

MAINE STATE LEGISLATURE

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AUGUSTA, MAINE
ELECTIONS -
Referendum Questions, 1974
(Nov)

**Proposed Constitutional
Amendments**

In accordance with a Public Act Suspended by
Referendum Petitions and Acts Passed by the
106th Legislature at Regular and Special Sessions

Referendum Question

An Act to Change Weights and Related Provisions
for Commercial Vehicles.

Bond Issues

1. \$7,800,000 to Build State Highways.
2. \$25,000,000 for School Building Construction.

Constitutional Amendments

1. Eliminate Three-month Voting Residence Requirement Following a Change of Residence Within the State.
2. Provide for Appointment of Justices of the Peace and Notaries Public to an Initial Term by the Governor and Executive Council and for Additional Terms of These Officers to be by Renewal of Commission, as Provided by Law.
3. Clarify Validity of Municipal Industrial Parks.

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



1974

To be voted upon at the General Election, Tuesday,
November 5, 1974

STATE OF MAINE
Summary of Bonded Indebtedness
June 30, 1974

Total Bonds Outstanding	\$259,210,000
Total Interest to Maturity	109,075,568
Authorized but Unissued	64,853,000
Limit of Potential Contingent Bond Liability	119,248,500
Total amount of bonds contemplated to be issued if the enactments submitted to the voters be ratified.	32,800,000

PUBLIC ACT SUSPENDED BY PROCLAMATION
CHAPTER 596
PUBLIC LAWS OF 1973

AN ACT to Change Weights and Related Provisions
for Commercial Vehicles.

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

Sec. 1. R. S., T. 29, § 1, sub-§ 9, repealed and replaced. Subsection 9 of section 1 of Title 29 of the Revised Statutes, as amended by section 1 of chapter 360 of the public laws of 1971, is repealed and the following enacted in place thereof:

9. Owner. "Owner," for the purposes of vehicle registration only, shall mean any person, firm or corporation holding title to a vehicle; any such person, firm or corporation that uses a motor vehicle in connection with the conduct of business in this State or any vehicle which is primarily domiciled in this State for a period in excess of 30 days; and any common or contract carrier by vehicle operating under permit or certificate of the Public Utilities Commission who operates leased vehicles in this State, which are registered in some other state, for a period in excess of 30 days.

Any person, firm or corporation holding title to a vehicle or having the use of a vehicle who moves into this State, having given up their domicile in such other state, shall become an owner for the purpose of vehicle registration after a period of 30 days has elapsed, unless there is a registration reciprocity agreement in effect between this and such other state providing for a longer period of residing in either state as a prerequisite for vehicle registration. The period of time in any such reciprocal registration agreement shall take precedence over the above 30-day period.

Sec. 2. R. S., T. 29, § 244, amended. The 8th paragraph of section 244 of Title 29 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

The following maximum length limits shall apply.

1. No vehicle shall exceed a length of 45 feet overall, including all structural parts thereof, permanent or temporary, and any load carried thereon or therein.

2. A combination of truck tractor and full trailer, or truck tractor and semitrailer shall not exceed 56½ feet in length, including all structural parts thereof, permanent or temporary, except that the load on such vehicle combinations may extend beyond the 56½ feet by the usual bumper overhang of the transported vehicle in the case of a combination of motor vehicle and semitrailer exclusively engaged in the transportation of motor vehicles.

3. Fire department vehicles and disabled motor vehicles being towed to a repair facility are exempted from the above length restrictions.

Sec. 3. R. S., T. 29, § 246, amended. Section 246 of Title 29 of the Revised Statutes, as amended, is further amended by inserting after the first paragraph the following:

A registration fee of \$15 shall be paid for each thousand pounds of gross weight a vehicle is registered for in excess of 73,280 pounds.

Sec. 4. R. S., T. 29, § 246, amended. The 5th paragraph of section 246 of Title 29 of the Revised Statutes is repealed.

