

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1959 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

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by law to nominate candidates for public office, a certificate as provided in section 57 shall be filed with the secretary of state at least 5 days following such nomination. With nomination papers and certificates shall also be filed the consent in writing of the person nominated. (R. S. c. 4, § 55. 1953, c. 365, § 14. 1955, c. 47, § 5. 1959, c. 204, § 11.)

Effect of amendments. — The 1955 amendment inserted the next to the last sentence. The 1959 amendment rewrote the first sentence of this section.

Chapter 5.

Elections. Congressional Districts. Presidential Electors.

Section 65-A. Indian Island Voting District.
 Section 65-B. Peter Dana Point Voting District.
 Section 65-C. Pleasant Point Voting District.

Preparation and Distribution of Ballots.

Sec. 1. Terms defined.

Cited in Opinion of the Justices, 152 Me. 212.

Sec. 2. Specimen ballots of nominations transmitted to clerks 7 days before any election, and published.—The secretary of state shall, 7 days at least previous to the day of any state election, transmit to the clerk in each city, town and plantation in which such election is to be held, specimen ballots containing the names, residences and party or political appellations of all candidates nominated as provided in chapter 4 for such election and to be voted for at each voting place in each such city, town and plantation respectively, substantially in the form of the general ballot to be so used therein; and the clerks shall immediately cause the specimen ballots for each ward, town or plantation as the case may be, to be conspicuously posted in one or more public places in such ward, town or plantation. The secretary of state shall likewise cause to be published prior to the day of any such election, in at least 2 newspapers, if there be so many printed or published in each county, representing so far as practicable, the political parties which, at the preceding election, cast the largest and next largest numbers of votes, a specimen ballot of all such nominations, so far as may be, in the form in which they shall appear upon the general ballots. Monthly newspapers may be used for this purpose when authorized by the governor and council. Such specimen ballot may be published in the English language in a foreign language newspaper. New nominations made or authorized shall be transmitted, posted and published promptly, and so far as practicable in the manner herein directed, and communications transmitted as herein directed by the secretary of state to any clerk shall be duplicated on the succeeding day. (R. S. c. 5, § 2. 1951, c. 348, § 6. 1955, c. 397. 1957, c. 318, § 1.)

Effect of amendments. — The 1955 amendment inserted the fourth sentence. The 1957 amendment inserted the third sentence.

Sec. 5. What the ballot shall contain and how printed; size of ballot.

—Every general ballot or ballot intended for the use of all voters, which shall be printed in accordance with the provisions of this chapter, shall contain the names and residences, ward residences in city elections, of all candidates whose nominations for any office specified in the ballot have been duly made and not withdrawn in accordance herewith, and the office for which they have been severally nominated, and shall contain no other names except that in case of electors of president and vice-president of the United States, the names of the candidates

