

# MAINE STATE LEGISLATURE

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ELECTIONS - 1960  
(Nov.)

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## Constitutional Amendments

In Accordance with Resolves Passed by the  
99th Legislature

Providing Continuity of Government in Case  
of Enemy Attack

Including  
Brief Explanatory Statement by the  
Attorney General as to Intent and  
Content

Also

Referendum Questions  
(Local Option)

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1960

To be Voted Upon at the General Election  
November 8, 1960

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## CHAPTER 52, RESOLVES OF 1959

**RESOLVE, Proposing an Amendment to the Constitution to Provide Continuity of Government in Case of Enemy Attack.**

**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 21, additional.** Article IX of the Constitution is amended by adding a new section to be numbered 21, to read as follows:

**'Section 21. Continuity of government in case of enemy attack. Notwithstanding any general or special provision of this Constitution, the Legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations including but not limited to the financing thereof. In the exercise of the powers hereby conferred the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the Legislature so to do would be impracticable or would admit of undue delay.'**

**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 statewide election to be held on the second Monday in September 1959, 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 continuity of government in case of enemy attack?"**

And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. 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 March 26, 1959

## CHAPTER 90, RESOLVES OF 1959

### **RESOLVE, Providing for the Date When the Amendment to the Constitution to Provide Continuity of Government in Case of Enemy Attack Shall be Voted Upon.**

**Preamble. Resolved:** Two-thirds of each branch of the Legislature concurring, that the following amendment to the Resolve proposing an amendment to the Constitution to provide continuity of government in case of enemy attack, chapter 52 of the resolves of 1959, previously passed by this Legislature, be passed.

**Resolves, 1959, c. 52, amended. Resolved:** The first paragraph of chapter 52 of the resolves of 1959 is amended to read as follows:

"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 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 continuity of government in case of enemy attack?"

Approved June 11, 1959

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 52 of the Resolves of 1959 entitled, "RESOLVE, Proposing an Amendment to the Constitution to Provide Continuity of Government in Case of Enemy Attack."

#### **Intent**

In a few short years there has been a breathtaking growth of thermonuclear weapons and ballistic missiles. Yesterday's "terrifying device" is today's "conventional weapon."

The proposed amendment contemplates preparation of government to function effectively under emergency situations; it is an enabling measure, the purpose of which is to empower the legislature to insure, as far as possible, the continuity of governmental operations throughout the State in periods of emergency brought on by enemy attack.

If passed, the legislature could then, and only then, enact laws providing for continuity in government—for example, set up successors to particular offices and specify their order of succession, and authorize municipal officers to enact ordinances relative to the manner in which vacancies be filled or temporary appointments to office made.

#### **Content**

For the purpose of providing "continuity of government," the amendment would authorize enactment of legislation to provide only for temporary succession to offices, and such succession is possible only in a period of emergency caused by an enemy attack. Thus, the amendment presupposes that the general plan of government as we know it will be restored as soon as possible after an attack.

Though the primary concern of the proposed amendment is the supply of manpower and with establishment of lines of succession to the powers and duties of public office, incidental legislation, such as providing the means of financing continuity of operations, is also embraced by the proposed amendment.

#### **LOCAL OPTION**

##### **Revised Statutes, Chapter 61, Section 2 as amended.**

**Sec. 2. Local Option.**—The aldermen of cities, the selectmen of towns and the assessors of plantations are empowered and directed to notify the inhabitants of their respective municipalities 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? (State Liquor Store). (1957, c. 58.)

II. Shall licenses be granted in this city or town for the sale herein of wine and spirits to be consumed on the premises? (Hotel and Club). (1957, c. 58.)

II-A. Shall licenses be granted in this city or town for sale herein of wine and spirits to be consumed on the premises of class A restaurants? (1959, c. 340, § 2.)

III. Shall licenses be granted in this city or town for sale herein of malt liquor (beer, ale and other malt liquors) to be consumed on the premises? (Beer and Ale in Restaurants, Hotels and Clubs). (1957, c. 58.) (1959, c. 274, §1.)

IV. 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 of taverns? (Beer and Ale for Men Only). (1957, c. 58.)

V. 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? (Beer and Ale to Take Out). (1957, c. 58.)

Upon receipt of a petition of electors resident in that municipality 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 municipality, which petition shall be filed with the Secretary of State on or before the first day of July preceding the day of the biennial election, the ballots for that municipality shall carry in accordance with the petition any or all of the following additional questions:

VI. Shall licenses be granted in this city or town for sale herein of wine and spirits to be consumed on the premises of part-time hotels and clubs? (1957, c. 218, § 1.)

VII. Shall licenses be granted in this city or town for the sale herein of wine and spirits to be consumed on the premises of a club only?

VIII. 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 of a club only?

IX. Shall licenses be granted in this city or town for the sale herein of malt liquor to be consumed on the premises of part-time hotels only? (1955, c. 427.) (1957, c. 397, § 39.)

The Secretary of State shall prepare and furnish to the several municipalities ballots in manner and form as prescribed in chapter 5, section 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 municipalities 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 result shall be determined as provided in chapter 5, section 52.

If a majority of the votes cast in any municipality in answer to any local option question is in the affirmative, the commission may issue licenses of the type authorized by such affirmative vote in such municipality for the 2 calendar years next following, subject to all provisions of law.

If a majority of the votes cast in any municipality in answer to questions VI, VII, VIII or IX is in the affirmative, the ballots for that municipality at the next biennial general election shall carry such question or questions without petition.

If a majority of the votes cast in any municipality in answer to questions VI, VII, VIII or IX is in the negative, the ballots for that municipality at the next biennial general election shall carry such question or questions only after the petition required by this section.

If a majority of the votes cast in any municipality in answer to any local option question is in the negative, no licenses for sale of the type denied by such negative vote shall be issued in such municipality 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. (R. S., c. 61, § 2. 1955, c. 355, § 3; c. 427. 1957, c. 58; c. 218, § 1; c. 397, § 39. 1959, c. 139, §§ 1, 2; c. 140, §§ 1, 2; c. 141; c. 274, § 1; c. 327, §§ 1, 2; c. 340, § 2; c. 378, § 52.)

HAROLD I. GOSS,

Secretary of State