

MAINE STATE LEGISLATURE

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ELECTIONS - 1964
(Nov.)

Proposed Constitutional Amendments

In Accordance with Resolves Passed

by the

101st Legislature

Constitutional Amendments

1. Eliminating Governor's Communicating Pardons to Legislature
2. Oaths of Senators and Representatives in Absence of Governor and Council
3. Examination of Returns for Senators and Filling Senate Vacancies
4. Elimination of Certain Requirements Relating to Public Money
5. Revising Article VI Relating to Judicial Power
6. Authority of Governor as Commander in Chief
7. Procedure for Determining the Election of Governor
8. President of Senate or Speaker of House Assuming Office of Governor
9. Additional \$20,000,000 for Guaranteed Loans for Industrial Purposes
10. Clarifying Procedure Relating to Election Returns

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

Also

Referendum Questions

(Local Option)



1964

To Be Voted Upon at the General Election,

November 3, 1964

STATE OF MAINE

SUMMARY OF BONDED INDEBTEDNESS AS
OF NOVEMBER 3, 1964

Highway and Bridge Loan	\$ 32,450,000
Kennebec Bridge Loan	620,000
Bangor-Brewer Bridge Loan	2,000,000
Fore River Bridge Loan	7,000,000
Jonesport Reach Bridge Loan	720,000
Island Ferry Service Loan	2,110,000
General Improvement Loan	10,960,000
University of Maine Loan	9,880,000
State Teachers College Loan	4,030,000
Educational Television Loan	1,350,000

Total amount of Bonds outstanding \$ 71,120,000

Highway and Bridge Loan	\$20,500,000
Mortgage Insurance Loan	20,000,000
Maine Maritime Academy Loan	475,000
General Improvement Loan	2,000
State Teachers College Loan	3,000

Bonds authorized, but unissued \$ 40,980,000

Total State Bonded Debt currently
authorized \$112,100,000

Total amount of bonds contemplated to
be issued if additional Mortgage In-
surance Loan is accepted by the
people \$ 20,000,000

CHAPTER 102, RESOLVES OF 1963

RESOLVE, Proposing an Amendment to the Constitution Eliminating the Requirement that the Governor Communicate Pardons to the Legislature.

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. The last sentence of Section 11 of Part First of Article V of the Constitution is repealed as follows: '~~And he shall communicate to the Legislature, at each session thereof, each case of reprieve, remission of penalty, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation, or pardon, and the conditions, if any, upon which the same was granted.~~'

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 election in the month of November, 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 eliminating the requirement that the Governor communicate pardons to the Legislature?"

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 25, 1963

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 Resolves—"RESOLVE, Proposing an Amendment to the Constitution Eliminating the Requirement that the Governor Communicate Pardons to the Legislature."

INTENT

To abolish the requirement that the Governor report to the Legislature the details concerning each reprieve, remission of penalty, commutation or pardon granted.

CONTENT

There is no actual content. The resolve simply eliminates the requirement as stated in the Intent.

CHAPTER 103, RESOLVES OF 1963

RESOLVE, Proposing an Amendment to the Constitution to Provide for Taking Oaths of Senators and Representatives in Absence of Governor and Council.

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 1, amended. The last paragraph of Section 1 of Article IX of the Constitution is amended to read as follows:

“The oaths or affirmations shall be taken and subscribed by the Governor and Counsellors before the presiding officer of the Senate, in the presence of both houses of the Legislature, and by the Senators and Representatives before the Governor and Council, and by the residue of said officers before such persons as shall be prescribed by the Legislature; and whenever the Governor or any Counsellor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any Justice of the Supreme Judicial Court and provided further that, if the Governor shall be unable to appear and administer the oath to the Senators and Representatives, such oaths shall be administered by the Chief Justice of the Supreme Judicial Court or in his absence, by the Senior Associate Justice of said Supreme Judicial Court present at the State Capitol on the first day of the term for which said Senators and Representatives shall have been elected.”

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 election in the month of November, 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 for taking oaths of Senators and Representatives in absence of Governor and Council?”

