

MAINE STATE LEGISLATURE

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ELECTIONS - 1954

(Sept.)

STATE OF MAINE

REFERENDUM QUESTIONS

(Local Option)

and

PROPOSED CONSTITUTIONAL

Amendments

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

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1954

To Be Voted Upon at the State Election,
Monday, September 13, 1954

SEP 13 1954

CHAPTER 57, SECTION 2, AS AMENDED

LOCAL OPTION

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, § 1; c. 322, §§ 1-A, 1-B, 1-C. 1949, c. 349, § 97. 1951, c. 356, §§ 16, 17. 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. 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. 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?

("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 cigarettes and tobacco products and 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.) (C. 194, P. L. 1953.)

IV. 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 statewide 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. Shall licenses be granted in this city or town for sale therein of wines and spirits to be consumed on the premises of part-time hotels and clubs?

VI. 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. 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 is in the affirma-

tive, the commission may issue licenses for the sale of wines and spirits to be consumed on the premises of part-time hotels and clubs 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 VI is 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 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 is 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.

CHAPTER 78, RESOLVES OF 1953

RESOLVE, Proposing an Amendment to the Constitution to Liberalize Limitation of Municipal Indebtedness.

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 is in the negative, licenses shall not be issued for the sale of wines and spirits to be consumed on the premises of part-time hotels and clubs that operate therein for the 2 calendar years next following.

If a majority of the votes cast on question VI is 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 is 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.

(135 Me. 134, 244.)

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, Section 15, repealed and replaced. Section 15 of Article IX of the constitution, as amended, is hereby repealed and the following enacted in place thereof:

Section 15. No city or town shall hereafter create any debt or liability, which singly, or in the aggregate with previous debts or liabilities, shall exceed seven and one-half per cent of the last regular valuation of said city or town; provided, however, 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 temporary loans to be paid out of money raised by taxation, during the year in which they are 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 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 increase from 5% to 7½% the limitation of municipal indebtedness?”

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 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 27, 1953

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of Chapter 183 of the Public Laws of 1949 with reference to the Intent and Content of Chapter 78 of the Resolves of 1953 entitled, “Resolve, Proposing an Amendment to the Constitution to Liberalize Limitation of Municipal Indebtedness.”

Intent

It is the intent of this proposal to permit all municipalities, regardless of size, to increase their power to create indebtedness from 5% to 7½% of the last regular valuation of said city or town.

Content

This Resolve would make uniform the constitutional provision placing limits upon the power of cities and towns to incur indebtedness and eliminate the distinction drawn by the Constitution between municipalities of different sizes.

CHAPTER 97, RESOLVES OF 1953

RESOLVE, Proposing an Amendment to the Constitution Permitting Indians to Vote.

Constitutional amendment. Resolved:

Two-thirds of each branch of the legislature concurring, that the following amendments to the constitution of this state be proposed:

Constitution, Article II, Section 1, amended. The first sentence of Section 1 of Article II of the constitution is hereby amended to read as follows:

Every citizen of the United States of the age of twenty-one years and upwards, excepting paupers and persons under guardianship, having his or her residence established in this state for the term of 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 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 such period, unless barred by the provisions of the second paragraph of this section; and the elections shall be by written ballot.

Constitution, Article II, Section 1, amended. Section 1 of Article II of the constitution is hereby amended by adding at the end thereof a new paragraph, to read as follows:

Every Indian, residing on tribal reservations and otherwise qualified, shall be an elector in all county, state and national elections.

Constitution, Article IV, Part First, Section 2, amended. The second sentence of Sec-

tion 2 of Part First of Article IV of the constitution is hereby amended to read as follows:

The legislature shall, within every period of at most ten years and at least five, cause the number of the inhabitants of the state to be ascertained, exclusive of foreigners not naturalized.

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 permitting Indians to vote?”

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 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 2, 1953

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of Chapter 183 of the Public Laws of 1949 with reference to the Intent and Content of Chapter 97 of the Resolves of 1953 entitled, "Resolve, Proposing an Amendment to the Constitution Permitting Indians to Vote."

Intent

It is the intent of this proposal to place the Indian on an equal footing with other citizens, with respect to the right to vote.

Content

Presently, Indians who are taxed (i. e., living off reservations and paying normal taxes) may vote, but Indians living on reservations (and thereby tax exempt) may not vote.

The proposed amendment would permit all Indians otherwise qualified to vote whether living on or off a reservation.

HAROLD I. GOSS,
Secretary of State