

MAINE STATE LEGISLATURE

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ELECTIONS - 1948

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**Referendum Questions
Submitted To
Vote Of The People**
(Local Option)

also

**Two Amendments to the Constitution
Proposed by Chapter 37 and
Chapter 153 of the Resolves
Passed by the 93rd Legislature**

and

**A Direct Initiative and Competing
Measure
(The Barlow Bill and Tabb Bill)**



1948

**To Be Voted Upon at the State Election,
Monday, September 13, 1948**

SEP 9 1948

LOCAL OPTION

Section 2 of Chapter 57 of the Revised Statutes, as amended.

Sec. 2. Local option. 1933, c. 300, § 17. 1935, c. 157. 1937, c. 238, § 4. 1939, c. 177. 1941, c. 97. 1943, c. 230. 1947, c. 273, c. 322. The aldermen of cities, the selectmen of towns, and the assessors of plantations are 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 biennial meeting to give in their votes upon the following questions:

I. Shall state stores for the sale of liquor be operated by permission of the state liquor commission in this city or town?

II. Shall licenses be granted in this city or town under regulation of the state liquor commission for the sale herein of wine and spirits to be consumed on the premises?

III. (1939, c. 177) Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale, and other malt liquors) to be consumed on the premises?

III-A. (1947, c. 322) Shall licenses be granted in this city or town for the sale therein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises of taverns?

(Chapter 322 of the Public Laws of 1947 defines "Tavern," as follows:
"Tavern" shall mean a reputable place for men only operated by responsible persons where no food is sold and no business is carried on except the sale of malt liquor at a bar. There shall be no table, chairs or other seating accommodations and all persons served shall remain standing at the bar.)

IV. (1939, c. 177) (1943, c. 230) Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale, and other malt liquors) not to be consumed on the premises?

Upon receipt of a petition of electors resident in that city or town in writing addressed to the secre-

tary of state and signed by at least 15% of the number of voters voting for the gubernatorial candidates at the last state-wide election in that city or town, which petition shall be filed with the secretary of state on or before the 1st day of July preceding the day of the biennial election, the ballots for that city or town shall carry in accordance with the petition any or all of the following additional questions:

V. (1943, c. 230) Shall licenses be granted in this city or town for the sale therein under the regulation of the state liquor commission of wine and spirits to be consumed on the premises of a hotel or club that operates only during the months of June, July, August, and September?

VI. (1947, c. 273) Shall licenses be granted in this city or town for the sale therein under the regulation of the state liquor commission of wine and spirits to be consumed on the premises of a club only?

VII. (1947, c. 273) Shall licenses be granted in this city or town for the sale therein under the regulation of the state liquor commission of malt liquor (beer, ale, and other malt liquors) to be consumed on the premises of a club only?

The secretary of state shall prepare and furnish to the several cities, towns, and plantations ballots in manner and form as prescribed in section 5 of chapter 5 for constitutional amendment or other questions, together with all such other forms including those for instructions and returns as are prescribed in said chapter 5.

The inhabitants of the several 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 canvass the same and the results shall be determined as provided in section 52 of chapter 5.

If a majority of the votes cast in a city or town in answer to question I is 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 such votes in answer to question II is 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 such votes in answer to question III is in the affirmative, the commission may issue licenses for the sale therein of malt liquor to be consumed on the premises, subject to all provisions of law.

If a majority of such votes in answer to question III-A is in the affirmative, the commission may issue licenses for the sale therein of malt liquor to be consumed on the premises of a tavern therein, subject to all provisions of law.

If a majority of such votes in answer to question IV is in the affirmative, the commission may issue licenses for the sale therein of malt liquor not to be consumed 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 V are in the affirmative, the commission may issue licenses for the sale of wines and spirits to be consumed on the premises of a hotel or club therein that operates only during the months of June, July, August, and September.

If a majority of the votes cast in a city or town in answer to question VI are in the affirmative, the commission may issue licenses for the sale of wines and spirits to be consumed on the premises of a club only therein.

If a majority of the votes cast in a city or town in answer to question VII are in the affirmative, the commission may issue licenses for the sale of malt liquor (beer, ale, and other malt liquors) to be consumed on the premises of a club only therein.

If a majority of such votes cast on question I is 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 such votes cast on question II is in the negative, licenses shall not be issued for the sale therein of wines and spirits for consumption on the premises, for the 2 calendar years next following.