for president and vice-president may be added to the party or political designation. The names of candidates nominated by any party shall be grouped together upon the ballot. The names of the candidates for president and vice-president shall appear first, followed by the names of candidates for the office of United States senator, governor and representatives to congress in that order whenever such offices are to be filled. Above each group shall be placed the name of the political party by which the candidates comprising such group were placed in nomination, or the political designation as described in the certificate of nomination, or nomination papers, under a square each side of which shall be not less than 2 inches; above such square shall be printed the following words in plain letters: To vote a straight ticket mark a cross (X) or a check mark (✓) within this square. Below the name of each candidate for any office in any group there shall be left a blank space in which the voter may write the name of any person for whom he desires to vote as a candidate for such office; at the right of each name and at the right of the blank space above provided for, there shall be left a blank square in which the voter may mark a cross (X) or a check mark (✓); under the name of the office to be voted for, when there is more than 1 office to be filled, there shall be printed the words "Vote for not more than 2", "Vote for not more than 3" and so forth in accordance with the number of offices to be filled as the case may be. If only 1 person be nominated by any party, or under any political designation, his name with the office for which he is a candidate shall be printed by itself under the name of such party or political designation. Whenever the approval of a constitutional amendment or other question is submitted to the vote of the people such question or questions shall be printed upon a separate ballot. The ballots shall be so printed as to leave a blank space above such amendment or question so as to give each voter a clear opportunity to designate by a cross (X) or a check mark (✓), therein, his answers to the questions submitted, and on the ballot may be printed such words as will aid the voter to do this as "yes" or "no" and the like. The ballot shall be not less than 4 inches in width and not less than 6 inches in length. Before distribution, the ballots shall be so folded in marked creases that their width and length when folded shall be uniform. On the back and outside, when folded, shall be printed "Official Ballot for," followed by the designation of the voting place for which the ballot is prepared, the date of the election and a facsimile of the signature of the city clerk who has caused the ballot to be printed. All ballots furnished to any municipality by the secretary of state, as required by law for use at any state election, shall be printed upon the outside so that "Official Ballot for," the designation of the voting place for which the ballot is prepared, the date of the election and the facsimile of the signature of the secretary of state shall appear on all sides of the folded ballot. Except as otherwise provided, ballots for use in elections of president and vice-president, senators and representatives to the congress of the United States, state and county officers, and senators and representatives to the state legislature shall be printed upon clean white paper and ballots to be used in elections as to constitutional and referendum questions submitted to the vote of the people shall be printed upon tinted paper, the color or tint of which may be determined by the secretary of state, without any distinguishing mark or figure thereon. Whenever a cross (X) has heretofore been required, including referendum elections held pursuant to private and special acts, a cross (X) or a check mark (✓) shall both be valid. (R. S. c. 5, § 5. 1947, c. 82, § 3. 1949, c. 244. 1959, c. 204, §§ 12, 13.)

Effect of amendment.—The 1959 amendment added the third sentence. It also deleted the word "herein" formerly appearing after the word "otherwise" and be-

fore the word "provided," and added the words "president and vice-president" in the next to last sentence of this section.

Sec. 6. Number of ballots to be provided.—There shall be provided for each voting place, at which an election is to be held, one set of such general ballots and one set of ballots containing any constitutional amendment or other

question submitted to the vote of the people, each of not less than 75 for every 50 votes and fraction of 50 votes cast in such voting place at the next preceding election, city or state, corresponding to and in congruity with the election for which such ballots are to be provided. (R. S. c. 5, § 6. 1959, c. 204, § 14.)

Effect of amendment.—The 1959 amendment added the word “or” after the word “city” and before the word “state”, and deleted the words “or national”, formerly

appearing after the word “state” and before the word “corresponding” near the end of this section.

Duties of Municipal and Election Officers. Voting Compartments.

Sec. 15. Voting compartments provided; display of American flag.

Cross reference.—This section referred to in c. 5-A, § 10.

Notifying Meetings and Proceedings. Ballot Boxes.

Sec. 16. Calling of meetings in towns for state elections; conduct of meetings.—The selectmen of every town, by their warrant, shall cause the inhabitants thereof, qualified according to the constitution, to be notified and warned of every state election and of every election on questions submitted to the people by the legislature to be held therein in the same manner as is provided by law in the case of town meetings, such warrant to specify the officers to be voted for and the questions to be voted upon, and as to conducting town meetings for such elections, they shall be subject to the regulations contained in this chapter for meetings for the election of president and vice-president, governor, senators and representatives, unless otherwise provided by law. (R. S. c. 5, § 16. 1959, c. 204, § 15.)

Effect of amendment.—The 1959 amendment added the words “president and vice-president” after the word “of” and before

the word “governor” near the end of this section.

Sec. 17. Officers presiding have powers of moderator.—The selectmen or other officers, required by the constitution and laws to preside at any meeting called under the provisions of section 16, shall have all the powers of moderators of town meetings, as provided in chapter 90-A. They shall refuse the vote of any person not qualified to vote. (R. S. c. 5, § 17. 1957, c. 405, § 3.)

Effect of amendment. — The 1957 amendment made this section into two sentences and substituted “section 16” for

“the preceding section” and “chapter 90-A” for “chapter 91.”

Sec. 25. Clerks to preserve check lists, and furnish certified copies thereof.—Clerks of towns shall preserve the check lists used at any election for 1 year without alteration, and shall furnish to any person a certified copy thereof within 20 days after demand and payment or tender of the legal charges therefor, which shall be 75¢ per 100 names or part thereof, and shall without charge furnish the governor and council with a certified copy thereof within 20 days after demand, under the penalty provided in section 96. (R. S. c. 5, § 25. 1955, c. 204, § 1. 1957, c. 310.)