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 meet-

ings 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 25, 1963

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 103 Resolves—“RESOLVE, Proposing an Amendment to the Constitution to Provide for Taking Oaths of Senators and Representatives in Absence of Governor and Council.”

INTENT

To provide for the giving of the oath of office to the Senators and Representatives when the Governor is unable to be present for that purpose.

CONTENT

This resolve permits the Chief Justice of the Supreme Judicial Court, or in his absence the Senior Associate Justice present, to administer the oaths to the Senators and Representatives when the Governor is unable to appear and administer such oaths.

CHAPTER 104, RESOLVES OF 1963

RESOLVE, Proposing an Amendment to the Constitution Relative to Examination of Returns for Senators and to Provide for Election of Senators to Fill Vacancies.

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 IV, Part Second, Section 3, amended. Section 3 of Part Second of Article IV of the Constitution is amended to read as follows:

‘Section 3. Examination of returns; summons of electors. The Governor and Council shall, as soon

as may be, examine the returned copies of such lists and also the lists of votes of citizens in the military service returned into the secretary's Secretary of State's office, and, twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each district, to attend that day and take their seats.'

Constitution, Article IV, Part Second, Section 4, repealed and replaced. Section 4 of Part Second of Article IV of the Constitution is repealed and the following enacted in place thereof:

Section 4. Determination of Senators elected; procedure when full number not elected. The Senate shall, on the said first Wednesday of January, biennially, determine who are elected by a plurality of votes to be Senators in each county. All vacancies in the Senate arising from death, resignation, removal from the Senate, or like causes, and also vacancies, if any, which may occur because of the failure of any county to elect by a plurality of votes the full number of Senators to which said county shall be entitled, shall be filled by an immediate election in the unrepresented county. The Governor shall issue a proclamation therefor and therein fix the time of such election.'

Form of question and date when amendments 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 election in the month of November, to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

"Shall the Constitution be amended as proposed by a resolution of the Legislature relative to examination of returns for Senators and to provide for election of Senators to fill vacancies?"

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 amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments 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 25, 1963

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 104 Resolves—"RESOLVE, Proposing an Amendment to the Constitution Relative to Examination of Returns for Senators and to Provide for Election of Senators to Fill Vacancies."

INTENT

To remove surplusage from Article IV, Part Second, Section 3, of the Constitution.

To change the method of selection of Senators if a county fails to elect the full number of Senators to which said county is entitled.

CONTENT

Certain words are deleted from Article IV, Part Second, Section 3. The words deleted are surplusage. The meaning of the section is in no way changed.

Article IV, Part Second, Section 4, is repealed and replaced. The only change is to require an immediate election in the event a county fails to elect the full number of Senators to which it is entitled. Presently, the members of the House and Senate elect such persons.

CHAPTER 105, RESOLVES OF 1963

RESOLVE, Proposing an Amendment to the Constitution Eliminating Requirements Relating to Warrants for Public Money and Publication of Receipts and Expenditures.

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

'Section 4. No money drawn except upon appropriation. No money shall be drawn from the treasury, but by warrants from the Governor and Council, and except in consequence of appropriations or allocations authorized made by law; and

a regular statement and account of the receipts and expenditures of all public money, shall be published at the commencement of the biennial session of the Legislature.'

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 election in the month of November, 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 eliminating requirements relating to warrants for public money and publication of receipts and expenditures?"

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 25, 1963

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 105 Resolves—"RESOLVE, Proposing an Amendment to the Constitution Eliminating Requirements Relating to Warrants for Public Money and Publication of Receipts and Expenditures."

INTENT

To eliminate an obsolete provision requiring the issuance of warrants for the payment of money by

the Governor and Council. It also eliminates the necessity of a financial statement being published at the beginning of each legislative session.

CONTENT

Certain wordage is deleted from Article V, Part Fourth, Section 4, to accomplish the results stated in the Intent.

