

# MAINE STATE LEGISLATURE

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VF. ELECTIONS - 1955

(Sept.)

# Referendum Question

and

## Proposed Constitutional Amendments

In Accordance with Acts and  
Resolves Passed by the  
97th Legislature

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

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1955

To Be Voted Upon at the Special Election,  
Monday, September 12, 1955

CHAPTER 198, PRIVATE AND SPECIAL LAWS  
OF 1955

AN ACT to Authorize the Construction of a Bridge  
Across Jonesport Reach.

**Preamble.** Two-thirds of both houses of the Legislature deeming it necessary in accordance with Section 14 of Article IX of the Constitution:

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

**Sec. 1. State Highway Commission authorized to construct bridge.** The State Highway Commission is hereby authorized to construct a bridge across Jonesport Reach from the town of Jonesport to the town of Beals, in the county of Washington, with necessary highway approaches thereto, at an estimated cost of \$1,000,000. The cost of said bridge, with the highway approaches thereto, shall be taken and appropriated from the proceeds of bonds issued under authority of this act.

**Sec. 2. Toll bridge.** The State Highway Commission shall operate such bridge when constructed as a toll bridge until all the bonds issued as provided by this act shall be retired, and all the expenses incurred hereunder shall be paid. The Commission shall charge and collect such tolls for the use and crossing of said bridge by vehicles and other traffic, including pedestrians, as may from time to time be determined and ordered by it, having due regard to the value of the services rendered, the cost of upkeep, maintenance, repairs and operation, and interest on the bonds issued.

**Sec. 3. Treasurer of State to issue bonds.** The Treasurer of State is hereby authorized, under the direction of the Governor and Council, to issue from time to time serial coupon bonds in the name and behalf of the State to an amount not exceeding \$1,000,000 for the purpose of raising funds for the construction of said bridge, as provided in this act.

**Sec. 4. Records of bonds issued to be kept by State Auditor and Treasurer.** The State Auditor shall keep an account of such bonds, showing the number and amount of each, the date of counter-signing, the date when payable and the date of delivery thereof to the Treasurer of State, who shall keep an account of each bond, showing the number thereof, the name of the person to whom sold, the amount received for the same, the date of sale and the date when payable.

**Sec. 5. Sale, how negotiated; proceeds appropriated.** The Treasurer of State may negotiate the

sale of such bonds by direction of the Governor and Council; but no such bond shall be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sales of such bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the Governor and Council, are hereby appropriated to be used solely for the purposes set forth in this act. Any balance unexpended shall not lapse, but shall be carried forward to the same account to be used only for the purposes set forth herein.

**Sec. 6. Proceeds of bonds not available for other purposes; must be kept separate from other funds.** The proceeds of all bonds issued under the authority of this act, and the tolls collected thereunder shall at all times be kept distinct from all other moneys of the State and shall not be drawn upon or be available for any other purpose.

**Sec. 7. Interest and debt retirement.** Interest due or accruing upon any bonds issued under the provisions of this act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State. The interest charges on the bonds issued hereunder, that accrue before sufficient funds are available from tolls to pay them in full, shall be paid from the general highway fund until such time as the tolls of the bridge, applicable for the payment of interest, are sufficient for this purpose, and such sums as are necessary for this purpose are hereby appropriated out of the general highway fund; provided, however, that all sums so paid shall be returned and repaid to said general highway fund from the tolls received on said bridge as soon as the same shall be available.

**Sec. 8. Disbursement of bond proceeds.** The proceeds of such bonds shall be expended under the direction and supervision of the State Highway Commission.

**Sec. 9. Contingent upon ratification of bond issue.** No action shall be taken or liability incurred under this act unless and until the people of Maine shall have ratified the issuance of bonds in behalf of the State at such time and in such amounts as set forth in this act for the purpose of building a toll bridge across Jonesport Reach from the town of Jonesport to the town of Beals.

**Referendum for ratification.** 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 acceptance or rejection of the foregoing act, and the question shall be: "Shall a bond issue be ratified in an amount not to exceed \$1,000,000 as set forth in 'An Act to Authorize the Construction of a Bridge Across Jonesport Reach' passed by the 97th Legislature?"

