

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

VF  
ELECTIONS  
- 1962  
(Nov.)  
Proposed

# Constitutional Amendments

In Accordance with Resolves Passed

by the

100th Legislature

## Constitutional Amendments

Limiting Use of Funds of Maine State  
Retirement System

Authorizing Municipalities to Issue  
Bonds for Construction of  
Industrial Buildings

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

Also

## Referendum Questions

(Local Option)



1962

To Be Voted Upon at the General Election,

November 6, 1962

## STATE OF MAINE

### CHAPTER 95, RESOLVES OF 1961

**RESOLVE, Proposing an Amendment to the Constitution to Limit to Retirement Purposes the Use of Funds of the Maine State Retirement System.**

---

**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 19-A, additional.** Article IX of the Constitution is amended by adding thereto a new section, to be numbered 19-A, to read as follows:

'Section 19-A. Limitation on use of funds of the Maine State Retirement System. All of the assets, and proceeds or income therefrom, of the Maine State Retirement System or any successor system and all contributions and payments made to the system to provide for retirement and related benefits shall be held, invested or disbursed as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, other purposes.'

**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 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 providing that the funds of the Maine State Retirement System shall be maintained in trust and shall not be diverted?"

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 June 17, 1961

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 95 of the Resolves of 1961 entitled, "RESOLVE, Proposing an Amendment to the Constitution to Limit to Retirement Purposes the Use of Funds of the Maine State Retirement System."

#### Intent

The State of Maine by statute has provided a retirement system for its employees. The state and the employees both contribute to this system. As the system is set up by statute, the funds are subject to diversion by a legislative act. This constitutional amendment is intended to protect these funds from possible diversion by a legislative act.

#### Content

This Resolve proposes to amend the Constitution to make a trust for the exclusive purpose of providing retirement and related benefits of all assets, proceeds or income of the Maine State Retirement System.

---

### CHAPTER 106, RESOLVES OF 1961

**RESOLVE, Proposing an Amendment to the Constitution Authorizing the Construction of Industrial Buildings.**

---

**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 8-A, additional. Article IX of the Constitution is amended by adding thereto a new section, to be numbered 8-A, to read as follows:

'Section 8-A. Industrial building construction. For the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial and manufacturing enterprises within the physical boundaries of any municipality, the registered voters of that municipality may, by majority vote, authorize the issuance of notes or bonds in the name of the municipality for the purpose of constructing buildings for industrial use, to be leased or sold by the municipality to any responsible industrial firm or corporation.'

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 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 the registered voters of a municipality to authorize the issuance of notes or bonds in the name of the municipality for the purpose of constructing buildings for industrial use?"

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 June 17, 1961

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 106 of the Resolves of 1961 entitled, "RESOLVE, Proposing an Amendment to the Constitution Authorizing the Construction of Industrial Buildings."

#### Intent

In order to assist in the continued economic development of the State of Maine, many municipalities wish to construct buildings for industrial use. It is believed that such action by a municipality will encourage a new industry to settle in that municipality.

#### Content

This Resolve authorizes the issuance of notes or bonds by a municipality for the purpose of constructing buildings for industrial use, to be leased or sold by the municipality. The authorization to issue notes or bonds must be approved by a majority of the registered voters of the municipality.

#### 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 Com-

mission 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.)

(Definition of "Tavern" in accordance with the provisions of Chapter 61, Section 1, as amended.

"Tavern" shall mean a reputable place for men only operated by responsible persons where no food is sold other than prepared packaged bar snacks 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.)

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 3-A, section 66, for constitutional amendment or other questions, together with all such other forms including those for instructions and returns as are prescribed in said chapter 3-A.

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 3-A.

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; 1961, c. 360, § 4.)

PAUL A. MacDONALD,

Secretary of State