

MAINE STATE LEGISLATURE

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ELECTIONS - BEFORE 1940

**PROPOSED
CONSTITUTIONAL
AMENDMENTS
AND
DIRECT
INITIATIVE
QUESTIONS**

TO BE VOTED UPON AT A SPECIAL
ELECTION,
MONDAY, SEPTEMBER 11, 1933.



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AUGUSTA, MAINE

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RESOLVES 1933

CHAPTER 81

Resolve, Proposing Amendment to the Constitution to Authorize the Use of Voting Machines in Elections.

Constitutional amendment proposed authorizing use of voting machines. Resolved: That Article II of the constitution of Maine, as amended, is hereby further amended by adding thereto the following section, to wit:

'Sec. 5. Use of voting machines, authorized. Voting machines, or other mechanical devices for voting, may be used at all elections under such regulations as may be prescribed by law: provided, however, the right of secret voting shall be preserved.'

Form of question and date when amendment is to be voted on. Resolved: That the municipal officers of the cities and towns, and the assessors of the several plantations in this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns, and plantations, to meet in manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, on the 2nd Monday in September following the passage of this resolve, to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be: "Shall the constitution be amended as proposed by a resolution of the legislature authorizing the use of voting machines in elections?"

And the inhabitants of said cities and towns and plantations shall vote by ballot on said question, those in favor of the amendment expressing it by the word "Yes" upon their ballots and those opposed to the amendment by the word "No" upon their ballots, and the ballots shall be received, sorted, counted, and declared in open ward, town and plantation meetings, and returns made to the office of

the secretary of state in the same manner as votes for the governor and members of the legislature, and the governor and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the governor shall forthwith make known the fact by his proclamation, and it shall thereupon become a part of the constitution, and be it further

Resolved: That the secretary of state shall prepare and furnish to the several cities, towns and plantations, ballots and blank returns in conformity with the foregoing resolve accompanied by a copy thereof.

Approved March 20, 1933.

RESOLVES 1933

CHAPTER 203

Resolve, Proposing an Amendment to the Constitution to Provide for a Bond Issue, the Proceeds to be Disbursed for the Relief of Conditions Threatening the Peace, Health and Safety of the Inhabitants of the State or Political Subdivisions Thereof.

Constitutional amendment. Resolved: Two-thirds of the legislature concurring, that the following amendment to the constitution of this state be proposed:

Article IX, constitution, amended. Article IX of the constitution is hereby amended by adding thereto the following section:

'Sec. 20. Bond issue to be disbursed for emergency relief. The state under proper enactment of the legislature may issue its bonds not to exceed the amount of \$2,000,000 payable within 10 years, at a rate of interest not exceeding 5% per annum, payable semi-annually, the proceeds to be disbursed directly, or by loans to cities, towns and plantations, to be expended or as reimbursement for expenditures for the emergency relief of conditions threatening the peace, health and safety of the inhabitants of the state or any political subdivision thereof, and for no other

purpose. Said bonds shall be designated "Loan for Emergency Relief", and when paid at maturity or otherwise retired, may be re-issued for such purposes only.'

Article IX, § 14 of the constitution; relating to state debt limit, amended. Section 14 of said Article IX, as amended by articles XXXV, XLI, XLII, XLIII, and XLV, is hereby further amended to read as follows:

'Sec. 14. The credit of the state shall not be directly or indirectly loaned in any case. The credit of the state shall not be directly or indirectly loaned in any case. The legislature shall not create any debt or debts, liability or liabilities, on behalf of the state, which shall singly, or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed ~~eight hundred thousand dollars~~ **\$2,000,000**, except for the purposes of building state highways, intra-state, interstate and international bridges; to suppress insurrection, to repel invasion, or for the purposes of war; to provide for the payment of a bonus to Maine soldiers and sailors in the war with Germany; or for the purposes of building and maintaining public wharves and for the establishment of adequate port facilities in the state of Maine; **or for the emergency relief of conditions threatening the peace, health and safety of the inhabitants of the state or any political subdivision thereof;** but this amendment shall not be construed to refer to any money that has been, or may be deposited with this state by the government of the United States, or to any fund which the state shall hold in trust for any Indian tribe.'

