said county, and thereupon the sheriff thereof, upon the production of the certificate of the treasurer that said amount has been paid, shall execute to the United States and deliver to its agent a deed of said land, reciting the proceedings in said cause, which deed shall convey to the United States a good and absolute title to said land against all persons. The money paid into such county treasury shall there remain until ordered to be paid out by a court of competent jurisdiction. (R. S. c. 1, §§ 14, 15. 1961, c. 417, § 1.)

Effect of amendment.—The 1961 amendment deleted references to justices of the superior court, changed “insane” to “mentally ill” and divided the former first sentence into three separate sentences.

Sec. 13. Treasurer receiving money to give bond.—The court directing the money to be paid to a county treasurer, in accordance with sections 9 to 12, shall require of such treasurer a bond in double the amount ordered to be paid to him, with 2 or more sufficient sureties, or with a surety company, as surety, to be approved by said court. Such bonds shall be payable to the people of the state of Maine, for the use of such persons, severally, as are entitled to said money, and shall be approved and filed with the clerk of said court before payment of the money to the treasurer. (R. S. c. 1, § 16. 1961, c. 417, § 2.)

Effect of amendment.—The 1961 amendment substituted “court” for “justice” at the beginning and at the end of the first sentence. It also substituted “sections 9 to 12” for “the provisions of the preceding four sections” in the first sentence.

Sec. 16. Report of county commissioners filed with superior court; petition for new trial.—The commissioners shall file in the office of the clerk of the superior court a report of their doings, which shall be conclusive upon the parties, unless one of them within 30 days files in court his petition for a new trial, which after due notice to the opposite party may for due cause be granted, to be had in said court. (R. S. c. 1, § 19; 1959, c. 317, § 1.)

Effect of amendment.—The 1959 amendment struck out the words “after the next term of the court”, formerly appearing after the word “days” and before the word “files” in this section.

Effective date and applicability of Pub-

lic Laws 1959, c. 317.—Section 420, chapter 317, Public Laws 1959, provides as follows: “This act shall become effective December 1, 1959. It shall apply to all actions brought after December 1, 1959 and also to all further proceedings in actions at law or suits in equity then pend-

ing, except to the extent that in the opinion of the court the application of this act in a particular action pending on December 1, 1959 would not be feasible or would work injustice, in which event the laws in effect prior to December 1, 1959 would prevail.”

Sec. 17. Tender of amends; costs.—The person entering upon land as provided in section 14 may tender to the party injured sufficient amends, and if the damages finally assessed do not exceed the tender, judgment shall be rendered against the owner for costs. Costs recovered by the prevailing party shall be taxed as in case of appeal from judgments of the district court. (R. S. c. 1, § 20. 1963, c. 402, § 1.)

Effect of amendment.—The 1963 amendment substituted “the district court” for “a trial justice” at the end of the section.

Emergency Interim Executive Succession.

Sec. 21-A. Short title.—Sections 21-A to 21-L shall be known and may be cited as the “Emergency Interim Executive Succession Act.” (1961, c. 171, § 1; c. 402, § 1.)

Effect of amendment.—The 1961 amendment deleted “and judicial” following “executive” in the name of the act.

Sec. 21-B. Statement of policy.—Because of the existing possibility of attack upon the United States of unprecedented size and destructiveness, and in order, in the event of such an attack, to assure continuity of government through legally constituted leadership, authority and responsibility in offices of the government of the state and its political subdivisions; to provide for the effective operation of government during an emergency; and to facilitate the early resumption of functions temporarily suspended, it is found and declared to be necessary to provide for additional officers who can exercise the powers and discharge the duties of governor; to provide for emergency interim succession to governmental offices of this state and its political subdivisions in the event the incumbents thereof, and their deputies, assistants or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices, hereinafter in sections 21-A to 21-L referred to as deputies, are unavailable to perform the duties and functions of such offices. (1961, c. 171, § 1; c. 402, § 2.)

Effect of amendment.—The 1961 amendment deleted “and to provide for special emergency judges who can exercise the powers and discharge the duties of judicial

offices in the event regular judges are unavailable” which appeared at the end of the section.

Sec. 21-C. Definitions.—Unless otherwise clearly required by the context, as used in sections 21-A to 21-L:

I. Attack. “Attack” means any attack or series of attacks by an enemy of the United States causing, or which may cause, substantial damage or injury to civilian property or persons in the United States in any manner by sabotage or by the use of bombs, missiles, shellfire, or atomic, radiological, chemical, bacteriological, or biological means or other weapons or processes.