CHAPTER 111, RESOLVES OF 1963

RESOLVE, Proposing an Amendment to the Constitution to Revise Article VI Relating to the Judicial Power.

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 VI, repealed and replaced. Article VI of the Constitution is repealed and the following enacted in place thereof:

'ARTICLE VI.

Judicial Power.

Section 1. The judicial power of this State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish.

Section 2. The Justices of the Supreme Judicial Court and the judges of other courts shall, at stated times receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services as justices or judges.

Section 3. The Justices of the Supreme Judicial Court shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Senate or House of Representatives.

Section 4. All judicial officers shall hold their offices for the term of seven years from the time of their respective appointments (unless sooner removed by impeachment or by address of both branches of the Legislature to the executive, provided further that justices of the peace may be removed from office in such manner as the Legislature may provide) and no longer, unless reappointed thereto.

Section 5. No Justice of the Supreme Judicial Court or any other court shall hold office under the United States or any other state, nor under this State, except as justice of the peace or as member of the Judicial Council.

Section 6. Judges and registers of probate shall be elected by the people of their respective counties, by a plurality of the votes given in, at the biennial election on the Tuesday following the first Monday of November, and shall hold their offices for four years, commencing on the first day of January next after their election. Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid at the November election, next after their occurrence; and in the meantime, the Governor, with the advice and consent of the Council, may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January next after the election aforesaid.

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 election in the month of November 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 Revise Article VI Relating to the Judicial Power?"

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 25, 1963

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 111 Resolves—"RESOLVE, Proposing an Amendment to the Constitution to Revise Article VI Relating to the Judicial Power."

INTENT

To eliminate provisions relating to municipal court judges, justices of the peace and notaries public. To prevent all judges from receiving other than stated salary for services as a judge. To allow judges to be appointed to the Judicial Council. To allow the legislature to provide method of removal from office of Justice of the Peace.

CONTENT

Sections 1, 3 and 6 are the same as at present.

Section 2 places judges of all courts with the justices of the Supreme Judicial Court in receiving a stated salary which cannot be diminished while in office and prohibiting additional fees for judicial services.

Section 4 gives the legislature right to set method of removal from office of Justices of the Peace.

Section 5 allows judges to be members of the Judicial Council.

CHAPTER 117, RESOLVES OF 1963

RESOLVE, Proposing an Amendment to the Constitution Relating to Authority of Governor as Commander in Chief.

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 7, amended. Section 7 of Part First of Article V of the Constitution is amended to read as follows:

'Section 7. Commander in Chief of the Militia. He shall be Commander in Chief of the Army and Navy of the State, and of the Militia, except when the same are called into the actual service of the United States; ~~but he shall not march nor convey any of the citizens out of the State without their consent, or that of the Legislature, unless it shall become necessary, in order to march or transport them from one part of the State to another for the defense thereof.~~

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 hold-

ing biennial meetings of said inhabitants for the election of Senators and Representatives at the next general election in the month of November, 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 relating to authority of Governor as Commander in Chief?"

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 27, 1963

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 117 Resolves—"RESOLVE, Proposing an Amendment to the Constitution Relating to Authority of Governor as Commander in Chief."

INTENT

To remove obsolete provision forbidding Governor to march or convey militia out of the state without consent of the legislature.

CONTENT

Simply deletes language necessary to effect the Intent as stated.

CHAPTER 118, RESOLVES OF 1963

RESOLVE, Proposing an Amendment to the Constitution Designating Procedure for Determining the Election of 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, Article V, Part First, Section 3, repealed and replaced. Section 3 of Part First of Article V of the Constitution as amended, is repealed and the following enacted in place thereof:

'Section 3. Election; votes to be returned to Secretary of State; provision in case of a tie. The meetings for election of Governor shall be notified, held and regulated and votes shall be received, sorted, counted and declared and recorded, in the same manner as those for Senators and Representatives. Copies of lists of votes shall be sealed and returned to the secretary's office in the same manner and at the same time as those for Senators. The Secretary of State for the time being shall, on the first Wednesday of January then next, lay the lists returned to the secretary's office before the Senate and House of Representatives to be by them examined, together with the ballots cast if they so elect, and they shall determine the number of votes duly cast for the office of Governor, and in case of a choice by plurality of all of the votes returned they shall declare and publish the same. If there shall be a tie between the two persons having the largest number of votes for Governor, the House of Representatives and the Senate meeting in joint session, and each member of said bodies having a single vote, shall elect one of said two persons having so received an equal number of votes and the person so elected by the Senate and House of Representatives shall be declared the Governor.'

