

# MAINE STATE LEGISLATURE

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**Referendum Questions**  
(Local Option)

and

**Proposed Constitutional**  
**Amendments**

(Including Brief Explanatory  
Statements by the Attorney  
General as to Intent  
and Content of  
Each)



1950

To Be Voted Upon at the State Election,  
Monday, September 11, 1950

OFFICE OF THE ATTORNEY GENERAL  
STATE OF MAINE  
AUGUSTA, MAINE

AUG 22 1950

## CHAPTER 29, RESOLVES 1949

### RESOLVE, Proposing an Amendment to the Constitution to Codify the Constitution.

#### Intent

The intent of this proposal is to make possible the arranging of the constitution of the state in readable, usable form to be printed with the revised statutes of the state at each revision thereof. The constitution will then appear as one continuous document without requiring cross reference to amendments.

#### Content

The amendment provides that the chief justice of the supreme judicial court shall arrange the constitution, as amended, under appropriate titles and articles, omitting all material not in force, but making no changes in the provisions themselves or in the language. This work is to be done whenever there is to be a new revision of the public laws. It is then to be presented to the legislature and when approved by that body will be printed with the revised statutes, enrolled on parchment and deposited with the secretary of state and become the supreme law of the state.

(The above prepared by the Attorney General in accordance with the provisions of Chapter 183 of the Public Laws of 1949.)

## 'CHAPTER 29

### RESOLVE, Proposing an Amendment to the Constitution to Codify the Constitution.

**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. X, § 3, repealed and replaced.** Section 3 of Article X of the constitution of the state is hereby repealed and the following enacted in place thereof:

'Sec. 3. The chief justice of the supreme judicial court shall arrange the constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof, and shall submit the

same to the legislature; and such arrangement of the constitution shall be made and submitted whenever a new revision of the public laws of the state is authorized; and the draft and arrangement, when approved by the legislature, shall be enrolled on parchment and deposited in the office of the secretary of state; and printed copies thereof shall be prefixed to the books containing the revised statutes of the state. And the constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the 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 codify the constitution?" 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 18, 1949.

## CHAPTER 61, RESOLVES 1949

### RESOLVE, Proposing an Amendment to the Constitution to Change the Date of Filing Initiated Legislation.

#### Intent

The intent of this proposal is to require the filing of initiated legislation with the secretary of state at such time as will tend to insure an ample opportunity for the legislature to take action thereon.

#### Content

This amendment would change the filing date for initiated legislation from "at least thirty days before the close of its session" to "within 45 days after the date of convening of the legislature in regular session."

(The above prepared by the Attorney General in accordance with the provisions of Chapter 133 of the Public Laws of 1949.)

## CHAPTER 61

### RESOLVE, Proposing an Amendment to the Constitution to Change the Date of Filing Initiated Legislation.

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

**Constitution, Art. IV, part third, § 18, amended.** The 1st sentence of section 18 of part third of article four of the constitution of the state, which became a part of the constitution by the adoption of article XXXI, is hereby further amended to read as follows: "The electors may propose to the legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the state constitution, by written petition addressed to the legislature or to either branch thereof and filed in the office of the secretary of state or presented to either branch of the legislature within 45 days after the date of convening of the legislature in regular session.'

**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 change the date of filing initiated legislation?" 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 April 4, 1949.

#### CHAPTER 99, RESOLVES 1949

**RESOLVE, Proposing an Amendment to the Constitution to Empower the Legislature with the Consent of the People to Authorize the Issuance of State Bonds for any Purpose Stated in the Constitution.**

##### Intent

It is the intent of this proposal to make it possible for the state to borrow money without amending the constitution each time a major financing program is found necessary or desirable.

#### Content

The amendment provides that the legislature may, by a two-thirds vote, enact legislation which would authorize the issuance of bonds on behalf of the state at such times and in such amounts as determined by the legislature. Such legislation would then be referred to the voters of the state at a general or special election for ratification. The purposes for which money could be borrowed are limited to those purposes enumerated in the Constitution.

(The above prepared by the Attorney General in accordance with the provisions of Chapter 183 of the Public Laws of 1949.)

#### 'CHAPTER 99

**RESOLVE, Proposing an Amendment to the Constitution to Empower the Legislature with the Consent of the People to Authorize the Issuance of State Bonds for any Purpose Stated in the Constitution.**

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

**Constitution, Art. IX, § 14, amended.** Section 14 of article IX of the constitution, as amended by articles XXXV, XLI, XLII, XLIII, XLV, and LV, is hereby amended to read as follows:

'Sec. 14. 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 \$2,000,000, except that the legislature, whenever 2/3 of both houses shall deem it necessary, may, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, authorize the issuance of bonds on behalf of the state at such times and in such amounts as it may determine for the purposes of building state highways, intrastate, 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; 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.'

**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 empower the legislature with the consent of the people to authorize the issuance of state bonds for any purpose stated in the constitution?" 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 April 25, 1949.

## CHAPTER 184, RESOLVES 1949

**RESOLVE, Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building a Combination Highway and Railroad Bridge across Fore River as Authorized by the Legislature.**

### Intent

The intent of this proposal is to make possible, as authorized by Chapter 154 of the Private and Special Laws of 1949, the construction of a combination highway and railroad bridge, with approaches, across Fore River between Portland and South Portland. The State Highway Commission, with the advice and consent of the Governor and Council, shall have the power to make a contract on behalf of the State with the Portland Terminal Company by which said company will acquire the right to use for railroad right of way the lower level of said bridge as soon as said bridge shall be completed and ready for use and shall pay toward the cost of construction of same such sum as shall equal the difference between the cost of a four-lane single-level highway bridge, and the cost of a two-level highway and railroad bridge, the amount of such difference to be determined by agreement between the State Highway Commission and said company in accordance with the provisions of the above referred to statute. Said contract shall provide in substance the amount to be paid by said company toward the cost of said bridge, which amount shall be payable to the State in equal semi-annual instalments during a period not exceeding 40 years with interest at the rate of 2½% per year.