II. Emergency interim successor. “Emergency interim successor” means a person designated pursuant to sections 21-A to 21-L, in the event the officer is unavailable, to exercise the powers and discharge the duties of an office until a successor is appointed or elected and qualified as may be provided by the constitution, statutes, charters and ordinances or until the lawful incum-

bent is able to resume the exercise of the powers and discharge the duties of the office.

III. Office. "Office" includes all state and local offices, the powers and duties of which are defined by the constitution, statutes, charters and ordinances, except the office of governor, and except those in the legislature and the judiciary.

IV. Political subdivision. "Political subdivision" includes counties, cities, towns, villages, townships, districts, authorities and other public corporations and entities whether organized and existing under charter or general law.

V. Unavailable. "Unavailable" means either that a vacancy in office exists and there is no deputy authorized to exercise all of the powers and discharge the duties of the office, or that the lawful incumbent of the office, including any deputy exercising the powers and discharging the duties of an office because of a vacancy, and his duly authorized deputy are absent or unable to exercise the powers and discharge the duties of the office. (1961, c. 171, § 1.)

Sec. 21-D. Additional successors to office of governor.—In the event that the governor, for any of the reasons specified in the constitution, is not able to exercise the powers and discharge the duties of his office, or is unavailable, and in the event the president of the senate, the speaker of the house of representatives and the secretary of state be for any of the reasons specified in the constitution not able to exercise the powers and discharge the duties of the office of governor, or be unavailable, the attorney general, state auditor and treasurer of state shall, in the order named, if the preceding named officers be unavailable, exercise the powers and discharge the duties of the office of governor until a new governor is elected and qualified, or until a preceding named officer, becomes available. No emergency interim successor to the aforementioned offices may serve as governor. (1961, c. 171, § 1.)

Sec. 21-E. Emergency interim successors for state officers.—All state officers, subject to such regulations as the governor or other officials authorized under the constitution and under sections 21-A to 21-L to exercise the powers and discharge the duties of the office of governor may issue, shall, upon approval of sections 21-A to 21-L, in addition to any deputy authorized pursuant to law to exercise all of the powers and discharge the duties of the office, designate by title emergency interim successors and specify their order of succession. The officers shall review and revise, as necessary, designations made pursuant to sections 21-A to 21-L to insure their current status. The officer shall designate a sufficient number of such emergency interim successors so that there will be not less than 3 nor more than 7 such deputies or emergency interim successors or any combination thereof, at any time. In the event that any state officer is unavailable following an attack, and in the event his deputy, if any, is also unavailable, the said powers of his office shall be exercised and said duties of his office shall be discharged by his designated emergency interim successors in the order specified. Such emergency interim successors shall exercise said powers and discharge said duties only until such time as the governor under the constitution or authority other than sections 21-A to 21-L, or other official authorized under the constitution or sections 21-A to 21-L to exercise the powers and discharge the duties of the office of governor, may, where a vacancy exists, appoint a successor to fill the vacancy or until a successor is otherwise appointed, or elected and qualified as provided by law; or an officer, or his deputy or a preceding named emergency interim successor, becomes available to exercise or resume the exercise of the powers and discharge the duties of his office. (1961, c. 171, § 1.)

Sec. 21-F. Enabling authority for emergency interim successors for local offices.—With respect to local offices for which the legislative bodies of

cities, towns, plantations and counties may enact resolutions or ordinances relative to the manner in which vacancies will be filled or temporary appointments to office made, such legislative bodies are authorized to enact resolutions or ordinances providing for emergency interim successors to offices of the aforementioned governmental units. Such resolutions and ordinances shall not be inconsistent with sections 21-A to 21-L. (1961, c. 171, § 1.)

Sec. 21-G. Emergency interim successors for local officers.—This section shall be applicable to officers of political subdivisions including, but not limited to, cities, towns, plantations and counties, as well as school, water, power and sewer districts not included in section 21-F. Such officers, subject to such regulations as the executive head of the political subdivision may issue, shall upon approval of sections 21-A to 21-L, designate by title, if feasible, or by named person, emergency interim successors and specify their order of succession. The officer shall review and revise, as necessary, designations made pursuant to sections 21-A to 21-L to insure their current status. The officer shall designate a sufficient number of persons so that there will be not less than 3, nor more than 7, deputies or emergency interim successors or any combination thereof, at any time. In the event that any officer of any political subdivision, or his deputy provided for pursuant to law, is unavailable, the powers of the office shall be exercised and duties shall be discharged by his designated emergency interim successors in the order specified. The emergency interim successor shall exercise the powers and discharge the duties of the office to which designated until such time as a vacancy which may exist shall be filled in accordance with the constitution or statutes; or until the officer, or his deputy or a preceding emergency interim successor, again becomes available to exercise the powers and discharge the duties of his office. (1961, c. 171, § 1.)