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 election in the month of November, 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 designating procedure for determining the election of Governor?"

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 27, 1963

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 118 Resolves—"RESOLVE, Proposing an Amendment to the Constitution Designating Procedure for Determining the Election of Governor."

INTENT

To clarify the present section. To provide that Senators and Representatives shall elect Governor from two candidates when there is a tie in the election.

CONTENT

Article V, Part First, Section 3, repeals and replaces the present provision. The only change from the present section is that allowing both Senators and Representatives to elect a Governor from the two candidates who are tied in the general election.

CHAPTER 119, RESOLVES OF 1963

RESOLVE, Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House.

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 14, amended. Section 14 of Part First of Article V of the Constitution, as amended, is further amended to read as follows:

'Section 14. Whenever the office of the Governor shall become vacant ~~by death, resignation, removal from office or otherwise~~, the President of the Senate shall assume the office of Governor until

another Governor shall be duly qualified, ~~in the event such~~. When the vacancy occurs ~~not less~~ more than ninety days ~~immediately~~ preceding the date of the ~~primaries~~ primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall ~~exercise~~ assume the office of Governor until the first Wednesday of January following ~~such~~ the biennial election. At ~~such~~ the biennial election, a Governor shall be elected to fill the unexpired term created by ~~such~~ the vacancy ~~unless~~. When the vacancy ~~shall have occurred~~ occurs less than ninety days ~~immediately~~ preceding the date of ~~or after such primaries, in which case a primary election the then~~ President of the Senate shall fill the unexpired term; ~~and in case of the death, resignation, removal from office or other disqualification of the president of the senate, so exercising the office of governor, the speaker of the house of representatives shall exercise the office, until a president of the senate shall have been chosen, and when the office of governor, president of the senate, and speaker of the house shall become vacant, in the recess of the senate, the person, acting as secretary of state for the time being, shall by proclamation convene the senate, that a president may be chosen to exercise the office of governor.~~

Whenever the offices of Governor and President of the Senate are vacant at the same time, the Speaker of the House of Representatives shall assume the office of Governor for the same term and under the same conditions as the President of the Senate.

Whenever the offices of Governor, President of the Senate and Speaker of the House of Representatives are vacant at the same time, the person acting as Secretary of State for the time being shall exercise the office of Governor and shall forthwith by proclamation convene the Senate and the House of Representatives which shall fill respectively the vacancies in the office of the President of the Senate and the Speaker of the House, and by joint ballot of the Senators and Representatives in convention choose a person who shall assume the office of Governor for the same term and under the same conditions as the President of the Senate. ~~And whenever~~ Whenever either the President of the Senate or Speaker of the House of Representatives shall ~~so exercise~~ assume said office of Governor, he shall receive only the compensation of Governor, but his duties as President or Speaker shall be suspended; and the Senate or House shall fill the vacancy resulting from such suspension, until his duties as Governor shall cease.'

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 re-

spective 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 election in the month of November, 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 Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House?”

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 27, 1963

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 119 Resolves—“RESOLVE, Proposing an Amendment to the Constitution Clarifying Provisions Governing Assumption of Office of Governor by the President of the Senate or the Speaker of the House.”

INTENT

To clarify the method of filling the vacancy when the office of Governor becomes vacant.

CONTENT

The President of the Senate becomes Governor when that office becomes vacant. When vacancy occurs more than 90 days before a primary, the President of the Senate holds office of Governor until first Wednesday of January after biennial elec-

tion. A Governor is to be elected at the biennial election to fill the unexpired term. When the vacancy occurs less than 90 days prior to a primary, the President of the Senate fills the unexpired term.