Sec. 5. R. S., T. 29, § 1652, repealed and replaced. Section 1652 of Title 29 of the Revised Statutes, as amended, is repealed and the following enacted in place thereof:

§ 1652. Weight of commercial vehicles limited

1. No vehicle or combination of vehicles shall be operated, or caused to be operated, on or over any way or bridge when the gross weight, actual weight of vehicle and load, exceeds 100,000 pounds. No vehicle having 2 axles shall be so operated, or caused to be operated, when the gross weight exceeds 34,000 pounds; no vehicle or combination of vehicles having 3 axles shall be so operated, or caused to be operated, when the gross weight exceeds 54,000 pounds; no vehicle or combination of vehicles having 4 axles shall be so operated, or caused to be operated, when the gross weight exceeds 69,000 pounds; no vehicle or combination of vehicles having 5 axles shall be so operated, or caused to be operated, when the gross weight exceeds 80,000 pounds; and no vehicle or combination of vehicles having 6 axles or more shall be so operated, or caused to be operated, when the gross weight exceeds 100,000 pounds.

2. Notwithstanding any other provisions of this Title, as amended, or as may be subsequently amended, beginning with the 1975 model year, no motor vehicle and in the case of combination type vehicles, beginning with the 1975 registration year, no trailer or semitrailer shall be registered, operated or caused to be operated, for a gross weight that exceeds the gross weights as certified by the manufacturer. Only a manufacturer of a vehicle chassis that meets federal standards as they apply to new vehicles or their franchised dealer shall be authorized to certify the gross vehicle weight of a vehicle. Proof of such certified gross vehicle weight shall be permanently affixed to the vehicle or carried in or about the vehicle and displayed on demand of any police officer and such evidence of a certified gross vehicle weight shall contain the vehicle identification number to which it applies.

3. One axle, or 2 axles less than 4 feet apart, shall be considered as a single axle unit; 2 or more axles within a distance of 8 feet or less shall be considered as a tandem axle unit; 3 or more axles within a distance of 12 feet or less shall be considered as a tri-axle unit; and if a single axle is closer than 8 feet to the nearest axle of a tri-axle unit, the total load on the 4 axles shall not exceed that allowed for a tri-axle unit. The vehicle shall be considered as having one less axle in determining the permissible maximum gross weight and this axle shall not be considered in distance between axle computations as specified in subsection 5.

4. All 3-axle trucks with the 2 rear axles driven and with brakes on the wheels of all axles, 4-axle trucks with 2 axles driven with a distance between extreme axles of not less than 22 feet and truck tractor, semitrailer or trailer combinations with not exceeding a total of 5 axles, hauling forest products or raw ore from mine or quarry to place of processing, may be operated at 15% in excess of the maximum gross and axle weights permitted upon payment of an additional license fee of \$25 per calendar month or fraction thereof for any of the months of December, January or February.

5. No vehicle shall have a gross weight imparted to any road surface of more than 22,000 pounds on any single axle unit, 42,000 pounds on any tandem axle unit and 54,000 pounds on any tri-axle unit and provided that:

A. No single axle of a tandem axle unit shall support more than 60% of the total weight supported by such tandem axle unit;

B. No single axle of a tri-axle unit shall support more than 40% of the total weight supported by such tri-axle unit;

C. There shall be at least 12 feet between the center of the axles of the nearest succeeding axle units; and

D. If there is at least 8 feet and less than 12 feet between the nearest axles of axle units, the gross weight permitted on the vehicle shall be reduced by 2,000 pounds for each foot of such distances less than 12 feet, measured to the nearest foot.

6. No vehicle shall be operated, or caused to be operated, when the load imparted to the road surface is greater than 600 pounds per inch width tire, manufacturer's rating.

7. No vehicle shall be operated, or caused to be operated, on the Interstate Highway System with a single axle weight in excess of 22,000 pounds; with a tandem axle weight in excess of 32,000 pounds or with an overall gross weight in excess of 73,280 pounds; except for those vehicles described as follows:

A. All 3-axle trucks with brakes on the wheels of all axles, hauling forest products or raw ore from mine or quarry to place of processing, may be operated on the Interstate Highway System with a gross weight of 48,000 pounds with a distance between extreme axles of not less than 18 feet; and

B. All 3-axle trucks with brakes on the wheels of all axles, hauling construction materials, may be operated for a gross weight of 48,000 pounds on the Interstate Highway System with a distance between extreme axles of not less than 16 feet.

8. All trucks and combination vehicles shall have adequate brakes on the wheels of all axles or shall be in compliance with Interstate Commerce Commission safety regulations.

9. The operation of the vehicle shall be prima facie evidence that said operation was caused by the person, firm or corporation holding the permit or certificate for said vehicle from the Public Utilities Commission.