Effect of amendments. — The 1955 amendment deleted the words “at which the ballots cast are to be returned to the secretary of state under the provisions of

this chapter” after the word “election” in line two. The 1957 amendment inserted the phrase “which shall be 75¢ per 100 names or part thereof.”

Secs. 29-32. Repealed by Public Laws 1959, c. 363, § 3.

Manner of Voting and Returns.

Sec. 39. Ballots, how counted.

Such indorsement shall be signed by the ward, town or plantation clerk and by the wardens in cities or voting precincts, or by a majority of the selectmen of

towns and of the assessors of plantations. The ballots and signed statements of officials returned to the city clerk after any city election and all other ballots returned to him shall be preserved by him as a public record for 3 months. The provisions of this section shall apply to all elections, including primary elections and elections for determining initiated and referendum questions. (R. S. c. 5, § 39. 1953, c. 365, § 17. 1955, c. 204, § 2.)

Effect of amendment.—The 1955 amendment deleted the words “check list” after the word “ballots” in line three of the last paragraph and substituted “3” for “6” in line five of the last paragraph. As the rest of the section was not changed by the amendment, only the last paragraph is set out.

Sec. 42. Clerk to transmit returns of votes to secretary of state.—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, president and vice-president, United States senators, representatives to congress, presidential electors and county officers, within 3 days next succeeding any meeting for their election, or shall deposit them, postpaid, in some post office, directed to the secretary of state, within 24 hours after such meeting, to be transmitted by mail. The returns shall be opened and filed by the secretary of state, and kept for public examination. (R. S. c. 5, § 43. 1951, c. 8, § 3. 1959, c. 204, § 16.)

Effect of amendment.—The 1959 amendment added the words “president and vice-president” in this section.

Sec. 43. Secretary of state to send messenger for returns or ballots; expense of messenger, how paid.—At the expiration of 14 days after any election specified in the preceding section, the secretary of state shall forthwith send a messenger to every town from which returns of votes have not been received, as provided in the preceding section, and the expense of each messenger shall be audited and paid as provided in section 79. (R. S. c. 5, § 44. 1953, c. 365, § 18. 1955, c. 30, § 1.)

Effect of amendment.—The 1955 amendment deleted the words “and added to the next state tax assessed on the town,” formerly appearing at the end of the section.

Sec. 50. Mode of determining who are elected; proceedings for correcting returns; notice of election; rule for canvassing returns and determining election.—The governor and council, not later than the first day of December as to all regular elections, in each year in which an election is held, and within 15 days after any special election, shall open and compare the votes so returned and have the same tabulated, and may receive testimony on oath to prove that the return from any town does not agree with the record of the vote of such town in the number of votes, or the names of the persons voted for, and to prove which of them is correct. The return, when found erroneous, may be corrected by the record. The secretary of state shall cause to be printed copies of the tabulation of the vote of such election which shall be available to the public, and no such correction may be made without application within 10 days after the printed tabulation is so made available, stating the error alleged, nor without reasonable notice thereof given to the persons affected by such correction, and during said 10 days any person voted for may personally, and by or with counsel, examine the returns in presence of the governor and council, or either of them, or of any member of the council. Upon written application filed with the secretary of state within 10 days after the printed tabulation is so made available, alleging that the return or record of the vote cast in any town does not correctly state the vote as actually cast in such town and specifying the offices as to which such errors are believed to have occurred, the governor and council in open meeting shall examine the ballots cast in such town and the return thereof, and if such return or record is found to be erroneous, it shall be corrected in accordance with the num-

ber of ballots found to have been actually cast in such town. No such examination of ballots shall be made without reasonable notice to all candidates for the offices specified in the application as to which such errors are alleged to have occurred, stating when and where such examination will be made, and affording such candidates a reasonable opportunity to be present in person or by counsel at such examination and be heard in relation thereto. The persons having the highest numbers of votes, not exceeding the number to be chosen, shall be declared elected; and the governor shall issue a certificate thereof in accordance with chapter 21, section 4, and such persons shall enter upon the discharge of their official duties on the first day of January thereafter. If a number of persons, exceeding the number to be chosen, receive an equal number of votes, no one is elected.