If a majority of such votes cast on question III is in the negative, licenses for the sale therein of malt liquor to be consumed on the premises shall not be issued, for the 2 calendar years next following.

If a majority of such votes cast on question III-A is in the negative, licenses shall not be issued for the sale therein of malt liquor to be consumed on the premises of taverns for the 2 calendar years next following.

If a majority of such votes cast on question IV is in the negative, licenses for the sale therein of malt liquor not to be consumed on the premises shall not be issued for the 2 calendar years next following.

If a majority of the votes cast on question V are in the negative, licenses shall not be issued for the sale of wines and spirits to be consumed on the premises of a hotel or club that operates therein only during the months of June, July, August, and September for the 2 calendar years next following.

If a majority of the votes cast on question VI are in the negative, licenses shall not be issued for the sale of wines and spirits to be consumed on the premises of a club only therein.

If a majority of the votes cast on question VII are in the negative, licenses shall not be issued for the sale of malt liquor (beer, ale, and other malt liquors) to be consumed on the premises of a club only therein.

In case of a tie vote on any of the preceding questions, the law shall remain as it was before the voting.

Upon this ballot no other referendum question shall be printed.

CHAPTER 37

RESOLVE, Proposing an Amendment to the Constitution Providing for Additional Signers in Petitions for Referendum.

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

Constitution, Art. IV, part third, § 17, amended. Section 17 of part third of Article IV of the constitution of the state is hereby amended to read as follows:

'Sec. 17. Upon written petition of ~~not less than 10,000~~ electors, the number of which shall not be less than 10% of the total vote for governor cast in the last gubernatorial election preceding the filing of such petition, and addressed to the governor and filed in the office of the secretary of state within 90 days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof passed by the legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves or resolutions or part or parts thereof as are specified in such petition shall not take effect until 30 days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any act, bill, resolve or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general election not less than 60 days after such proclamation, or in case of no general election within 6 months thereafter the governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than 4 nor more than 6 months after his proclamation thereof.'

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 additional signers in petitions for referendum?" 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 March 13, 1947.

CHAPTER 153

RESOLVE, Proposing an Amendment to the Constitution to Regulate Traveling Expenses of Members of the Legislature.

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

Constitution, Art. IV, Part Third, § 7, amended. Section 7 of part third of article four of the constitution of the state is hereby amended to read as follows:

'Sec. 7. The senators and representatives shall receive such compensation, as shall be established by law; but no law increasing their compensation shall take effect during the existence of the legislature which enacted it. The expenses of the house of representatives in traveling to the legislature and returning therefrom, once in each week of each session and no more, shall be paid by the state out of the public treasury to every member, who shall seasonably attend, in the judgment of the house, and does not depart therefrom without leave.'

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 regulate traveling expenses of members of the legislature?" 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 May 13, 1947.

DIRECT INITIATIVE BILL

The following act was proposed to the Ninety-third Legislature by initiative petitions, signed in the aggregate by not less than 12,000 electors and filed in the office of the Secretary of State at least 30 days before the close of the regular session. This proposed act, not having been enacted by the legislature, is, by virtue of Section 18 of Article 31 of the Constitution referred to the people for acceptance or rejection at the State Election to be held September 13, 1948.

AN ACT to Protect the Right to Work and to Prohibit Secondary Boycotts, Sympathetic Strikes and Jurisdictional Strikes. (Barlow Bill)

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

Sec. 1. Public policy on right to work defined. It is hereby declared to be the public policy of the state of Maine that the right of persons to work shall not be denied or abridged on account of membership or non-membership in any labor union or labor organization.

Sec. 2. Agreements or combinations in restraint of right to work declared illegal. Any agreement or combination between any employer and any labor union or labor organization whereby persons not members of such union or organization shall be denied the right to work for said employer, or whereby membership in such union or organization is

made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is hereby declared to be against public policy and an illegal combination or conspiracy.

Sec. 3. Conditioning employment on non-union membership prohibited. No person shall be required by an employer to abstain or refrain from membership in any labor union or labor organization as a condition of employment or continuation of employment.

Sec. 4. Conditioning employment on union membership prohibited. No person shall be required by an employer to become or remain a member of any labor union or labor organization as a condition of employment or continuation of employment by such employer.