Sec. 21-H. Repealed by Public Laws 1961, c. 402, § 3.

Editor's note. — The repealed section, which provided for special emergency judges, derived from P. L. 1961, c. 171, § 1.

Sec. 21-I. Formalities of taking office for emergency interim successors.—At the time of their designation, emergency interim successors shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed. Notwithstanding any other provision of law, no person, as a prerequisite to the exercise of the powers or discharge of the duties of an office to which he succeeds, shall be required to comply with any other provision of law relative to taking office. (1961, c. 171, § 1; c. 402, § 4.)

Effect of amendment.—The 1961 amendment deleted “and special emergency judges” following “successors” in the first sentence.

Sec. 21-J. Period in which authority may be exercised.—Officials authorized to act as governor pursuant to sections 21-A to 21-L, emergency interim successors are empowered to exercise the powers and discharge the duties of an office as authorized only after an attack upon the United States, as defined, has occurred. The legislature may at any time terminate the authority of said emergency interim successors to exercise the powers and discharge the duties of office as provided. (1961, c. 171, § 1; c. 402, § 5.)

Effect of amendment.—The 1961 amendment deleted “and special emergency judges” after “successors” in both the first and second sentences.

Sec. 21-K. Removal of designees.—Until such time as the persons designated as emergency interim successors are authorized to exercise the powers and discharge the duties of an office in accordance with sections 21-A to 21-L, including section 21-J, said persons shall serve in their designated capacities at the pleasure of the designating authority and may be removed or replaced by said

designating authority at any time, with or without cause. (1961, c. 171, § 1; c. 402, § 6.)

Effect of amendment.—The 1961 amendment deleted “or special emergency judges” after “successors” near the beginning of the section.

Sec. 21-L. Disputes.—Any dispute concerning a question of fact arising under sections 21-A to 21-L with respect to an office in the executive branch of the state government, except a dispute of fact relative to the office of governor, shall be adjudicated by the governor, or other official authorized under the constitution and sections 21-A to 21-L to exercise the powers and discharge the duties of the office of governor, and his decision shall be final. (1961, c. 171, § 1.)

Purchase by State.

Sec. 24-A. Purchase of real estate by state.—Whenever it determines that the public exigencies require it, the governor and council may purchase or may take by eminent domain real estate in Augusta within an area bounded on the west by a straight line; beginning at the southern terminus of Western Avenue Place; thence extending southerly to Capitol Street; thence easterly on the northerly side of Capitol Street to a point approximately 132 feet westerly of the intersection of Federal Street and Capitol Street; thence southerly approximately 800 feet; thence easterly approximately 475 feet to the centerline of Sewall Street; thence southerly to the intersection of Glenwood Street and Sewall Street; thence easterly to the intersection of Glenwood Street and State Street; thence northerly approximately 150 feet to the intersection of State Street and Britt Road; thence southerly along Britt Road to its intersection with the railroad right of way; thence northerly along the railroad right of way to the south side of Capitol Street; thence continuing northerly 270 feet along the railroad right of way; thence westerly approximately 118 feet to Gage Street; thence northerly along Gage Street approximately 340 feet; thence westerly on a straight line parallel to Child Street and crossing State Street to Higgins Street; thence along Higgins Street to its intersection with Grove Street; thence southerly along Grove Street approximately 70 feet to the intersection of Grove Street and Wade Street; thence westerly approximately 400 feet in a straight line along Wade Street extended to Sewall Street; thence southerly along Sewall Street approximately 90 feet to the northerly line of Wade Street; thence westerly and parallel with Capitol Street to the point of beginning at the southerly terminus of Western Avenue Place. (1957, c. 329, § 1; 1959, c. 251, § 1.)

Effect of amendment.—The 1959 amendment rewrote this section.

State Seal, Motto, Flag and Other Emblems.