(R. S. c. 5, § 50. 1959, c. 204, § 17.)

Effect of amendment.—The 1959 amendment rewrote the first paragraph of this section. As the rest of the section was not affected by the amendment, it is not set out.

Governor and council cannot decide whether ballots shall be counted or rejected.—The governor and the executive council do not have the power and the authority to decide whether any ballots cast in an election for representative to the congress of the United States shall be

counted or rejected. Opinion of the Justices, 152 Me. 212.

The governor and council in the case of an election for representative to congress by statute are given no power to do more than examine and correct the returns. To decide whether ballots cast in the election should be counted or rejected would be action on their part unauthorized by law. Opinion of the Justices, 152 Me. 212.

Sec. 51. Result of any election by ballot, how determined.—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 an office shall be declared elected thereto; but such votes shall be counted to determine whether any person has received the necessary number of all votes cast. In case of president and vice-president, United States senators, representatives to congress, members of the legislature 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 in accordance with chapter 21, section 4. 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 such 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 number 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. (R. S. c. 5, § 51. 1959, c. 204, § 18.)

Effect of amendment.—The 1959 amendment added the words “president and vice-president” after the word “of” and before the words “United States”, and substituted

“chapter 21, section 4” for the words “the provisions of section 4 of chapter 21.”, formerly appearing in the third sentence.

Certificate should be issued to apparent

winner.—Although the governor and the executive council are in doubt as to the legality of certain ballots cast in an election for representatives to congress and are without authority to decide whether

such ballots should be counted or rejected, a certificate should be issued under this section to the apparent winner under a tabulation of returns. Opinion of the Justices, 152 Me. 212.

Plantations.

Sec. 60. List of voters.—The assessors of each plantation shall, on or before the 11th day of October in each year in which a biennial state election is held, prepare a list of such inhabitants within its limits, as they judge to be constitutionally qualified to vote in such election, deposit it in the office of the plantation clerk, and correct and post it in the manner required of selectmen of towns. (R. S. c. 5, § 60. 1959, c. 204, § 19.)

Effect of amendment.—The 1959 amendment substituted the word "October" for the word "August" in this section.

Sec. 61. Meetings for choice of state officers. — The assessors of each plantation shall call a meeting of the voters qualified under section 60, to be held on the Tuesday following the first Monday of November 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. Notice shall be given by posting a copy thereof in one or more public places in the plantation at least 7 days before the day of the meeting. Similar notice shall be given of all meetings for choice of president and vice-president, United States senators, representatives to the legislature or to congress, of state and county officers and of presidential electors. (R. S. c. 5, § 61. 1959, c. 204, § 20.)

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

Indian Island Voting District.

Sec. 65-A. Voting place, procedure, registration commissioner.—A voting district comprising all of the Penobscot tribal reservation situate on Indian Island, so called, within the limits of the city of Old Town in the county of Penobscot is hereby created. Such voting area shall be known as Indian Island Voting District. The secretary of state shall prepare and provide sufficient ballots containing such designation for use at all state, county and national elections, including primary elections. The commissioner of health and welfare shall provide a suitable building for use as a voting place for all elections and equip it with a voting compartment and guard rail in accordance with the provisions of section 15.

The governor, with the advice and consent of the council, shall appoint some suitable person to the office of registration commissioner of Indian Island voters hereinafter referred to as registration commissioner. He shall serve for a term of 2 years and shall receive a salary of \$20 for each day or part thereof while engaged in the actual performance of his duties. The registration commissioner shall determine the constitutional qualifications of residents of the Indian Island Voting District who desire to vote in accordance with this section. If he finds the applicant qualifies as an Indian in accordance with the provisions of section 321 of chapter 25 and if he has been a resident of Indian Island for 3 months and if he meets the educational and other requirements of section 1 of article 11 of the Maine constitution, he shall permit him to register as a voter and enroll as a member of any political party.