Sec. 6. R. S., T. 29, § 1654, amended. The 3rd paragraph of section 1654 of Title 29 of the Revised Statutes is amended by adding at the end a new sentence to read as follows:

In addition to the schedule of fines herein, any vehicle with 6 or more axles shall be assessed a fine at the rate of \$2 for each 100 pounds such gross weight exceeds 5,000 pounds beyond those limits established in section 1652.

Sec. 7. R. S., T. 29, § 1656, amended. The first paragraph of section 1656 of Title 29 of the Revised Statutes is amended to read as follows:

No person shall operate, or cause to be operated, any truck, tractor, trailer or combination of truck tractor and semitrailer, or truck tractor semitrailer or full trailer with a gross weight that is more than 10% above that specified in the registration certificate for such vehicle for trucks of gross weight of

not over 15,000 pounds and 5% for trucks of gross weight of over 15,000 pounds; provided that no motor vehicle of either a single unit or combined unit shall be operated on the highway with a gross weight that exceeds ~~73,280~~ 100,000 pounds, except that no vehicles shall be operated on the Interstate Highway System with a gross weight in excess of 73,280 pounds.

Sec. 8. R. S., T. 29, § 1753, amended. Section 1753 of Title 29 of the Revised Statutes, as amended by section 22 of chapter 593 of the public laws of 1971, is further amended by adding at the end the following new paragraph:

Any person who operates or causes to be operated upon or over any bridge, posted in accordance with this section, a vehicle or combination of vehicles with a gross weight in excess of the posted limits shall be fined at the rates provided in section 1654.

Sec. 9. Study. The Joint Standing Committee on Transportation of the 106th Legislature is hereby directed to study motor truck transportation in the State of Maine and report its findings to the regular session of the 107th Legislature convening after January 1, 1975.

Said committee shall conduct a study to include, but not limited to, the role of the motor truck industry in the economy of the State of Maine and in other states, including, but not limited to, allowable types of vehicles, vehicle lengths and widths, allowable axle and gross weights and highway user taxes and fees paid for the use of public highways.

Approved April 4, 1974

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

WHEREAS, the One Hundred and Sixth Legislature of the State of Maine, convening upon the first Wednesday of January in the year of our Lord one thousand nine hundred and seventy-four, in First Special Session, duly enacted a Public Law entitled, "An Act to Change Weights and Related Provisions for Commercial Vehicles," which law appears in the Public Laws of the State of Maine for the year 1973 as Chapter 796, and

WHEREAS, written petitions bearing the signatures of 39,783 electors of this State, which number is in excess of ten per cent of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petitions, were addressed to the Governor and were filed in the office of the Secretary of State within ninety days after the recess of the said One Hundred and Sixth Legislature, in First Special Session, requesting that said act be referred to the people and it therefore appears that said Public Act is suspended by said petitions under the provisions of the Constitution of Maine.

NOW, THEREFORE, I, Kenneth M. Curtis, Governor of the State of Maine do hereby declare that the act entitled "An Act to Change Weights and Related Provisions for Commercial Vehicles," designated as Chapter 796 of the Public Laws of 1973, has been suspended, and

WHEREAS, said petitioners requested that an election be called on November 5, 1974 in accordance with the provisions of the Constitution of Maine, and

WHEREAS, under the provisions of Section 17 of Part Third of Article IV of the Constitution of Maine, such election shall be held at the next general election not less than sixty days after such proclamation,

NOW, THEREFORE, I hereby designate the Tuesday following the first Monday in November, being the fifth day of said month, in the year of our Lord one thousand nine hundred and seventy-four as the time on which the above-mentioned Public Act shall be voted on by the people of the State, in accordance with the Constitutional provisions, and the question shall be: "Shall Chapter 796 of the Public Laws of 1973, enacted by the First Special Session of the 106th Legislature, and approved by the Governor, entitled 'AN ACT to Change Weights and Related Provisions for Commercial Vehicles,' become law?"

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this eleventh day of July, in the year of our Lord, One Thousand Nine Hundred and Seventy-four, and of the Independence of the United States of America, the One Hundred and Ninety-ninth.



By the Governor:

Joseph T. Edgar
Secretary of State

Kenneth M. Curtis

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of "An Act to Change Weights and Related Provisions for Commercial Vehicles."

