

# 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

---

1959 CUMULATIVE SUPPLEMENT

---

ANNOTATED

---

IN FIVE VOLUMES

VOLUME 1

---

Place in Pocket of Corresponding  
Volume of Main Set

---

THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1959

**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.)

---

### Chapter 3.

#### **Citizenship. Qualifications and Registration of Voters. Sex No Bar to Hold Office. Residence of Husband and Wife.**

##### **Qualification of Voters.**

**Sec. 2. Qualifications of voters.**—Every citizen who had the right to vote on the 4th day of January, 1893 and every citizen, excepting paupers and persons under guardianship, who, not being prevented by physical disability from so doing, is able to read the constitution of the state in the English language in such manner as to show that he is neither prompted nor reciting from memory, and to write his name, and who is 21 years of age or upwards, and shall have his residence established in this state for the term of 6 months and in the municipality in which he is a resident for 3 months next preceding any state, city or town election, shall have the right to vote at every such election in the municipal-

ity where his residence is so established; and such right to vote at national and state elections in such municipality shall continue for a period of 3 months after his removal therefrom, if he continues to reside in this state during that period; provided that his name has been properly entered upon the voting list of such municipality. The fact that the money for the payment of the wages of any person employed by any city or town is derived from relief funds shall not operate to give such person the status of a pauper so that he shall be denied on that account the right to vote. (R. S. c. 3, § 2. 1953, c. 226, § 1. 1955, c. 405, § 1. 1959, c. 204, § 1.)

**Effect of amendments.** — The 1955 amendment inserted the word “and” after the word “paupers” and deleted the words “and Indians not taxed” after the word “guardianship” near the beginning of the section.

The 1959 amendment substituted the word “municipality” for the words “city,

town or plantation”, formerly appearing in four instances in this section, struck out the word “national”, formerly appearing after the word “any” and before the word “state”, and also struck out the word “however”, formerly appearing after word “provided” near the end of the first sentence.

### Registration of Voters. Penalties.

**Sec. 13. Duty of cities in respect to registration; compensation and fees.**—The chairman of the board shall receive \$10 and the other 2 members of the board shall receive \$9 each for every day that the board shall be in session for the revision and correction of the voting list and for completing the record thereof. They shall also receive such compensation as may be fixed by the municipal officers for such time as they are necessarily employed in making up and preparing the list of voters, and their necessary expenses. Cities where a board is established shall provide a suitable place for holding its sessions and shall pay for the services of such officers as the board may employ and have in attendance to preserve order and execute its precepts. Such cities shall also pay all reasonable expenses, such as the expense of blank books, stationery and the necessary assistance of clerks. All witness fees shall be paid at the rates established for municipal courts.

In cities of 39,000 inhabitants and over, the chairman of the board shall receive \$3,500 per year and the other 2 members of the board shall receive \$3,250 per year and such additional amounts as may be authorized by the municipal officers or board of finance. (R. S. c. 3, § 13. 1947, c. 347. 1949, cc. 93, 329. 1951, c. 366. 1953, c. 130. 1955, c. 396, §§ 1, 2. 1957, c. 197; c. 282, §§ 1, 3; c. 429, § 1. 1959, c. 70.)

**Effect of amendments.** — The 1955 amendment substituted “or less than 50,000 inhabitants” for “or more”, increased the salaries in the second paragraph, and inserted a third paragraph relative to salaries in cities of 50,000 inhabitants or more.

The first 1957 amendment increased the compensation of the chairman from \$7 to \$10 and of the other members from \$6 to \$9 in the first sentence of the first paragraph. The second 1957 amendment substituted the word “over” for “less than 50,000 inhabitants”, increased the salary of the chairman from \$3,050 to \$3,250 and of the other members from \$2,700 to \$2,900 in the second paragraph, and deleted the

third paragraph which was inserted in 1955. The third 1957 amendment again repealed the paragraph which had been added in 1955.

The 1959 amendment increased the salary of the chairman from \$3,250 to \$3,500 and of the other members from \$2,900 to \$3,250 in the second paragraph.

**Editor’s note.**—P. L. 1957, c. 282, which amended the second paragraph of this section, provided in section 3 thereof that the salary increases provided in the present second paragraph shall not apply to any member of the 98th legislature.