The registration commissioner shall be in session at the voting place or in

some other convenient location on Indian Island on the Tuesday preceding each election from 2 o'clock to 5 o'clock and from 7 o'clock to 9 o'clock in the afternoon for the purpose of registering and enrolling Indian voters. Such registration and enrollment may also take place on the day of election.

The registration commissioner shall act as warden and ward clerk and shall have the powers of a moderator in the conduct of the election. Two election clerks who, if available and qualified, shall be Indian residents of Indian Island representing the 2 political parties polling the highest and next highest vote for governor at the preceding gubernatorial election and shall be appointed by the registration commissioner from candidates nominated by the chairman of the respective Penobscot county political committees. The compensation of the election clerks shall be \$10 per diem.

Notice of all elections to be held in the Indian Island Voting District shall be given by a warrant signed by the registration commissioner and posted by him in at least 2 conspicuous public places on Indian Island. Such warrant shall be posted at least 7 days before any election and a copy thereof with his doings thereon shall be filed by the registration commissioner in the office of the secretary of state before the day of the election for which such warrant is issued. The registration and enrollment of voters and the conduct of the elections shall be in accordance with the provisions of chapters 3 to 9, inclusive, insofar as they do not conflict with the provisions of sections 65-A to 65-C, inclusive.

After the votes have been sorted, counted and preserved according to law, the return of said votes shall be filled out and signed by the election clerks and attested by the registration commissioner and mailed or delivered promptly by him into the office of the secretary of state.

After each election, the registration commissioner shall prepare a payroll listing moneys due him and the election clerks and submit same to the commissioner of health and welfare and the same shall be paid from funds appropriated by the state for support of the Indian tribes.

In case the registration commissioner resigns, dies or is unable to serve, the governor shall appoint a successor to fill the unexpired term in the same manner as the original appointment unless the time is insufficient, in which case the governor shall make an emergency appointment of some suitable person to act as registration commissioner until the vacancy can be filled. (1955, c. 190. 1957, c. 157, § 1; c. 429, § 2.)

Effect of amendments. — The first 1957 amendment rewrote this section.

The second 1957 amendment substituted the word "Tuesday" for the word "Monday", in the third paragraph of this section. It also deleted the word "selected", formerly appearing in the fourth para-

graph and substituted in lieu thereof the words "appointed by the registration commissioner."

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

Peter Dana Point Voting District.

Sec. 65-B. Voting place, procedure, registration commissioner.—A voting district comprising all of the Passamaquoddy tribal reservation situate on Indian Township, so called, in the county of Washington is hereby created. Such voting area shall be known as Peter Dana Point Voting District. The secretary of state shall prepare and provide sufficient ballots containing such designation for use at all state, county and national elections, including primary elections. The commissioner of health and welfare shall provide a suitable building for use as a voting place for all elections and equip it with a voting compartment and guard rail in accordance with the provisions of section 15.

The governor, with the advice and consent of the council, shall appoint some suitable person to the office of registration commissioner of Peter Dana Point

voters hereinafter referred to as registration commissioner. He shall serve for a term of 2 years and shall receive a salary of \$20 for each day or part thereof while engaged in the actual performance of his duties. The registration commissioner shall determine the constitutional qualifications of residents of the Peter Dana Point Voting District who desire to vote in accordance with this section. If he finds the applicant qualifies as an Indian in accordance with the provisions of section 321 of chapter 25 and if he has been a resident of Peter Dana Point for 3 months and if he meets the educational and other requirements of section 1 of article II of the Maine constitution, he shall permit him to register as a voter and enroll as a member of any political party.

The registration commissioner shall be in session at the voting place or in some other convenient location on Peter Dana Point on the Tuesday preceding each election from 2 o'clock to 5 o'clock and from 7 o'clock to 9 o'clock in the afternoon for the purpose of registering and enrolling Indian voters. Such registration and enrollment may also take place on the day of election.

The registration commissioner shall act as warden and ward clerk and shall have the powers of a moderator in the conduct of the election. Two election clerks who, if available and qualified, shall be Indian residents of Peter Dana Point representing the 2 political parties polling the highest and next highest vote for governor at the preceding gubernatorial election and shall be appointed by the registration commissioner from candidates nominated by the chairman of the respective Washington county political committees. The compensation of the election clerks shall be \$10 per diem.