Article XXII of the constitution; relating to municipal debt limit, amended. Article XXII of the constitution as amended by article XXXIV is hereby amended to read as follows:

'No city or town having less than 40,000 inhabitants, according to the last census taken by the United States, shall hereafter create any debt or liability, which singly, or in the aggregate, with previous debts or liabilities shall exceed 5% of the last regular valuation

of said city or town; that cities having a population of 40,000 or more, according to the last census taken by the United States, may create a debt or liability which singly or in the aggregate, with previous debts or liabilities, shall equal $7\frac{1}{2}\%$ of the last regular valuation of said city, that cities of 40,000 inhabitants, or over, may, by a majority vote of their city government, increase the present rate of 5% by $\frac{1}{4}$ of 1% in any one municipal year, until, in not less than 10 years, the maximum rate of $7\frac{1}{2}\%$ is reached, that any city failing to take the increase in any one municipal year then the increase for that year is lost and no increase can be made until the next year as provided above, and that the adoption of this article shall not be construed as applying to any fund received in trust by said city or town, nor to any loan for the purpose of renewing existing loans, or for war, or to loans from the state for emergency relief, or to temporary loans to be paid out of the money raised by taxes during the year in which they were made.

Form of question and date when amendment shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, on the 2nd Monday in September following the passage of this resolve, to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

"Shall the constitution be amended as proposed by a resolution of the legislature providing for the raising of the state debt limit, for excepting loans from the state from the municipal debt limit and for the issuance of bonds, the proceeds of which are to be disbursed directly or by loans to cities, towns and plantations for the emergency relief of conditions threatening the peace, health and safety of the inhabitants of the state or any

political subdivision thereof, and for no other purpose?"

And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the amendment voting "Yes" upon their ballots and those opposed to the amendment voting "No" upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature and the governor and council shall count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the governor shall forthwith make known the fact by his proclamation and the amendment shall thereupon as of the date of said proclamation become a part of the constitution.

Secretary of state shall prepare ballots. Resolved: That the secretary of state shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolve accompanied by a copy thereof.

Approved March 31, 1933.

DIRECT INITIATIVE BILL

NO. 1

An Act to Raise An Excise Tax On Corporations Organized For Making, Generating, Selling, Distributing and/or Supplying Electricity or Electric Current For Power, Lighting, Heating, Manufacturing or Mechanical Purposes.

Be it enacted by the people of the State of Maine, as follows:

Section 1. Every public service corporation doing business in this state and under the jurisdiction of the public utilities commission and organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical pur-

poses, incorporated under the laws of the state or by special act of the legislature, or doing business therein, shall annually, between the first and fifteenth days of April in each year, return to the secretary of state under oath of its treasurer, the amount of the capital stock of the corporation, both common and preferred; the number and par value of the shares; a complete list of its share-holders, with their places of residence, and the number of shares belonging to each, on said first day of April.

Section 2. Every public service corporation as above defined in section one organized for making, generating, selling, distributing and supplying electricity or electric current for power, lighting, heating, manufacturing or mechanical purposes, incorporated under the laws of the state or by special act of the legislature or doing business in said state, operating any such public service corporation in this state, under lease or otherwise, shall pay to the treasurer of the state for the use of the state an annual excise tax for the privilege of exercising its franchises and the franchise of its dams, power stations, power and transmission lines, switchboards and other property, and which said annual excise tax shall be in addition to all taxes upon such public service corporations, their property or stock.

Section 3. Every such public service corporation as defined in section one and under the jurisdiction of the public utilities commission, shall file with said public utilities commission on the first day of January in each year a statement under oath of the total number of kilowatt hours of electricity or electric current sold and delivered to any person, firm, or corporation during the preceding twelve months and the gross operating revenue received therefor and the public utilities commission shall report the same to the state tax assessor on or before the first day of February following. The said tax shall be computed at two per cent of the gross operating revenue as reported under the provisions of sections one to eight, inclusive, and the tax against each public service corporation

herein described shall be two per cent of the gross operating revenue received by said public service corporation during the preceding twelve months.

Section 4. The State tax assessor on or before the first day of April in each year, shall determine the amount of such tax and report the same to the treasurer of the state, who shall forthwith give notice thereof to the public service corporation upon which the said tax is levied.

Section 5. Said tax shall be payable to the treasurer of state for the use of the state, one-half on the first day of July next after the levy is made, and the other one-half on the first day of October following. Said tax shall be a lien on all property of any such public service corporation, herein taxed and takes precedence over all other liens and encumbrances.

Section 6. Any public service corporation aggrieved by the action of the state tax assessor through error or mistake, in determining the said tax, may apply for abatement of any such excessive tax to the state tax assessor on or before the first day of May in each year, and if upon hearing and examination, the tax appears to be excessive, through such error or mistake, the state tax assessor shall thereupon abate such excess and the amount so abated shall be deducted from any tax due and unpaid from such public service corporation, upon which the excessive tax was assessed, and if there is no such unpaid tax, the governor and council shall draw a warrant for the abatement to be paid from any money in the treasury not otherwise appropriated.