INTENT

This referred Act increases the authorized gross weight of any commercial vehicle or combination of vehicles, operated on or over any way or bridge, from a maximum of 73,280 pounds to a maximum of 100,000 pounds, and amends other provisions related to such weight increases.

CONTENT

Section 2 of this Act provides that no single vehicle shall exceed a length of 45 feet, whereas the law now in effect allows such vehicle to attain a length of 56½ feet.

Section 5 of the Act provides that no vehicle or combination of vehicles shall be operated, or caused to be operated, on or over any way or bridge when the gross weight, actual weight of vehicle and load, exceeds 100,000 pounds. However this weight can be increased to 110,000 pounds by Title 29, § 1655, as it now exists, provided the cargo is one of the commodities named therein. This additional 10% also applies to the below listed gross weights. It then provides specific maximum gross weight increases as follows:

Vehicle with 2 axles — from 32,000 to 34,000 pounds

Vehicle or combination of vehicles having 3 axles —
from 51,800 pounds
to 54,000 pounds

Vehicle or combination of vehicles having 4 axles —
from 66,300 pounds
to 69,000 pounds

Vehicle or combination of vehicles having 5 axles —
from 73,280 pounds
to 80,000 pounds

It then provides a maximum weight of 100,000 pounds for a vehicle or combination of vehicles having 6 or more axles.

Beginning with model year 1975, the gross weight of motor vehicles may not exceed the gross weight certified by the manufacturer, but, beginning with the registration year 1975, trailers and semi-trailers of any model year may not exceed the manufacturers certified gross weight.

The Act provides that 1 axle, or 2 axles less than 4 feet apart, is considered as a single axle unit; 2 or more axles at least 4 feet but not more than 8 feet apart are considered a tandem axle unit; 3 or more

axles 12 feet or less as a tri-axle unit; and if a single axle is closer than 8 feet to the nearest axle of a tri-axle unit, the total load on the 4 axles shall not exceed that allowed for a tri-axle unit.

The Act provides that no vehicle may impart to the road surface more than 22,000 pounds on any single unit, 42,000 on any tandem axle unit, and 54,000 pounds on any tri-axle unit, provided there is at least 12 feet between the center of the nearest succeeding axle units, and if there is at least 8 feet but less than 12 feet between the nearest axles of axle units, the gross weight shall be reduced by 2,000 pounds for each foot less than 12.

Other amendments in the act permit the purchase of a license for an additional 15% of gross weight reduce the minimum axle distance on 4 axle trucks from 24 feet to 22 feet for trucks hauling forest and mine products in the months of December, January and February; and the ability to purchase this 15% is limited to units equipped with 5 or less axles;

Provide that all trucks and combination vehicles shall have adequate brakes on the wheels of all axles or shall be in compliance with Interstate Commerce Commission safety regulations;

Provide that a vehicle with 6 or more axles shall be assessed a fine of \$2 for each 100 pounds its gross weight exceeds 5,000 pounds beyond the limits described above;

Provide that any person who operates or causes to be operated upon or over any bridge posted in accordance with section 1753 of Title 29, a vehicle or combination of vehicles with a gross weight in excess of the posted limits shall be fined at the rates provided in section 1654, which provides for a maximum fine of \$210. Law now in effect (Title 29 § 1611) provides for a fine of \$10 to \$500.

Change the definition of "owner" for registration purposes to include a person, firm or corporation using a motor vehicle in connection with its conduct of business in this state or any vehicle primarily domiciled in this state for a period in excess of 30 days; and to include any common or contract carrier by vehicle operating under permit or certificate of the Public Utilities Commission, who operates leased vehicles in this state which are registered in some other state, for a period in excess of 30 days; and that any person, firm or corporation holding title to a vehicle or having the use of a vehicle who moves into this state, having given up their domicile in such other state, shall become an owner for the purpose of vehicle registration after 30 days has elapsed, unless there is a reciprocity agreement in effect.

The Act repeals the provision that trucks, or farm motor trucks, for which a registration fee of \$100 or more has been paid, may be operated on the highways during December, January and February with

any overload not in excess of those listed in section 1652 of Title 29.

The Act includes in the list of vehicles which may have a gross weight of 10% or 5% above the weight specified in the registration certificate, truck tractor semi-trailers or full trailers.