Sec. 24-B. State seal. — The seal of the state shall be a shield, argent, charged with a pine tree (*Americana*, *quinis ex uno folliculo setis*) with a moose deer (*cervus alces*), at the foot of it, recumbent; supporters: on dexter side, a husbandman, resting on a scythe; on sinister side, a seaman, resting on an anchor.

In the foreground, representing sea and land, and under the shield, shall be the name of the state in large Roman capitals, to wit:

MAINE.

The whole shall be surrounded by a crest, the North Star. The motto, in small Roman capitals, shall be in a label interposed between the shield and crest, viz.:—*DIRIGO*. (Resolves, 1820, c. 4; 1959, c. 363, § 1.)

Sec. 24-C. State motto.—The state motto shall be “*Dirigo*” (I direct or I guide). (Resolves, 1820, c. 4; 1959, c. 363, § 1.)

Sec. 26-A. State tree.—The official tree of the state shall be the white pine tree. (Resolves, 1945, c. 8; 1959, c. 363, § 2.)

Sec. 26-B. State bird.—The state bird shall be the chickadee. (Resolves, 1927, c. 111; 1959, c. 363, § 2.)

Sec. 26-C. State song.—The official song of the state shall be the song entitled "State of Maine Song," words and music by Roger Vinton Snow. (Resolves, 1937, c. 39; 1959, c. 363, § 2.)

Sec. 26-D. State flower. — The floral emblem for the state, in the national garland of flowers, shall be the pine cone and tassel. (Resolves, 1895, c. 3; 1959, c. 363, § 2.)

Freedom of Access to Public Records and Proceedings.

Sec. 36. Declaration of public policy; open meetings.—The legislature finds and declares that public proceedings exist to aid in the conduct of the people's business. It is the intent of the legislature that their actions be taken openly and that their deliberations be conducted openly. (1959, c. 219.)

Sec. 37. Definition of public proceedings.—The term "public proceedings" as used in sections 36 to 41 shall mean the transactions of any functions affecting any or all citizens of the state by any administrative or legislative body of the state, or of any of its counties or municipalities, or of any other political subdivision of the state, which body is composed of 3 or more members, with which function it is charged under any statute or under any rule or regulation of such administrative or legislative body or agency. (1959, c. 219.)

Sec. 38. Meetings to be open to the public.—All public proceedings shall be open to the public, and all persons shall be permitted to attend any meetings of these bodies or agencies, and any minutes of such meetings as are required by law shall be promptly recorded and open to public inspection, except as otherwise specifically provided by statute. (1959, c. 219.)

Sec. 39. Executive sessions.—Nothing contained in sections 36 to 41 shall be construed to prevent these bodies or agencies from holding executive sessions, subject to the following conditions: that such sessions shall not be used to defeat the purposes of sections 36 to 41; that no ordinances, orders, rules, resolutions, regulations, contracts, appointments or other official action shall be finally approved at such executive sessions; that such executive sessions may be called only by a majority vote of the members of such bodies or agencies. The conditions of this section shall not apply to executive sessions of committees of the Maine legislature. (1959, c. 219.)

Sec. 40. Minutes and records available for public inspection. — Every citizen of this state shall, during the regular business or meeting hours of all such bodies or agencies, and on the regular business premises of all such bodies or agencies, have the right to inspect all public records, including any minutes of meetings of such bodies or agencies as are required by law, and to make memoranda abstracts or photographic or photostatic copies of the records or minutes so inspected, except as otherwise specifically provided by statute. (1959, c. 219.)

Sec. 41. Violation.—A violation of any of the provisions of sections 36 to 41 or the wrongful exclusion of any person or persons from any meetings for which provision is made shall be punishable by a fine of not more than \$500 or by imprisonment for less than one year. Nothing contained in sections 36 to 41 shall be construed as abridging the right of any citizen or citizens to appeal

to a court of this state for the enforcement of the rights provided for in said sections. (1959, c. 219.)

Emergency Location of State Government.

Sec. 42. Emergency location of state government.—Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of state government at the normal location of the seat thereof in Augusta, the governor shall, as often as the exigencies of the situation require, by proclamation, declare an emergency temporary location, or locations, for the seat of government at such place, or places, within or without this state as he may deem advisable under the circumstances, and shall take such action and issue such orders as may be necessary for an orderly transition of the affairs of state government to such emergency temporary location, or locations. Such emergency temporary location, or locations, shall remain as the seat of government until the legislature shall by law establish a new location, or locations, or until the emergency is declared to be ended by the governor and the seat of government is returned to its normal location. (1961, c. 99.)