**Effective date.** — P. L. 1957, c. 429, amending this section, became effective on its approval, October 31, 1957.

**Sec. 16. Sessions of boards; names to be placed upon list only by personal request; voter who moves into another ward not required to**

**appear before board to have name transferred; names may be added on election day if omitted by error of assessors or boards; aggrieved party may have case determined by court.**—In cities of 30,000 inhabitants or more, boards of registration shall be in session every day of the year, Saturdays, Sundays and court holidays excepted, for the purpose of registration and enrollment of voters and to revise and correct the voting list. Open sessions shall be held for the purpose of registration and enrollment of voters from 9 to 12 o'clock in the morning, and from 2 to 5 o'clock in the afternoon. From the 18th to the 13th days, inclusive, of their sessions next prior to any election, the board shall be in session from 9 o'clock in the forenoon to 1 o'clock in the afternoon, from 3 to 5 o'clock in the afternoon, and from 7 to 9 o'clock in the afternoon. On the 12 days of their sessions next prior to an election the board shall be in closed session to enable the board to verify the correctness of the list and to complete and close the records of its sessions. In cities of 25,000 inhabitants or any greater number less than 30,000, the boards shall be in session on each of the 16 days, Sundays and court holidays excepted, next prior to any election; the 1st 10 days thereof in open session, and the last 6 days thereof in closed session, during the hours and for the purposes as above provided. In cities of 10,000 inhabitants or any greater number less than 25,000, the boards shall be in session on each of the 12 days, Sundays and court holidays excepted, next prior to any election; the 1st 7 days thereof in open session, and the last 5 days thereof in closed session, during the hours and for the purposes as above provided. In cities of less than 10,000 inhabitants, the boards shall be in session on each of the 9 days, Sundays and court holidays excepted, next prior to any election; the 1st 6 days thereof in open session, and the last 3 days thereof in closed session, during the hours and for the purposes as above provided. Notwithstanding any provision of this section with respect to hours of open session, boards of registration in municipalities of 10,000 population or over shall, on at least one day during its open session, be in open session from 3 to 5:30 o'clock in the afternoon and from 7 to 9 o'clock in the evening. No name, except as hereinafter provided, shall be added to or stricken from the general register of voters after 9 o'clock in the afternoon of the last of the days devoted to registration as herein provided. Upon written request of a person who because of physical incapacity is prevented from appearing personally before the board of registration, and providing such request is accompanied by a written statement from such person's attending physician certifying to an inability to appear personally because of such incapacity, at least one member of the board or an employee of the board designated by it shall attend such person only within 20 miles of the office of the board of registration, to receive proof that such person possesses all the qualifications of a voter, and to receive in writing the application of such person upon a printed form to be furnished by said board and conforming to the provisions of section 27. Such member or employee shall receive 10¢ a mile for such travel. Such member shall write thereon the date when and by whom the application is received and shall file the same with the board of registration. The board shall in any open session take action thereon and if satisfied as to the necessary qualifications of the applicant, the applicant shall be enrolled as a voter and his or her name shall then be placed upon the general register of voters and each applicant so registered shall by said board be notified in writing of such registration. The board shall not place upon the voting list during the revision of the same, the name of any person who shall not personally appear before the board in open session and request it; but nothing in this chapter shall be so construed as to require any voter, whose name is already upon any ward list and who afterwards moves from such ward to any other ward in such city, to appear personally before the board in order that his name may be transferred from one ward list to another. If a person becomes 21 years of age between the last day of the open session and the closing of the polls on election day, his name may be added at any time without personal