The Act directs the Joint Standing Committee on Transportation to study motor truck transportation in Maine and report its findings to the next session of the Legislature.

CHAPTER 110

PRIVATE AND SPECIAL LAWS OF 1973

AN ACT to Authorize Bond Issue in the Amount of \$7,800,000 to Build State Highways.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State for the purpose of building state highways.

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

Sec. 1. Bond issue of \$7,800,000 authorized. In addition to state highway and bridge bonds heretofore authorized, the Treasurer of State is authorized, under the direction of the Governor and Council, to issue from time to time, several coupon bonds in the name and behalf of the State to an amount not exceeding \$7,800,000 payable serially at the State Treasury within 20 years from the date of issue. Such bonds and coupons shall be of such denominations and form and upon such terms and conditions, not inconsistent herewith, as the Governor and Council shall direct. The proceeds from the sale of said bonds shall be used for construction or reconstruction of roads and bridges in accordance with allocations made by the Legislature. The said bonds shall be deemed a pledge of the faith and credit of the State. The said bonds shall be issued from time to time so as to meet the needs of the road building program. Said bonds when paid at maturity or otherwise retired shall not be reissued, but may be refunded on terms more favorable to the State than those in the original issue.

Sec. 2. Allocation of Highway Fund Bond Issue. Receipt to the Highway Fund for the fiscal year — from July 1, 1974 to June 30, 1975 — from the proceeds of the sale of bonds shall be segregated, apportioned and expended as designated in the following schedule:

1974-75

DEPARTMENT OF TRANSPORTATION

Bureau of Highways
Highway Construction — State and
Federal \$7,800,000

Sec. 3. Contingent upon ratification of bond issue. Sections 1 and 2 of this Act shall not become effective unless the people of the State of Maine shall have ratified the issuance of bonds as set forth in this Act.

Referendum for ratification. 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 state-wide election to be held in November 1974 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 for the purpose set forth in ‘An Act to Authorize Bond Issue in the Amount of \$7,800,000 to Build State Highways’, passed by the 106th Legislature?”

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 ratification voting “Yes” and those opposed to 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 review the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of said Act, the Governor shall forthwith make known the fact by his proclamation and the Act shall thereupon become effective in 30 days after 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 provisions of the foregoing Act, accompanied by a copy thereof.

Approved June 28, 1973

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Bond Issue, Private and Special Laws of 1973, Chapter 110, entitled, “An Act to Authorize Bond Issue in the Amount of \$7,800,000 to Build State Highways.”

INTENT AND CONTENT

This Private and Special Law authorizes the Treasurer of State, under the direction of the Governor and Council, to issue from time to time coupon bonds

not exceeding \$7,800,000 payable serially at the State Treasury within 20 years from the date of issue, of such denominations and upon such terms and conditions as the Governor and Council shall direct.

The proceeds of such bonds shall be used for construction or reconstruction of roads and bridges in accordance with allocations made by the Legislature. The bonds shall be deemed a pledge of the faith and credit of the State.

Receipt to the Highway Fund for the fiscal year July 1, 1974 to June 30, 1975, from the proceeds of the sale of bonds shall be segregated, apportioned and expended as follows:

1974-75

DEPARTMENT OF TRANSPORTATION
Bureau of Highways

Highway Construction — State and
Federal \$7,800,000

The provisions of this Act shall not become effective unless the people of the State have ratified the issuance of the above bonds.

CHAPTER 136

PRIVATE AND SPECIAL LAWS OF 1973

AN ACT to Authorize Bond Issues in the Amount of \$25,000,000 to Provide Funds for School Building Construction.

Preamble. Two-thirds of both Houses of the Legislature deeming it necessary in accordance with Section 14 of Article IX of the Constitution of Maine to authorize the issuance of bonds on behalf of the State of Maine to provide funds for elementary and secondary school building construction.

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

Sec. 1. Issue of bonds to provide funds for elementary and secondary school building construction. The Treasurer of State is 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 \$25,000,000 for the purpose of providing state funds for elementary and secondary school building construction. Said bonds shall be deemed a pledge of the faith and credit of the State. Said bonds shall not run for a longer period than 20 years from the date of the original issue thereof. Any issuance of bonds for a period in excess of 10 years may contain a call feature at the direction of the Treasurer of State with the approval of the Governor and Council.