Section 7. If the returns required by law in relation to such public service corporation are found insufficient to furnish the basis upon which the tax should be levied, the public utilities commission shall require such additional facts in the returns as may be found necessary, and until such returns are so required, or in default of such returns when required, the state tax assessor shall act upon the best information he may obtain. The

DIRECT INITIATIVE BILL

NO. 2

An Act Establishing a Low Rate Tax On Intangible Personal Property in Accordance With Constitutional Amendment Permitting the Same.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Intangible personal property of the classes hereinafter enumerated, belonging to any individual, partnership or corporation of this state, shall hereafter be subject to an annual tax of two and one-half mills on each dollar of the just value thereof, viz.: money on hand, on deposit, or at interest, and other debts due the person to be taxed, more than they are owing; public stocks and securities; all stocks, bonds and notes or other evidence of indebtedness of all corporations within or without the state; all annuities payable to the person to be taxed, when the capital of such annuity is not taxed in this state; and such property, above described, is hereby exempted from all taxation other than that imposed by this act; but nothing in this section shall be so construed as to apply to any property not now taxable by law; and intangible personal property upon which no interest or dividends has accrued or been actually paid during the preceding calendar year, shall not be valued at all for purposes of taxation under this act; and such intangible property of the value of Four Thousand Dollars or less shall be exempt from taxation.

Section 2. Nothing in section one shall be so construed as to affect the method now in use for the taxation of loan and building associations, savings banks, trust companies, or deposits therein.

Section 3. Nothing in section one shall be so construed as to affect the method now in use for the taxation of shares of stock of trust companies organized under the laws of this state, and banking institutions formed under the laws of the United States.

public utilities commission shall have access to the books of any such public service corporation, to ascertain if such returns are correctly made; and any such public service corporation, as defined in section one in the state, which refuses or neglects to make returns required by law or to exhibit to the public utilities commission its books for the purpose aforesaid, or makes returns which the president, clerk, treasurer or other person certifying such returns knows to be false, forfeits not less than one thousand dollars nor more than ten thousand dollars, to be recovered by indictment or by an action of debt in any county in which such public service corporation conducts any of its service.

Section 8. From the monies paid into the state treasurer under the provisions of this act there shall be paid the expenses of administration of this act as determined by the Governor and council. Annually on the first day of November in each year after this act shall become effective there shall be set aside, by order of the governor and council, such amount as shall be determined to be reasonably necessary to administer this act for the ensuing twelve months' period, and the remainder of the monies then standing to the credit of the fund created by this act shall be allocated to the several cities, towns and organized plantations of the state on the basis of the proportion which the total mileage of public roads and ways in said municipality shall bear to the total mileage of all public roads and ways within all the towns, cities and organized plantations within the state, and the said funds thus allocated as of November first in each year shall be credited or paid to the several cities, towns and organized plantations on the first day of December in each year.

Section 9. The provisions of sections one to eight shall not apply to municipal corporations selling electricity or electric current for power, heating, lighting, manufacturing or mechanical purposes and to corporations whose gross operating revenue from the sale of electricity or electric current as set forth in section three, does not exceed \$50,000.00.

Section 4. The tax upon the classes of property enumerated in section one shall be assessed by the state tax assessor as herein-after provided to the owner on the first day of April. On or before the said first day of April in each year the owner shall make to the state tax assessor a general return of his intangible property, defined in section one of this act, and shall place a valuation of each class, but no return shall be required of intangible property not in excess of \$4000 or upon which no interest or dividends have accrued or been payable during the preceding calendar year. Said return, containing the general classification of intangible property as specified in section one of this act, shall be made on a blank made up by the state tax assessor, and no oath shall be required upon said return, but if any statement in said return is wilfully false, it shall be deemed to be perjury and shall be punished accordingly. The state tax assessor shall furnish said blanks to the local assessors of the cities, towns and plantations, for distribution to such owners of intangible property as may apply therefor. Such return shall be open to the state tax assessor, and his assistants and clerks, when acting under his authority, but the information in the return shall be disclosed to no other person except by order of court, and any assessor or other person who shall unlawfully disclose information contained in the return shall be prosecuted by the attorney general and liable to a fine of not less than one hundred dollars or more than five hundred dollars. Every guardian, trustee, executor, administrator, agent or receiver, and every other person or corporation acting in a fiduciary capacity, holding personal intangible property liable to taxation as aforesaid, for such person, ward, beneficiary, deceased or incompetent person whom he represents or succeeds on the first day of January in each year, shall make the return required in this act. The total amount of tax imposed by this act shall be paid, at the time of filing such return, to the state treasurer.

Section 5. The state tax assessor or his agents shall ascertain as nearly as possible

the particulars of the personal estate taxable under this act of any person or corporation not making such return required in section four, or for whom such return has not been made before the date specified in section four of this act, and shall estimate the just value of such estate according to his best information and belief. He shall add thereto, as a penalty, twenty per cent of the estimated value of such property, and such estimate, with the penalty of twenty per cent, shall be entered in the valuation books, and shall be conclusive upon any person or corporation not seasonably bringing in a list of property taxable under this act, as enumerated in section one, unless such person or corporation can show a satisfactory excuse, for the omission, in which case the twenty per cent, added as penalty, may be deducted.