When the offices of Governor and President of the Senate are both vacant at the same time, the Speaker of the House fills the office of Governor under the same terms as the President of the Senate.

When all three offices are vacant at the same time, the Secretary of State shall convene the Senate and House which shall elect, by joint ballot, a person to assume office of the Governor under the same terms and conditions as the President of the Senate.

CHAPTER 120, RESOLVES OF 1964

RESOLVE, Proposing an Amendment to the Constitution Increasing the Amount Available for Guaranteed Loans for Industrial Purposes.

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 14-A, repealed and replaced. Section 14-A of Article IX of the Constitution, as enacted by Article LXXXII, is repealed and the following enacted in place thereof:

‘Section 14-A. For the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial and manufacturing enterprises within the State, the Legislature by proper enactment may insure the payment of mortgage loans on the real estate within the State of such industrial and manufacturing enterprises not exceeding in the aggregate \$40,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.’

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 election in the month of November to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution, which now provides for the pledging of the credit of the State to guarantee loans for industrial purposes, be amended as provided by resolution of the Legislature Proposing an Amendment to the Constitution Increasing the

Amount Available for Guaranteed Loans for Industrial Purposes, and providing an additional \$20,000,000 bond issue for guaranteed loans for industrial purposes?"

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 review 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 January 8, 1964

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 120 Resolves—"RESOLVE, Proposing an Amendment to the Constitution Increasing the Amount Available for Guaranteed Loans for Industrial Purposes."

INTENT

To increase the total amount of mortgage loans which may be insured to encourage industrial and manufacturing enterprises.

CONTENT

The total amount of mortgage loans which may be insured is increased from \$20,000,000 to \$40,000,000.

CHAPTER 124, RESOLVES OF 1964

RESOLVE, Proposing an Amendment to the Constitution Clarifying Procedure for Delivering Election Returns to the Secretary of State by Municipalities.

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 IV, Part First, Section 5, amended. The 3rd sentence of Section 5 of Part First of Article IV of the Constitution, as repealed and replaced by Article LXXXVIII, is amended to read as follows:

'Fair copies of the lists of votes shall be attested by the ~~city and town~~ municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State ~~not less than fifteen days after the day on which the election is held forthwith.~~

Constitution, Article IV, Part Second, Section 2, amended. The 2nd sentence of Section 2 of Part Second of Article IV of the Constitution is amended to read as follows:

'~~And fair~~ Fair copies of the lists of votes shall be attested by the ~~selectmen and town clerks of towns, and the assessors and clerks of plantations, and sealed up in open town and plantation meetings;~~ and the ~~town and plantation clerks~~ municipal officers and the clerks of the cities and towns and the city and town clerks, respectively, shall cause the same to be delivered into the ~~secretary's office thirty days at least before the first Wednesday of January~~ office of the Secretary of State forthwith.'

Form of question and date when amendments 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 general statewide election on the Tuesday following the first Monday of November following the passage of this resolve, to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

"Shall the Constitution be amended as proposed by a resolution of the Legislature clarifying procedure for delivering election returns to the Secretary of State by municipalities?"

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 review the same, and if it shall

appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare the 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 January 17, 1964

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 124 Resolves—"RESOLVE, Proposing an Amendment to the Constitution Clarifying Procedure for Delivering Election Returns to the Secretary of State by Municipalities."

INTENT

To clarify municipal procedures for making election returns to the Secretary of State's office.

CONTENT

Presently the municipal clerks must wait 15 days after election of members of the House of Representatives to return the list of votes to the Secretary of State. The new amendment requires them to do it forthwith.

Presently the municipal clerks must return to the Secretary of State the list of votes cast for State Senators 30 days prior to the first Wednesday of January. The new amendment requires them to do it forthwith.

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).

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)

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?

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).

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).

(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).

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?

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?

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.)

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PAUL A. MacDONALD,
Secretary of State