Notice of all elections to be held in the Peter Dana Point Voting District shall be given by a warrant signed by the registration commissioner and posted by him in at least 2 conspicuous public places on Peter Dana Point. Such warrant shall be posted at least 7 days before any election and a copy thereof with his doings thereon shall be filed by the registration commissioner in the office of the secretary of state before the day of the election for which such warrant is issued. The registration and enrollment of voters and the conduct of the elections shall be in accordance with the provisions of chapters 3 to 9, inclusive, insofar as they do not conflict with the provisions of sections 65-A to 65-C, inclusive.

After the votes have been sorted, counted and preserved according to law, the return of said votes shall be filled out and signed by the election clerks and attested by the registration commissioner and mailed or delivered promptly by him into the office of the secretary of state.

After each election, the registration commissioner shall prepare a payroll listing moneys due him and the election clerks and submit same to the commissioner of health and welfare and the same shall be paid from funds appropriated by the state for support of the Indian tribes.

In case the registration commissioner resigns, dies or is unable to serve, the governor shall appoint a successor to fill the unexpired term in the same manner as the original appointment unless the time is insufficient, in which case the governor shall make an emergency appointment of some suitable person to act as registration commissioner until the vacancy can be filled. (1957, c. 157, § 2; c. 429, § 3.)

Effect of amendment. — P. L. 1957, c. 429, § 3, substituted the word "Tuesday" for the word "Monday" in the third paragraph. It also substituted the words "appointed by the registration commissioner"

for the word "selected", formerly appearing in the fourth paragraph.

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

Pleasant Point Voting District.

Sec. 65-C. Voting place, procedure, registration commissioner.—A voting district comprising all of the Passamaquoddy tribal reservation situate on

Pleasant Point, so called, in the county of Washington is hereby created. Such voting area shall be known as Pleasant Point Voting District. The secretary of state shall prepare and provide sufficient ballots containing such designation for use at all state, county and national elections, including primary elections. The commissioner of health and welfare shall provide a suitable building for use as a voting place for all elections and equip it with a voting compartment and guard rail in accordance with the provisions of section 15.

The governor, with the advice and consent of the council, shall appoint some suitable person to the office of registration commissioner of Pleasant Point voters hereinafter referred to as registration commissioner. He shall serve for a term of 2 years and shall receive a salary of \$20 for each day or part thereof while engaged in the actual performance of his duties. The registration commissioner shall determine the constitutional qualifications of residents of the Pleasant Point Voting District who desire to vote in accordance with this section. If he finds the applicant qualifies as an Indian in accordance with the provisions of section 321 of chapter 25 and if he has been a resident of Pleasant Point for 3 months and if he meets the educational and other requirements of section 1 of article II of the Maine constitution, he shall permit him to register as a voter and enroll as a member of any political party.

The registration commissioner shall be in session at the voting place or in some other convenient location on Pleasant Point on the Tuesday preceding each election from 2 o'clock to 5 o'clock and from 7 o'clock to 9 o'clock in the afternoon for the purpose of registering and enrolling Indian voters. Such registration and enrollment may also take place on the day of election.

The registration commissioner shall act as warden and ward clerk and shall have the powers of a moderator in the conduct of the election. Two election clerks who, if available and qualified, shall be Indian residents of Pleasant Point representing the 2 political parties polling the highest and next highest vote for governor at the preceding gubernatorial election and shall be appointed by the registration commissioner from candidates nominated by the chairman of the respective Washington county political committees. The compensation of the election clerks shall be \$10 per diem.

Notice of all elections to be held in the Pleasant Point Voting District shall be given by a warrant signed by the registration commissioner and posted by him in at least 2 conspicuous public places on Pleasant Point. Such warrant shall be posted at least 7 days before any election and a copy thereof with his doings thereon shall be filed by the registration commissioner in the office of the secretary of state before the day of the election for which such warrant is issued. The registration and enrollment of voters and the conduct of the elections shall be in accordance with the provisions of chapters 3 to 9, inclusive, insofar as they do not conflict with the provisions of sections 65-A to 65-C, inclusive.