Section 6. The state tax assessor, on written application stating the grounds therefor, within one year from the assessment, may make such reasonable abatement as he thinks proper. He shall keep in suitable book form, a record of such abatements, with the reason for each. He shall give his decision upon any application for abatement within sixty days from date of application therefor.

Section 7. Any person aggrieved by a decision of the state tax assessor under the preceding section may appeal to the superior court of the county in which he resides. Such appeal shall be entered at the term first occurring, not less than thirty days after the assessor shall have given the appellant notice in writing of his decision upon the application for such abatement; and notice thereon shall be ordered by said court in term time or by any justice thereof in vacation and said appeal shall be tried, and determined in the manner and with the rights provided by law in other civil cases.

Section 8. If upon such appeal it appears that the appellant has complied with all provisions of law, he may be granted such abatement as may be found reasonable. If no abatement is granted, judgment shall be

rendered in favor of the state and for its taxable costs. If an abatement is granted judgment shall be rendered in favor of the state for such amount, if any, as may be due after deducting the abatement, and the court may make such order relating to the payment of costs as justice shall require. In either case execution shall issue. The final judgment of the court shall be forthwith certified by the clerk to the state tax assessor and he shall, in all cases, carry into full effect the judgment. If it be alleged in the application that the appellant has paid the taxes for which he has been assessed, and if the court shall so find, judgment for the amount of the abatement granted shall be rendered against the state, and execution therefor, and for such costs as may be awarded, shall issue.

Section 9. Such appeal shall be tried at the term to which the notice is returnable, unless continuance shall be granted for good cause; and said court shall, if requested by the state tax assessor, advance the case upon the docket so that it may be tried and decided with as little delay as possible.

Section 10. The court may with the consent of the parties appoint a commissioner to hear the cause, and to report to the court the facts, or the facts with the evidence. Such report shall be prima facie evidence of the facts thereby found. The fees of the commissioner shall be paid in the same manner as those of auditors appointed by the court.

Section 11. The state tax assessor shall assess the tax at the uniform rate of two and one-half mills, as hereinbefore provided, upon the property disclosed in the return as originally made out, or as amended, and notify the owner of any balance of tax due, on or before the first day of August in each year. If the balance is not paid on or before the first of September in each year, the state treasurer shall proceed to collect it. An action of debt to recover the amount of taxes assessed under this act shall be in the name of the state treasurer.

Section 12. The state tax assessor shall

not include the valuation of intangible property, assessed under this act, in making the state valuation on which is based the apportionment of state tax. Of the taxes paid under the provision of this act there shall be deducted for the benefit of the treasury of the state the fair cost to the state of the assessment, collection, and distribution thereof as determined by the state tax assessor, subject to the approval of the Governor and Council. The balance of the fund remaining in the state treasury each year on November first, after setting aside such reasonable reserve as may be determined upon by the state tax assessor, with the approval of the Governor and Council, for the current annual expenses of administration, shall be allocated to the cities, towns and plantations of the state and distributed on December first of each year on the following basis; one-half of said fund shall be allocated to the several cities, towns and plantations in proportion to the contributions made by the inhabitants of such cities, towns and plantations to the funds realized under this act in the current year and one-half of said fund to the several cities, towns and plantations on the basis of the proportion which the total mileage of public roads and ways located within such city, town or plantation shall bear to the total mileage of all public roads and ways located in all the cities, towns and plantations in the state as certified to the state tax assessor by the State Highway Commission on November first in each year.

Section 13. In order to carry out the provisions of this act the state tax assessor is authorized to employ such necessary assistants and clerks as are allowed by the Governor and Council.

Section 14. All acts and parts of acts inconsistent with this act are hereby repealed.

Section 15. This act shall take effect January first, nineteen hundred and thirty-four.

DIRECT INITIATIVE BILLS

Direct Initiative Bill No. 1 and Direct Initiative Bill No. 2, presented by written petitions signed in the aggregate by not less than twelve thousand electors addressed to the eighty-sixth legislature of the State of Maine, were filed in the office of the Secretary of State at least thirty days before the close of the regular session respectfully requesting, in the first instance (Bill No. 1), "The petitioners request that the Governor call a special election in event a referendum shall become necessary;" and in the second instance (Bill No. 2), "Should this bill fail of enactment by the legislature, the petitioners desire that a special election shall be called as provided by the constitution."

The bills were referred to the Governor without change. The Governor, by proclamation dated April 26, 1933, fixed Monday, the eleventh day of September, A. D. 1933, as the date upon which the same should be referred to the people.