appearance if the board is satisfied that he is otherwise qualified. On the last of the days of their session devoted to the completion of the records as above provided, the sessions of the boards shall close at 5 o'clock in the afternoon except when such last day is Saturday, and certified copies of the voting lists shall at that hour be delivered to the city clerk and receipts taken therefor. The wardens of cities shall be governed by such revised and corrected lists; and no name shall be added thereto or stricken therefrom on the day of election, except as herein-after provided, and no person shall vote at any election whose name is not on such list. No board of registration shall be answerable for any omission of a name or residence from the voting list or for any error therein, unless such name and residence are correctly entered in the general register of voters; but on the day of election the board shall be in session, and shall give to any voter whose name has been stricken from the general register or omitted from the voting list through any error of the assessors or the board, or in whose name or residence as placed on the voting list a clerical error has been made, a certificate signed by a majority of the board, giving the corrected name and residence of such person, and directed to the officer presiding over the election; such officer shall on receipt of such certificate, allow the person therein named to vote and shall check his name on such certificate, and securely attach it to the voting lists. In case any person is aggrieved by any order or decision of the board, the whole case, upon petition for mandamus, shall be reexamined and determined by any justice of the superior court in the county in which the controversy arises, which determination, however, shall not affect any election held prior to the decision of such justice. No costs shall be allowed either party in any such proceeding. (R. S. c. 3, § 16. 1953, c. 123; c. 365, § 1. 1955, c. 218. 1957, c. 282, § 2. 1959, c. 114.)

**Effect of amendments.**—The 1955 amendment rewrote the tenth sentence and inserted the eleventh sentence. The 1957 amendment inserted "Saturdays" in the enumeration of days excepted in the first sentence, and deleted the words "Sat-

day afternoon excepted" which formerly appeared at the end of the second sentence.

The 1959 amendment added the eighth sentence to this section.

**Sec. 19. Appearance in person to register; name under which women voters shall register; to notify board of change in surname.**—Every person whose name has not been entered upon the voting list in any city in accordance with the provisions hereof must, if he desires to vote, appear in person before the board of registration or the city clerk and prove that he possesses all the qualifications of a voter. The said city clerk shall receive in writing the application of any such person who appears before him and shall stamp thereon the date when same is so received and shall file the same with the board of registration of voters and said board of registration shall in any open session of the board take action upon the said application and if satisfied as to the necessary qualifications of the applicant, the applicant shall be enrolled as a voter and his or her name shall then be placed upon the general register of voters and each applicant so registered shall by said board be notified in writing of such registration. All such applications so made to said city clerk shall be upon a printed form provided by said city clerk, which said printed form shall conform to the provisions of section 27. The provisions of this section shall not prevent any person from making personal appearance before the board of registration for the purpose of registering as a voter when said board is in open session. Nothing in this section shall prevent a member of a board of registration from taking the registration application of any person, nor, at the discretion of the board, from presenting himself at any polling place or mobile registration unit for the purpose of taking applications for registration when the board is in open session; action upon all applications so obtained shall be taken by the board only. Every married woman now registered, or who shall hereafter register as a voter, shall be registered under her given name and married surname. Any

married woman or widow may use her family name as a part of the name by which she shall be registered as a voter. Whenever a registered woman voter shall assume through marriage or any process of law a new surname, she shall notify the board or the city clerk of such change, in person, and the board shall then register her again; but when the open session for registration of voters, as hereinbefore provided has ended, and before the close of the day of election, she may present to the board a duly executed certificate of her marriage, or of her change of name by process of law, and the board shall cause her name to be changed accordingly on the voting list and the general register, and shall issue its certificate directed to the officers presiding over the election, in the same manner and with the same effect as hereinbefore provided by reason of clerical error or omission of a name from the voting list. (R. S. c. 3, § 19. 1945, c. 317. 1951, c. 348, § 1. 1953, c. 365, § 1-A. 1959, c. 113; c. 204, § 1-A.)

**Effect of amendments.** — The first 1959 amendment added the present fifth sentence. The second 1959 amendment deleted the former fifth sentence, relating to the place of voting.

**Sec. 24.** Repealed by Public Laws 1959, c. 204, § 1-B.

**Sec. 24-A. Voting restricted to district of present residence.** — A voter must vote in the ward of the city and voting precinct, if any, in which he resides on election day. (1959, c. 204, § 1-C.)

**Sec. 24-B. Change of address of voters.** — When a voter's street address is changed from one ward to another, he must give written notice to the board of registration of his new and former addresses before the close of registrations prior to election day. If he fails to notify the board of his change of address before the close of registrations, he must appear before the board on election day and notify it of his change of address. The board shall then correct his address on the voting list and issue him a certificate directed to the presiding officer of his new ward or precinct showing his new and former addresses. On presentation of the certificate to the presiding officer, it shall be attached to the check list and the voter may then vote. (1959, c. 204, § 1-C.)