### Content

This Amendment would enable the legislature to authorize the borrowing not to exceed \$7,000,000 at any one time, payable within 15 years at a rate of interest not to exceed 2% per year. The borrowing will be done through a bond issue and the proceeds used in whole or in connection with other funds to construct a combination highway and railroad bridge, with approaches, across Fore River between Portland and South Portland, the railroad to pay its share in accordance with the authorization provided in Chapter 154 of the Private and Special Laws of 1949.

(The above prepared by the Attorney General in accordance with the provisions of Chapter 183 of the Public Laws of 1949.)

## CHAPTER 184

**RESOLVE, Proposing an Amendment to the Constitution to Authorize the Issuing of Bonds to be Used for the Purpose of Building a Combination Highway and Railroad Bridge Across Fore River as Authorized by 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. IX, § 17, amended.** Section 17 of Article IX of the constitution, as amended by Article LVIII of the constitution, is hereby further amended by adding at the end thereof the following paragraph:

'The legislature may authorize, in addition to the bonds hereinbefore mentioned, the issuance of bonds not exceeding \$7,000,000 in amount at any one time payable within 15 years at a rate of interest not exceeding 2% per year, payable semi-annually, which bonds or their proceeds shall be devoted solely to provide in whole, or in connection with other funds, for the construction of a combination highway and railroad bridge, including highway approaches thereto, across Fore river between the cities of Portland and South Portland in Cumberland county, as authorized by the legislature and in accordance with the terms of such authorization.'

**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 authorize the issuing of bonds in an amount not exceeding \$7,000,000 to be used for the purpose of building a combination highway and railroad bridge across Fore river as authorized by 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, 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 May 7, 1949.

## CHAPTER 211, RESOLVES 1949

**RESOLVE, Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Several Towns.**

### Intent

The intent of this proposal is to eliminate an inconsistency in the present constitutional provisions with respect to apportionment of representatives in the legislature. The inconsistency results from the fixing of the number of representatives in one section of the constitution at 151 and including in the following section a provision making it possible in later apportionments to expand the membership to 200.

### Content

The amendment provides that each county shall have the number of representatives in proportion to 151 that its population bears to the state population. This determines the number of representatives for each county. Within each county, its share of representatives shall be allocated between cities and

towns according to population. Each representative is to represent as nearly as possible the same number of people with fractional excesses resulting from calculating the proportional number of representatives and constituent groups being carried over to the advantage of the smaller units.

The limitation to 7 representatives for any city or town the population of which would entitle it to more remains the same as now limited by the constitution.

(The above prepared by the Attorney General in accordance with the provisions of Chapter 183 of the Public Laws of 1949.)

### CHAPTER 211

#### RESOLVE, Proposing an Amendment to the Constitution to Apportion the Number of Members of the House of Representatives to the Several Towns.

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

**Constitution, Art. IV, Part First, § 3, amended.** Section 3 of part first of Article IV of the constitution, as amended by Article XXXIX, is hereby repealed and the following enacted in place thereof:

‘Sec. 3. Each county shall be entitled to that number of representatives which is in the same proportion to the total number as the number of inhabitants of the county bears to the number of inhabitants of the state, fractional excesses over whole numbers to be computed in favor of the smaller counties. No city or town shall ever be entitled to more than 7 representatives, except that in the event of merger of towns or cities, the new town or city shall be allowed the combined representation of the former units, which number if exceeding 7 shall thereupon and thereafter become the maximum number to which any city or town shall thereafter be entitled in later apportionments. Apportionment of representatives within each county shall be made by deducting from the number of inhabitants of the county the number of inhabitants of such cities and towns as may be entitled to the maximum number of

representatives permitted to any city or town by reason of the numerical proportion of its inhabitants to the inhabitants of the county and by deducting from the total number of representatives to which the county is entitled the number to which such cities and towns of maximum representation are entitled, the remaining inhabitants being entitled to the remaining representatives; and in the allocation of the remainder within the county each city or town having a number of inhabitants greater than a unit base number obtained by dividing such remaining inhabitants by such remaining representatives shall be entitled to as many representatives as the number of times the number of its inhabitants fully contains the unit base number of representation; and the remaining cities, towns and plantations within the county which have inhabitants in number less than such unit base number shall be formed into representative class districts in number equal to the remainder of county representatives unallocated under the foregoing procedure by grouping whole cities, towns and plantations as equitably as possible with consideration for population and for geographical contiguity.’

**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 apportion the number of members of the house of representatives to the several towns?” 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 7, 1949.

#### '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. 1949, c. 349, § 97.** 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 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 li-

quor (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 secretary 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 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 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 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 for the 2 calendar years next following, 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 for the 2 calendar years next following, 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 for the 2 calendar years next following, 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 for the 2 calendar years next following, 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 for the 2 calendar years next following, 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 for the 2 calendar years next following, subject to all provisions of law.

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 for the 2 calendar years next following, subject to all provisions of law.

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 for the 2 calendar years next following, subject to all provisions of law.

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 the 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 for the 2 calendar years next following.

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 for the 2 calendar years next following.

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.'

HAROLD I. GOSS,

Secretary of State