

MAINE STATE LEGISLATURE

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ELECTIONS - BEFORE 1940

VF

Vote is noted inside.

Referendum Questions Submitted To Vote Of The People

By

AN ACT OF THE 87TH LEGISLATURE

ALSO AMENDMENT TO THE CONSTI-
TUTION PROPOSED BY CHAPTER 4
OF THE RESOLVES PASSED BY
THE 88th LEGISLATURE



1938

To Be Voted upon at the State Election
Monday, September 12, 1938

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Vote on the referendum questions
and the proposed constitutional
amendment.

Referendum question #1:

Yes votes.....151,502
No votes..... 99,967

Referendum question #2:

Yes votes.....132,481
No votes.....112,608

Referendum question #3:

Yes votes.....153,697
No votes.....107,585

Proposed constitutional amendment:

Yes votes.....125,996
No votes..... 79,342

(Date of Governor's proclamation
was October 3, 1938, date on
which amendment became effective)

**PUBLIC LAWS
of the
STATE OF MAINE**

**As Passed by the Eighty-seventh Legislature
1935**

CHAPTER 157

AN ACT Relating to Local Option Provisions

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

P. L. 1933, c. 300, § 17, amended. Section 17 of chapter 300 of the public laws of 1933 is hereby repealed and the following enacted in place thereof:

'Sec. 17. Local Option. The sale of liquor as permitted by law shall be lawful until January 1, 1937, in any city or town in the state which at the biennial election in September, 1934, voted in favor of the repeal of the 26th amendment to the constitution.

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 the calling and holding of biennial meetings of said inhabitants for the election of senators and representatives at the time of holding such aforesaid biennial meetings, to give in their votes upon the 3 following questions:

- (1) Shall state stores for the sale of liquor be operated by permission of the state liquor commission in this city or town?
- (2) Shall licenses be granted in this city or town under regulation of the state liquor commission for the sale therein of wine and spirits to be consumed on the premises?
- (3) Shall licenses be granted in this city or town for the sale therein of malt liquor?

The secretary of state shall prepare and furnish to the several cities, towns and plantations ballots in manner and form as prescribed in section 2 of chapter 8 of the revised statutes for constitutional amendment or other questions; together with all other forms including those for instructions and returns as may be prescribed in said chapter 8 of the revised statutes.

And the inhabitants of said cities, towns and plantations shall vote by ballot on said questions, those in favor voting "Yes" on their ballots and those opposed "No," 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 the results may be determined as provided in section 56 of chapter 8 of the revised statutes.

If a majority of the votes cast in a city or town in answer to question (1) are in the affirmative, the commission may operate therein a state store or stores for the sale of liquor subject to all provisions of law.

If a majority of the votes cast in a city or town in answer to question (2) are in the affirmative, the commission may issue licenses for the sale therein of wine and spirits for consumption on the premises, subject to all provisions of law.

If a majority of the votes cast in a city or town in answer to question (3) are in the affirmative, the commission may issue licenses for the sale of malt liquor therein subject to all provisions of law.

If a majority of the votes cast on question (1) are in the negative, the operation of state stores in that city or town for a period of 2 calendar years next following shall be unlawful.

If a majority of the votes cast on question (2) are in the negative, licenses shall not be issued

for the sale of wines and spirits for consumption on the premises in that city or town, for the 2 calendar years next following.

If a majority of the votes cast on question (3) are in the negative, licenses for the sale of malt liquor in that city or town shall not be issued, for the 2 calendar years next following.'

Approved April 6, 1935.

Proclamation
Oct. 3, 1938
CHAPTER 4

RESOLVE, Proposing an Amendment to the Constitution to Provide for Longer Residence to Qualify as a Voter.

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

Article II, § 1, constitution, amended. Section I of Article II of the constitution, as amended by Article XLIV, is hereby further amended to read as follows:

'Sec. 1. Continuing right of suffrage on removal from town. Every ~~male~~ citizen of the United States of the age of 21 years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his or her residence established in this state for the term of ~~three~~ six months next preceding any election, shall be an elector for governor, senators and representatives, in the city, town or plantation where his or her residence ~~is so~~ has been established for the term of three months next preceding such election, and he or she shall continue to be an elector in such city, town or plantation for the period of three months after his or her removal therefrom, if he or she continues to reside in this state during ~~said~~ such period; and the elections shall be by written ballot. But per-

sons in the military, naval or marine service of the United States, or this state, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack, or military place, in any city, town or plantation; nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the city, town or plantation where such seminary is established. No person, however, shall be deemed to have lost his residence by reason of his absence from the state in the military service of the United States or of this state.'

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 at the next general or special state-wide election, 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 to provide for longer residence to qualify as a voter?" 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, 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 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 February 25, 1937.

FREDERICK ROBIE
Secretary of State