Sec. 2. Records of bonds issued to be kept by State Auditor and Treasurer of State. The State Auditor shall keep an account of such bonds, showing the number and amount of each, the date of 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. 3. Sale, how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of such bonds only by direction of the State Board of Education subject to the approval of the Governor and Council; but no such bond shall be loaned, pledged or hypothecated in behalf of the State. The proceeds of the sale of such bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the State Controller upon approval of the Commissioner of Educational and Cultural Services, are appropriated to be used solely for the purposes set forth in this Act. The Treasurer of State is authorized to invest the proceeds of the sale of the bonds during the period when the proceeds are not needed for the purposes set forth in this Act and the interest therefrom shall be paid into the General Fund.

Sec. 4. Interest and debt retirement. Interest due or accruing upon any bonds issued under this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State from any money in the treasury not otherwise appropriated.

Sec. 5. Disbursement of bond proceeds. The proceeds of such bonds shall be expended under the direction and supervision of the Commissioner of Educational and Cultural Services only for elementary and secondary school construction.

Sec. 6. Contingent upon ratification of bond issue. This Act shall not become effective unless and until the people of the State of Maine shall have ratified the issuance of bonds as set forth in this Act.

Sec. 7. Referendum for ratification. 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 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 for the purposes set forth in 'An Act to Authorize Bond Issues in the Amount of \$25,000,000 to Provide Funds for School Building Construction,' passed by the 106th Legislature?"

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 ratification voting "Yes" and those opposed to 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 review the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of said Act, the Governor shall forthwith make known the fact by his proclamation, and the Act shall thereupon become effective in 30 days after 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 July 5, 1973

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Bond Issue, Private and Special Laws of 1973, Chapter 136, entitled "An Act to Authorize Bond Issues in the Amount of \$25,000,000 to Provide Funds for School Building Construction."

INTENT AND CONTENT

This Private and Special Law authorizes the Treasurer of State, under the direction of the Governor and Council, to issue from time to time serial coupon bonds not exceeding \$25,000,000 for the purpose of providing State funds for elementary and secondary school building construction. Said bonds shall be deemed a pledge of the faith and credit of the State, and shall not run for a longer period than 20 years from the date of original issue.

The proceeds of such bonds are appropriated to be used solely for school building construction.

CHAPTER 3

CONSTITUTIONAL RESOLUTION OF 1973

RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Three-month Voting Residence Requirement Following a Change of Residence Within the State.

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

Every citizen of the United States of the age of eighteen years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established, ~~and he or she shall continue to be an elector in such city, town or plantation for the period of three months after his or her removal therefrom if he or she continues to reside in this State during such period,~~ unless barred by the provisions of the second paragraph of this section; and the elections shall be by written ballot.

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 eliminate the three-month voting residence requirement following a change of residence within the State?"

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 resolution, accompanied by a copy thereof.

Resolution according to Article X, Section 4 of the Constitution of the State of Maine.

Received in the office of the Secretary of State January 23, 1974.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Constitutional Resolution, Chapter 3, 1973, entitled, "RESOLUTION, Proposing an Amendment to the Constitution to Eliminate the Three-month Voting Residence Requirement Following a Change of Residence within the State."

INTENT AND CONTENT

The Constitution presently provides that every citizen, who is an elector for Governor, Senators and Representatives in the city, town or plantation where his or her residence has been established shall continue to be an elector in such city, town or plantation for 3 months after removal therefrom if he or she continues to reside in this State.

Under this new amendment, a voter who changes residence from one municipality to another, within the State, may immediately register to vote in the municipality in which he has established residence.

CHAPTER 4

CONSTITUTIONAL RESOLUTION OF 1973

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Appointment of Justices of the Peace and Notaries Public to an Initial Term by the Governor with the Approval of the Executive Council and for Additional Terms of These Officers to be by Renewal of Commission, as Provided by Law.

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 8, amended. Section 8 of Part First of Article V of the Constitution is amended to read as follows:

Section 8. To nominate officers. He shall nominate, and, with the advice and consent of the Council, appoint all judicial officers (except judges of probate), coroners, and notaries public, except that he shall appoint justices of the peace and notaries public for an initial term only, and additional terms of these officers shall be by renewal of commission, as provided by law; and he shall also nominate, and with the advice and consent of the Council, appoint all other civil and military officers, whose appointment is not by this Constitution, or shall not by law be otherwise provided for, except the land agent; and every such nomination shall be made seven days, at least, prior to such appointment.