And the inhabitants of said cities, towns and plantations shall indicate by a cross or check mark placed within a square upon their ballots their opinion of the same, those in favor of said ratification voting "Yes" and those opposed to said ratification voting "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 if it shall appear that a majority of the inhabitants voting on the question are in favor of the act, the Governor shall forthwith make known the fact by his proclamation, and the act shall thereupon become effective as of the date of said proclamation.

Secretary of State shall prepare ballots. The Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing act, accompanied by a copy thereof.

Approved May 20, 1955.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of Chapter 10, Section 19 of the Revised Statutes of 1954 with reference to the Intent and Content of Chapter 198 of the Private and Special Laws of 1955 entitled, "An Act to Authorize the Construction of a Bridge Across Jonesport Reach."

#### Intent

It is the intent of Chapter 198, Private and Special Laws, 1955, to authorize the construction of a bridge from the town of Jonesport, across Jonesport Reach, to the town of Beals, in Washington County.

#### Content

The Act provides that the State Highway Commission shall construct the bridge at an estimated cost of \$1,000,000. The Act also provides that the State shall issue bonds in an amount not to exceed

\$1,000,000 for the construction of said bridge, the bridge to be operated as a toll bridge until such time as the bonds have been retired and all expenses paid.

### STATE OF MAINE

#### Summary of Bonded Indebtedness as of

September 12, 1955

|                                      |              |
|--------------------------------------|--------------|
| Highway and Bridge Loan . . . . .    | \$26,100,000 |
| *Waldo-Hancock Bridge Loan . . . . . | 90,000       |
| Kennebec Bridge Loan . . . . .       | 1,110,000    |
| Bangor-Brewer Bridge Loan . . . . .  | 2,450,000    |
| Fore River Bridge Loan . . . . .     | 7,000,000    |
|                                      | <hr/>        |
|                                      | \$36,750,000 |

\* As of May 31, 1955 there is cash on deposit in the amount of \$101,250.28 available for the payment of the Waldo-Hancock Bridge Loan.

|                                                                                                                      |             |
|----------------------------------------------------------------------------------------------------------------------|-------------|
| Total amount of bonds authorized and unissued . . . . .                                                              | \$ None     |
| Total amount of bonds contemplated to be issued if the question submitted above is accepted, not more than . . . . . | \$1,000,000 |

### CHAPTER 97, RESOLVES OF 1955

#### RESOLVE, Proposing an Amendment to the Constitution Extending Pardon Powers of Governor and Council to Offenses of Juvenile Delinquency.

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, Article V, Part First, Section 11, amended. Section 11 of Part First of Article V of the Constitution is hereby amended by inserting after the first sentence a new sentence to read as follows:

'Such power to grant reprieves, commutations and pardons shall include offenses of juvenile delinquency.'

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 Extending Pardon Powers of Governor and Council to Offenses of Juvenile Delinquency?”

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 20, 1955.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of Chapter 10, Section 19 of the Revised Statutes of 1954 with reference to the Intent and Content of Chapter 97 of the Resolves of 1955 entitled, “Resolve, Proposing an Amendment to the Constitution Extending Pardon Powers of Governor and Council to Offenses of Juvenile Delinquency.”

#### Intent

Under the existing constitutional provisions the Governor and Council may not order remissions or grant commutations and pardons to minor children under the age of 17 years who are convicted of juvenile delinquency. The contemplated amendment to the Constitution would permit the Governor and Council to consider the cases of such minors as well as persons over the age of 17 years.

#### Content

This Resolve would amend the constitutional provision which authorizes the Governor, with the ad-

vice and consent of the Council, to grant reprieves, commutations and pardons and to order remissions in cases where persons have been convicted of crimes, by extending such power to offenses of juvenile delinquency.