### Registration by Municipal Officers.

**Sec. 36. Selectmen to prepare corrected list.**—The selectmen of every town, on or before the first day of June in every such year, shall prepare a corrected list of persons qualified as provided in section 35, and shall, on or before the 15th day of October in such year, correct and revise such list. (R. S. c. 3, § 36. 1953, c. 365, § 3. 1959, c. 204, § 2.)

**Effect of amendment.**—The 1959 amendment substituted "section 35," for "the preceding section" and substituted "October" for "August".

**Sec. 37. Sessions of selectmen to correct lists; notice.** — In every town, having by the census of the United States last taken more than 3,000 inhabitants, the selectmen shall be in open session to receive evidence of the qualifications of persons claiming the right to vote at any primary election and for the correction of such list, for a reasonable time, on not more than 2 days, between the 1st and 7th days of June in every year, giving previous notice of the time and place of each session, as their town meetings are notified. The selectmen of every such town shall be in open session again for at least one day between the 2nd and 3rd Monday in October for the same purpose. (R. S. c. 3, § 37. 1953, c. 365, § 4. 1959, c. 204, § 3.)

**Effect of amendment.** — The 1959 amendment substituted the word "October" for the word "August" in the last sentence.

**Sec. 38. Lists to be deposited with clerk and posted.**—On or before the 10th day of June and on or before the 20th day of October in every such

year, the selectmen shall deposit in the office of the town clerk an alphabetical list of voters prepared and revised as provided for in sections 35 to 37, and post a certified copy thereof in one or more public places in the town. (R. S. c. 3, § 38. 1953, c. 365, § 5. 1959, c. 204, § 4.)

**Effect of amendment.**—The 1959 amendment substituted the word “October” for the word “August” and the words “sec-

tions 35 to 37,” for the words “the preceding sections”.

**Sec. 42. Registration in towns having 1,000 to 2,000 voters.**—In all towns, cities not included, having not less than 1,000 nor more than 2,000 registered voters, the municipal officers shall receive applications of persons claiming a right to vote, on the day, Sundays and court holidays excepted, next preceding the day of election, and on such additional days prior thereto as they may determine, and no application shall be received after the hour of 9 in the afternoon; 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 used at the last preceding election, 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. (1951, c. 283, § 3. 1955, c. 47, § 1.)

**Effect of amendment.**—Prior to the 1955 amendment this section provided for registration in towns having not less than 500 nor more than 2,000 voters.

**Sec. 43. Registration in towns having under 1,000 voters.**—In every town having less than 1,000 voters, the municipal officers shall be in session on the day of 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. (R. S. c. 3, § 42. 1955, c. 47, § 2.)

**Effect of amendment.**—Prior to the 1955 amendment this section provided for registration in towns having under 500 voters.

## Chapter 4.

### Caucuses. Primaries. State Conventions.

#### Political Caucuses.

**Sec. 2. Enrollment of voters; enrollment declarations filed with board of registration; change of enrollment.**

The foregoing declaration may be filed with the board of registration in person, by mail or otherwise, and when received, it shall be the duty of such board to cause the enrollment to be made. If such declaration is filed on the primary election day, it shall be done in person, except that declaration of enrollment may be received by mail or otherwise on the day of election if such enrollee votes by absent voting or physical incapacity voting ballot. A voter may change his enrollment at any time, but the person making such change of enrollment shall not vote in any political caucus or primary election within 6 months thereafter.

(R. S. c. 4, § 2. 1959, c. 235.)

**Effect of amendment.**—The 1959 amendment added the second sentence to the last paragraph of this section. As the rest of the section was not changed, only the paragraph affected is set out.

**Sec. 12. Exceptions.**—The provisions of the preceding sections shall not apply to towns or cities wherein the calling and holding of caucuses is regulated by special law. (R. S. c. 4, § 12. 1953, c. 365, § 7. 1955, c. 343, § 2.)

**Effect of amendment.**—The 1955 amendment deleted the figure 9 before the word “preceding” near the beginning of the section, and substituted the word “or” for the words “of less than 2,000 inhabitants, nor to” near the middle of the section.