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 or special statewide election on the Tuesday following the first Monday of November following the passage of this resolution 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 appointment of justices of the peace and notaries public to an initial term by the Governor with the approval of the Executive Council and for additional terms of these officers to be by renewal of commission, as provided by law?"

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 resolution, accompanied by a copy thereof.

Resolution according to Article X, Section 4 of the Constitution of the State of Maine.

Received in the office of the Secretary of State February 28, 1974.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Constitutional Resolution, Chapter 4, 1973, entitled: "RESOLUTION, Proposing an Amendment to the Constitution to Provide for Appointment of Justices of the Peace and Notaries Public to an Initial Term by the Governor with the Approval of the Executive Council and for Additional Terms of These Officers to be by Renewal of Commission, as provided by Law."

INTENT AND CONTENT

The Constitution presently provides that the Governor, with the advice and consent of the Executive Council, shall appoint Justices of the Peace and Notaries Public.

This new amendment provides for the appointment of such officers to an initial term by the Governor with the approval of the Executive Council, and that additional terms of these officers shall be by renewal of Commission, as provided by law.

CHAPTER 5

CONSTITUTIONAL RESOLUTION OF 1973

RESOLUTION, Proposing an Amendment to the Constitution to Clarify Validity of Municipal Industrial Parks.

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 VIII, Part Second, Section 2, amended. Section 2 of Part Second of Article VIII of the Constitution is amended to read as follows:

Section 2. 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 **purchasing land and interests therein** or 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 election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution 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 the validity of municipal industrial parks?"

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 resolution, accompanied by a copy thereof.

Resolution according to Article X, Section 4 of the Constitution of Maine.

Received in the office of the Secretary of State March 4, 1974.

The following is a brief explanatory statement prepared by the Attorney General in accordance with the provisions of 1 M.R.S.A. § 353, with reference to the Intent and Content of Constitutional Resolution, Chapter 5, 1973, entitled, "RESOLUTION, Proposing an Amendment to the Constitution to Clarify Validity of Municipal Industrial Parks."

INTENT AND CONTENT

The Constitution presently provides that 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 purposes of constructing buildings for industrial use, to be leased or sold by the municipality to any responsible industrial firm or corporation.

This amendment clarifies the above provisions by adding that the notes or bonds may be used for the purpose of purchasing land and interests therein for such industrial use.

ADDITIONAL MISCELLANEOUS REFERENCES LOCAL OPTION

(Revised Statutes of 1964, Title 28, Chapter 5,
Sections 101, 102, 103, as amended.)

Sec. 101. Form of question and ballot.

Sec. 102. Results of vote.

Sec. 103. Unincorporated places.

§ 101. Form of question and ballot

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 any primary election, special statewide election or such biennial meeting to give in their votes upon the following questions.

1967, c. 49, § 1; 1973, c. 359, § 1.

1. 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)

2. 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 and part-time Golf Courses)

1973, c. 519, § 3.

3. 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?

4. 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 and part-time Golf Courses)

1973, c. 519, § 3.

5. 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 and class A taverns? (Beer and Ale Only)

6. 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)

6-A. Shall licenses be granted in this city or town for the sale herein of table wines not to be consumed on the premises?

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 120 days prior to any general, primary or special state-wide election, the ballots for that municipality shall carry in accordance with the petition any or all of the following additional questions.

1973, c. 359, § 2.

7. 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?

8. 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?

9. 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?

10. 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?

11. Shall the municipality or unincorporated place authorize the sale of liquor on Sunday in those licensed hotels, class A restaurants and clubs where liquor is permitted to be sold during the rest of the week or shall be so permitted by this election?

12. Shall this municipality or unincorporated place authorize the sale on Sunday of malt liquor for consumption off the premises by such licensees who are permitted to make such sales during the rest of the week?

13. Shall this municipality or unincorporated place authorize the sale on Sunday of table wine for consumption off the premises by such licensees who are permitted to make such sales during the rest of the week?

1973, c. 196, § 2.

14. Shall licenses be granted in this city or town to an incorporated civic organization for the sale herein of malt liquor (beer, ale and other malt liquors), wine and spirits to be consumed on the premises at one public event per year?