### CHAPTER 100, RESOLVES OF 1955

**RESOLVE, Proposing an Amendment to the Constitution to Change the Qualifications of Citizenship of the Governor.**

**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. V, Part First, Section 4, amended.** Section 4 of Part First of Article V of the Constitution is hereby amended to read as follows:

**Section 4. Qualifications.** The governor shall, at the commencement of his term, be not less than thirty years of age; a ~~natural born~~ citizen of the United States for at least fifteen years, have been five years a resident of the state; and at the time of his election and during the term for which he is elected, be a resident of said 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 change the qualifications of citizenship of the Governor?”

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 20, 1955.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of Chapter 10, Section 19 of the Revised Statutes of 1954 with reference to the Intent and Content of Chapter 100 of the Resolves of 1955 entitled, "Resolve, Proposing an Amendment to the Constitution to Change the Qualifications of Citizenship of the Governor."

#### Intent

Such an amendment would make eligible for the governorship persons who might otherwise be ineligible because they were born in a foreign country.

#### Content

This Resolve would amend that section of the Constitution which sets forth the qualifications of the Governor, by removing the requirement that he be a natural born citizen of the United States, and in its stead would require only that he be a citizen of the United States for at least fifteen years.

### CHAPTER 101, RESOLVES OF 1955

**RESOLVE, Proposing an Amendment to the Constitution to Exempt Rental Agreements with the Maine School Building Authority from the Limitations of Municipal Indebtedness.**

**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, Article IX, Section 15, amended. Section 15 of Article IX of the Constitution is hereby amended by adding at the end thereof a new sentence, to read as follows:

'Long term rental agreements not exceeding forty years under contracts with the Maine School Building Authority shall not be debts or liabilities within the provisions of this section.'

**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 a special state-wide election to be held on September 12, 1955, 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 exempt rental agreements with the Maine School Building Authority from the limitations 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 May 20, 1955.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of Chapter 10, Section 19 of the Revised Statutes of 1954 with reference to the Intent and Content of Chapter 101 of the Resolves of 1955 entitled, "Resolve, Proposing an Amendment to the Constitution to Exempt Rental Agreements with the Maine School Building Authority from the Limitations of Municipal Indebtedness."

#### Intent

The intent of this proposal is to make it possible for cities and towns to obtain school buildings and

improvements through the Maine School Building Authority under short-term rentals, without increasing the indebtedness of such cities and towns.

### Content

Presently, under section 15 of Article IX of the Constitution, the amount of indebtedness to be incurred by a city or town is limited to seven and one-half per cent of the last regular valuation of said city or town. By the proposed amendment, rent owed by a city or town to the Maine School Building Authority for rental of school buildings shall not be included in the indebtedness of the city or town if the rental agreement does not exceed a period of forty years.

### CHAPTER 102, RESOLVES OF 1955

#### RESOLVE, Proposing an Amendment to the Constitution to Clarify Voting by Persons in Military Service.

**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 12, repealed. Section 12 of Article IX of the Constitution is hereby repealed as follows:

~~'Section 12. Voting by persons in military service for county officers. But citizens of this state, absent therefrom in the military service of the United States, or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for judges and registers of probate, sheriffs, and all other county officers, on the second Monday in September biennially forever. And the votes shall be given at the same time and in the same manner, and the names of the several candidates shall be printed or written on the same ballots with those for governor, senators, and representatives, as provided in section four of article second of this constitution.'~~

**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 a special

state-wide election to be held on September 12, 1955, 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 clarify voting by persons in military service?"

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 20, 1955.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of Chapter 10, Section 19 of the Revised Statutes of 1954 with reference to the Intent and Content of Chapter 102 of the Resolves of 1955 entitled, "Resolve, Proposing an Amendment to the Constitution to Clarify Voting by Persons in Military Service."

#### Intent

The intent of this proposal is to permit the legislature, under proper enactment, to make provisions for the absentee voting of all members of the Armed Forces, whether they be members of the regular Army or otherwise.

#### Content

Specifically, the proposed amendment would repeal a section that gives persons absent in the military service, but not in the regular Army, the right to vote for county officers, thereby removing a bar which prevented such regular Army personnel from

voting for county officers. The repeal of this section would mean that all classifications of personnel in the Armed Services would be eligible to vote absentee for both State and county officials, under laws enacted by the legislature.

HAROLD I. GOSS,  
Secretary of State