

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1959 - 1960**

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In conclusion, it is our belief that without a doubt the problem of posting is a real one and should be considered by the legislature.

Very truly yours,

JAMES GLYNN FROST  
Deputy Attorney General

June 3, 1959

To: Honorable Allan Woodcock, Jr.  
Senate Chambers  
State House  
Augusta, Maine

Dear Senator Woodcock:

You have asked this office to comment upon legislation authorizing the issuance of bonds which legislation, under the provision of Article IX, section 14, of the Maine Constitution, must be ratified by the people. Your question is asked with the thought that this general session of the legislature might continue sitting beyond this week before adjourning without day, and you request our opinion on the steps that should be taken if the legislature does continue to sit until a problem is reached in relation to the term of the session and the date such question can be voted upon.

It has been the custom for one of the bills referring questions to the people for ratification by a referendum vote to contain a date at which such referendum will be held.

Once such a date has been so set, all other referendum questions follow more or less automatically, and are voted upon at the same date.

As we indicated to you in our letter yesterday, such a date was set in Chapter 52, Resolves of 1959, a proposed Amendment to the Constitution providing for Continuity of Government in case of Enemy Attack. We also indicated that, under the provision of Article X, Section 4, Maine Constitution, the dates which proposed constitutional amendments can be voted upon are definitely established as being either the second Monday in September following the passage of the resolve, or the next biennial meetings in the month of November, 1960.

The date for such referendum was set, in the Resolve, for the second Monday in September.

All other referendum questions, would as above stated, be voted upon at the same date.

If the legislature were to sit beyond a point where the posting of notices and day of election could not be accomplished outside the constitutional 90 day waiting period, then all such referendum questions would, presently, be alike affected.

The legislature can take steps to eliminate the problem by proper Legislative Act.

We would point out that the bond issues involved have alternative dates upon which the electors could vote — the next general election, or at a special election.

Absent a special date at which such measures could be voted upon, they would come up for vote at the next general election date in 1960.

We understand that it is not the desire of the legislature to delay a vote until such time, but that the wish is to have a vote this year.

In such a case we offer the following as suggestions for possible solution to the problem:

1. Amend, by resolve, and by two-thirds vote of the members present, Chapter 52, Resolves, 1959, so as to delete the words setting the date of election on the second Monday of September, and insert in their place words indicating that the election will be held at the next biennial meetings in the month of November.
2. (a) Pass a private and special law by two-thirds vote of the members present stating, in general terms, that all bond issue measures being referred to the people for Referendum vote be held at a special election on a date certain (the date to be such as would permit posting of warning and election after the 90 day period following the recess of the legislature has expired); or,  
(b) Amend by a two-thirds vote of those present, one of the bond issue measures which has passed the legislature and been signed by the Governor, to include in such measure a definite date for the special election, having consideration again of the 90 day waiting period and the necessity for posting warning of the forthcoming election.

The foregoing amendments are suggested in view of the fact that the constitutional provisions relating to bond issues are not as restrictive in relation to the dates upon which the people may vote on such measures, as is the provision in the constitution relative to amendments to the constitution.

Such referendum measures may be voted upon "at a general or special election."

The legislature is free to establish such special election date for bond issue referendum when such date is not inconsistent with the above-mentioned 90 day limitation in regard to the effective date of such legislation.

Very truly yours,

JAMES GLYNN FROST  
Deputy Attorney General

June 5, 1959

To: Stanton S. Weed, Director of Motor Vehicle Registration

Re: Termination of "national emergency."

We have your memo of May 11, 1959, requesting an opinion as to whether the "time of war or national emergency" has been terminated.

Section 60 of Chapter 22, R. S. 1954 as amended provides as follows:

" . . . on application to the Secretary of State, any person who is serving in the armed forces of the United States in time of war