After the votes have been sorted, counted and preserved according to law, the return of said votes shall be filled out and signed by the election clerks and attested by the registration commissioner and mailed or delivered promptly by him into the office of the secretary of state.

After each election, the registration commissioner shall prepare a payroll listing moneys due him and the election clerks and submit same to the commissioner of health and welfare and the same shall be paid from funds appropriated by the state for support of the Indian tribes.

In case the registration commissioner resigns, dies or is unable to serve, the governor shall appoint a successor to fill the unexpired term in the same manner as the original appointment unless the time is insufficient, in which case the governor shall make an emergency appointment of some suitable person to act as

registration commissioner until the vacancy can be filled. (1957, c. 157, § 3; c. 429, § 4.)

Effect of amendment.—P. L. 1957, c. 429, § 4, substituted the word "Tuesday" for the word "Monday" in the third paragraph. It also substituted the words "appointed by the registration commissioner"

for the word "selected" in the fourth paragraph.

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

Representative Districts. U. S. Congress and Senate.

Sec. 74. Meetings and proceedings.—The selectmen of the several towns shall by warrant call meetings to be held upon the day appointed, and proceedings shall then be had as required by the constitution and laws for the election of representatives on the Tuesday following the first Monday of November. (R. S. c. 5, § 75. 1959, c. 204, § 21.)

Effect of amendment.—The 1959 amendment substituted the words "Tuesday fol-

lowing the first Monday of November" for the words "2nd Monday of September."

Choice of Electors of President and Vice-President.

Sec. 75. Presidential electors to be chosen.—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 presidential electors as the state is entitled to. (R. S. c. 5, § 76. 1959, c. 204, § 22.)

Effect of amendment.—The 1959 amendment revised this section by strik-

ing out all of the language formerly appearing after the words "entitled to."

Sec. 76. Repealed by Public Laws 1959, c. 204, § 23.

Sec. 77. Names of candidates to appear.—The names of the electors shall not appear on the official ballot, but the names of the candidates for president and vice-president, respectively, of the political parties as defined by law shall appear at the head of their respective tickets. (R. S. c. 5, § 78. 1949, c. 4, § 1. 1959, c. 204, § 24.)

Effect of amendment.—The 1959 amendment deleted the former first paragraph, requiring the secretary of state to furnish

blank forms of returns to the clerks of the cities, towns and plantations.

Sec. 78. Vote for president and vice-president vote for electors; notice to persons elected.—A vote for the candidates of any political party for both president and vice-president shall be conclusively deemed to be a vote for candidates of the same party for presidential electors, and shall be so counted and recorded for such electors as the state shall be empowered to elect, and a certificate of election shall be sent to each presidential elector so chosen.

The canvass of the votes for candidates for president and vice-president and the returns thereof shall be a canvass and return of the votes cast for the electors of the same party, respectively, and the certificate of such election made by the governor and council shall be in accord with such return. (R. S. c. 5, § 79. 1949, c. 4, § 2. 1955, c. 47, § 6. 1959, c. 204, § 25.)

Effect of amendments.—The 1955 amendment changed the day of the meeting of the governor and council for counting, the votes in the former first paragraph, relating to sorting, counting, de-

claring, recording and returning of votes and notice to persons elected. The 1959 amendment deleted the former first paragraph and added the provision for notice at the end of the present first paragraph.

Sec. 79. Expense of sending for returns to be paid by state.—The expense of each messenger sent as required by the preceding section shall be audited and allowed by the governor and council, and paid out of the state treasury; 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 traveling. If the governor and council determine that the officers of any delinquent town have not fully performed their duties in making the required returns, the amount so paid shall be repaid the state by such town. Such town shall be precluded from drawing from the state treasury any funds set apart for such town so long as such amount remains unpaid. (R. S. c. 5, § 80. 1955, c. 30, § 2.)

Effect of amendment.—The 1955 amendment deleted, in the first sentence, a provision for adding the expense of sending for returns to the state tax of the delinquent town, and added the second and third sentences.