1973, c. 747, § 3.

14. Shall licenses be granted in this city or town for the sale herein of malt liquor (beer, ale and other malt liquors), wine and spirits to be consumed on the premises of a municipal auditorium?

1973, c. 749, § 3.

This question will be numbered 14-A on the ballot per Attorney General ruling.

Where a city or town has voted in favor of accepting or not accepting questions 1, 2, 3, 4, 5, 6, 6-A, 7, 8, 9, 10, 11, 12 and 13, said vote shall be effective until repealed in the manner hereinafter provided.

1973, c. 788, § 124.

A new vote may be held in a municipality upon one or more of questions 1 through 13, 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 120 days prior to any general, primary or special state-wide election. The ballots for that municipality shall carry questions in accordance with the petition.

1973, c. 788, § 125.

The Secretary of State, the aldermen of cities, the selectmen of towns and the assessors of plantations are empowered and directed to notify the inhabitants of their respective municipality 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 questions contained in the ballots prepared for that municipality by the Secretary of State. The Secretary of State shall prepare and furnish to the several municipalities ballots in manner and form as prescribed in Title 21, section 702, for constitutional amendment or other questions, together with all such other forms including those for instructions and returns as are prescribed in Title 21.

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 Title 21.

Upon this ballot no other referendum question shall be printed.

§ 102. Results of vote

If a majority of the votes cast in any municipality in answer to any local option question is in the affirmative, the Liquor Commission may issue licenses of the type authorized by such affirmative vote in such municipality.

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.

In case of a tie vote on any of the preceding questions, the law shall remain as it was before the voting.

Where a city or town has voted in favor of accepting or not accepting any of the questions on the local option ballot, said vote shall be effective until repealed by a new petition and vote as required by section 101.

Table wines not to be consumed on the premises may be sold by licensees in a municipality or unin-

corporated place where a majority of votes cast in the municipality or unincorporated place at the general election in November 1970, are in the affirmative to the following local option question:

Shall licenses be granted in this city or town for the sale herein of table wines not to be consumed on the premises?

Subsequent to the 1970 general election, electors in any municipality or unincorporated place may place on a ballot and vote upon local option question numbered 6-A in the manner provided by section 101.

§ 103. Unincorporated places

Upon petition signed by 20% or more of the voting age residents in an unincorporated place requesting a vote on local option questions, the Secretary of State shall forthwith appoint a time and place, give public notice in the same manner as provided for notice in section 252 and cause a vote on such questions to be taken in such unincorporated place under his supervision and subject to such rules and regulations as he shall promulgate. Voting age residents in an unincorporated place shall be as shown by returns to the State Tax Assessor dated April 1, 1971, which returns shall be deposited by the Tax Assessor in the Secretary of State's office. Voting age Indian reservation residents shall be determined from annual tribal census.

1971, c. 622, § 89-A.

If a majority of the votes cast on any such question is in the affirmative, the commission may issue licenses in such unincorporated place of the type approved by such affirmative vote, subject to all the provisions of law. If a majority of the votes cast on any such question is in the negative, no new or renewal license shall be issued in such unincorporated place of the type disapproved by such negative vote.

The affirmative or negative vote, as cast, on each such local option question, shall prevail in such unincorporated place, unless and until changed by another such local option vote, subsequently held, on petition to said Secretary of State as provided. No such local option vote shall be taken more often than once in any 2-year period.

If the total number of persons shown by returns of the State Tax Assessor in such unincorporated place is less than 20 or the number signing any petition for local option vote is less than 20, the Secretary of State shall not hold any election in such unincorporated place and in event no such vote is taken, the county commissioners or the commission may refuse approval of such application on the basis that such license is not warranted for any substantial public convenience, necessity or demand. The county commissioners or the commission shall have the authority in such unincorporated place to authorize the sale of liquor on Sunday in those licensed

hotels, class A restaurants and clubs where liquor is permitted to be sold during the rest of the week.

In no event shall the commission issue a license to any person when it appears to it that such person or any other person for his benefit has moved a store or restaurant into an unincorporated place from an organized or unincorporated place where a local option vote has resulted in his being unable to procure a liquor license.

1969, c. 360.

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JOSEPH T. EDGAR
Secretary of State