Sec. 43. Acts performed at emergency location of state government valid and binding.—During such time as the seat of government remains at such emergency temporary location, or locations, all official acts now or hereafter required by law to be performed at the seat of government by any officer, agency, department or authority of this state, including the convening and meeting of the legislature in regular, extraordinary or emergency session, shall be as valid and binding when performed at such emergency temporary location, or locations, as if performed at the normal location of the seat of government. (1961, c. 99.)

Sec. 44. Application of sections 42 to 44.—Sections 42 to 44 shall control and be supreme in the event they shall be employed, notwithstanding the provisions of any other law to the contrary or in conflict herewith. (1961, c. 99.)

Emergency Location of Local Governments.

Sec. 45. Emergency location of local governments.—Whenever, due to an emergency resulting from the effects of enemy attack, or the anticipated effects of a threatened enemy attack, it becomes imprudent, inexpedient or impossible to conduct the affairs of local government at the regular or usual place or places thereof, the governing body of each political subdivision of this state may meet at any place within or without the territorial limits of such political subdivision on the call of the presiding officer or any 2 members of such governing body, and shall proceed to establish and designate by ordinance, resolution or other manner, alternate or substitute sites or places as the emergency temporary location, or locations, of government where all, or any part, of the public business may be transacted and conducted during the emergency situation. Such sites or places may be within or without the territorial limits of such political subdivision and may be within or without this state. (1961, c. 98.)

Sec. 46. Powers.—During the period when the public business is being conducted at the emergency temporary location, or locations, the governing body and other officers of a political subdivision of this state shall have and possess and shall exercise, at such location, or locations, all of the executive, legislative and judicial powers and functions conferred upon such body and officers by or under the laws of this state. Such powers and functions may be exercised in the light of the exigencies of the emergency situation without regard to or compliance with time consuming procedures and formalities prescribed by law and pertaining thereto, and all acts of such body and officers shall be as valid and

binding as if performed within the territorial limits of their political subdivision. (1961, c. 98.)

Sec. 47. Application of sections 45 to 47. — Sections 45 to 47 shall control and be supreme in the event they shall be employed, notwithstanding any statutory, charter or ordinance provision to the contrary or in conflict herewith. (1961, c. 98.)

Chapter 3.

Citizenship. Qualifications and Registration of Voters.

Sex No Bar to Hold Office. Residence of Husband and Wife.

Secs. 1-50. Repealed by Public Laws 1961, c. 360, § 18.

Cross reference.—See c. 3-A for present election laws.

Chapter 3-A.

Election Laws.

- Sections 1- 5. Definitions. Construction.
- Sections 6- 8. Registrar of Voters. Board of Registration.
- Sections 9- 17. Registration and Enrollment.
- Sections 18- 23. Voting List and General Register.
- Sections 24- 29. Voting Qualifications.
- Sections 29-A to 29-O. New Residents in Presidential Elections.
- Sections 30- 34. Municipal Caucus.
- Sections 35- 36. Convention.
- Sections 37- 46. Nomination by Primary Election.
- Sections 47- 50. Nomination by Petition.
- Sections 51- 53. Election Officials.
- Sections 54- 79. Duties and Procedures Before Election Day.
- Sections 80-101. Duties and Procedures on Election Day.
- Sections 102-120. Voting Machines.
- Sections 121-139. Duties and Procedures After Election.
- Sections 140-151. Absentee Voting.
- Sections 152-163. Voting by Members of the Armed Forces.
- Sections 164-166. Initiative and Referendum.
- Sections 167-177. Campaign Reports and Finances.
- Sections 178-193. Vacancies.
- Sections 194-202. Miscellaneous Provisions.
- Sections 203-206. Special Provisions for Connor, the Indian Voting Districts and the Island Wards of Portland.

Definitions. Construction.

Sec. 1. Definitions.—The listed terms as used in this chapter are defined as follows, unless a different meaning is plainly required by the context:

“Any election” includes primary and general elections and referenda, whether regular or special.

“Absentee voter” means a person who is unable to cast his ballot in the municipality in which he is registered to vote, for one of the following reasons: Absence from the municipality during the time the polls are open on election day; physical incapacity not adversely affecting his soundness of mind; religious belief which prohibits his doing so; and unreasonable distance from the polls, if