Sec. 5. Conditioning employment on payment of union charges prohibited. No employer shall require any person, as a condition of employment or continuation of employment, to pay any dues, fees or other charges of any kind to any labor union or labor organization.

Sec. 6. Secondary boycotts prohibited. No person, labor union or labor organization or member thereof or person acting on behalf of such union or organization shall by any means or methods whatsoever engage in a secondary boycott. The term "secondary boycott" shall include causing or threatening to cause and combining or conspiring to cause or threaten to cause, injury to a person not a party to the particular labor dispute, to aid which such boycott is initiated or continued, whether by (a) withholding patronage, labor, or other beneficial business intercourse; (b) picketing; (c) refusing to handle, install, use or work on particular materials, equipment or supplies, or (d) by any other means, in order to bring such person against his or its will into a concerted plan to coerce or inflict damage upon another or to compel the party with whom such labor dispute exists to comply with any particular demands.

Sec. 7. Sympathetic strikes prohibited. No employee, labor union or labor organization or member thereof or person acting on behalf of such union or

organization shall cause or, acting in concert or confederation with others, participate in a sympathetic strike. The term "sympathetic strike" shall include a strike, slowdown or stoppage of work for the purpose of aiding others than the participants in said sympathetic strike in the course of a dispute which has no direct relation to the participant's own rates of pay, wages, hours of employment or other conditions of employment.

Sec. 8. Jurisdictional strikes prohibited. No labor union or labor organization or member thereof or person acting on behalf of such union or organization shall cause or, acting in concert or confederation with others, participate in a jurisdictional strike. The term "jurisdictional strike" shall include any strike, slowdown or stoppage of work because of any dispute, grievance or disagreement between or within labor unions or labor organizations.

Sec. 9. Boycotting; picketing upon agricultural premises. No person shall picket upon or about any farm, processing plant or other premises where either produce is raised, or dairy products are produced, or bought, or sold, or boycott the movement to market, or sale of any agricultural commodity, or dairy products.

Sec. 10. Present contracts excepted. The provisions of sections 2, 3, 4 and 5 of this act shall not apply to any lawful contract in force on the effective date hereof but they shall apply in all respects to contracts entered into thereafter and to any renewal or extension of an existing contract.

Sec. 11. Penalties and remedies. Any person or persons entering into an agreement declared illegal by section 2 hereof or violating the provisions of sections 3, 4, 5, 6, 7, 8 and 9 of this act shall be guilty of a misdemeanor and punished by a fine of not more than \$1,000.

Any person who may be denied employment or be deprived of continuation of his employment in violation of sections 3, 4 or 5 of this act or of one or more of such sections, shall be entitled to recover from such employer and from any other person, firm, corporation or association acting in concert with him by appropriate action in the courts of this state such damages as he may have sustained by reason of such denial or deprivation of employment.

Sec. 12. Separability of provisions of act. If any one or more sections, clauses, sentences or parts of this act shall for any reason be questioned in any court, and shall be adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions thereof but shall be confined in its operation to the specific provisions to be held unconstitutional or invalid, and the inapplicability or invalidity of any section, clause or provision of this act in any one or more instances or circumstances shall not be taken to affect or prejudice in any way its applicability or validity in any other instance.

COMPETING MEASURE

The 93rd Legislature passed the so-called Tabb Bill which dealt in part with the same subject matter as the Barlow Bill which was initiated. The Tabb Bill has been declared by the Supreme Judicial Court to be a substitute measure which, under the Constitution, must be placed before the people for their acceptance or rejection.

AN ACT Protecting the Right of Members and Non-members of Labor Organizations to the Opportunity to Work. (Tabb Bill)

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

R. S., c. 25, § 41-A, additional. Chapter 25 of the Revised Statutes is hereby amended by adding thereto a new section, to be number 41-A, to read as follows:

'Sec. 41-A. **Members and non-members of labor organizations, right to work; penalty.** No person shall be denied the opportunity to obtain employment because of membership or non-membership in a labor organization, nor shall the state or any subdivision thereof, or any corporation, individual or association of any kind, enter into any agreement, written or oral, which excludes any person from the right to obtain employment because of membership or non-membership in a labor organization.

Nothing in this section shall be construed to prohibit the making or maintaining of union shop contracts, so called.

Any individual, association or corporation who violates the provisions of this section shall be punished by a fine of not more than \$1,000.'

HAROLD I. GOSS,
Secretary of State