Sec. 81. Duties of governor; meetings of electors; vacancies.—As soon as practicable after the electors are chosen, the governor shall communicate by registered mail under the seal of the state to the administrator of general services of the United States a certificate of the ascertainment of the electors, setting forth the names of the electors, and the number of votes given for each person voted for; and the governor shall deliver to the electors, on or before the 1st Monday after the 2nd Wednesday of December next after their election, 6 original duplicates of the same certificate under the seal of the state. If there shall have been any contest concerning the choice of any electors, or in case of a choice under the provisions of the preceding section, the governor, after such determination, shall communicate under the seal of the state to the administrator of general services of the United States a certificate of such determination in form and manner as the same shall have been made. The electors shall convene in the senate chamber at Augusta on the 1st Monday after the 2nd Wednesday of December next after their election, at 2 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 a qualified person to supply such deficiency. (R. S. c. 5, § 82. 1955, c. 47, § 7.)

Effect of amendment.—The 1955 amendment substituted “administrator of general services” for “secretary of state” in the first and second sentences.

Sec. 82. Proceedings of presidential electors.

III. On the day thereafter they shall forward by registered mail two of such certificates and lists to the administrator of general services of the United States at the seat of government. (1955, c. 47, § 8.)

Effect of amendment.—The 1955 amendment substituted “administrator of general services” for “secretary of state” in subsection III. As the rest of the section was not changed by the amendment, only subsection III is set out.

Contested Elections.

Sec. 84. Claimant of county or municipal office to proceed as in equity.

Applied in *Miller v. Hutchinson*, 150 Me. 279, 110 A. (2d) 577.

Sec. 89. Contesting seat in house of representatives.—When any person intends to contest before the house of representatives the right of any other person to his seat therein, he shall serve notice thereof upon such person which notice may be served at any time after the election and shall be served at least 10 days prior to the organization of the house of representatives. He shall present his petition to the house of representatives within 3 days after its organization, stating the grounds upon which he proposes to contest such seat, and all testimony on either side shall be by depositions taken in the manner authorized by chapter 117 in cases of contested senatorial elections, or by parol evidence, and shall be presented to the house of representatives within 3 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 were 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. (R. S. c. 5, § 90. 1959, c. 204, § 26.)

Effect of amendment.—The 1959 amendment divided the former first sentence into two sentences and added “of representatives” following “house” at the end of the present first sentence and in two places in the second sentence.

Penalties.

Sec. 99. Neglect of selectmen to deposit and post lists.—If selectmen of a town or assessors of a plantation willfully neglect to deposit a list of voters with the town or plantation clerk, or to post such lists, they shall each forfeit not less than \$50 nor more than \$100. For each day's neglect after the 20th day of October, and until the state election then next ensuing, they shall each forfeit \$30. (R. S. c. 5, § 100. 1959, c. 204, § 27.)

Effect of amendment.—The 1959 amendment divided the section into two sentences and substituted “October” for “August.”

Chapter 5-A.

Voting Machines.

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:

“Ballot label” means that portion of the cardboard, paper or other material to be placed within the ballot frames of a voting machine containing the items required of a paper ballot.

“Presiding officer” means the warden in a city, the chairman of the board of selectmen or council in a town, and the chairman of the board of assessors in a plantation.

“Protective counter” means a separate counter built into the voting machine, which cannot be reset, which records the total number of movements of the operating lever.

“Question” means any proposition submitted to the voters.

“Write-in candidate” means a person whose name does not appear on the ballot under the office designation to which a voter may wish to elect him. (1959, c. 177.)

Sec. 2. Municipalities may obtain and use voting machines.—A municipality may obtain and use voting machines according to the following provisions:

I. Purchased or rented. The municipality may either purchase or rent voting machines.

II. Use authorized. The voting machines shall be used at each type of election authorized by the legislative body of the municipality. Once authorization has been given for use of the machines at any type of election, that authorization continues until specifically revoked by the legislative body.

III. Use in one or more districts. A municipality which is divided into more than one voting district may use voting machines in one or more of the districts as determined by its legislative body. (1959, c. 177.)

Sec. 3. Machines must meet certain requirements.—A voting machine purchased by a municipality must meet the following requirements:

I. Secrecy. It must be constructed so as to insure to each voter an opportunity to vote in secrecy.