

# MAINE STATE LEGISLATURE

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# FIFTIETH LEGISLATURE.

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SENATE.

No. 2.

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## STATE OF MAINE.

RESOLVES providing for amendment of the constitution.

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*Resolved*, Two-thirds of both houses concurring, that  
2 the following be proposed as amendments to the con-  
3 stitution of the state, which shall become a part there-  
4 of, when approved and adopted in the manner provided  
5 by the constitution, viz :

### ARTICLE 13.

Section eleven of article one of the constitution of  
2 this state, shall be amended, by inserting after the  
3 word "contracts" in the second line, as follows, "or  
4 making any irrevocable grant of special privileges or  
5 immunities." Section nine of article four, shall be  
6 amended, by adding at the end thereof, the following  
7 provisions, "every bill shall be read at large on three  
8 different days, in each house, and the bill and all  
9 amendments thereto, shall be printed before the vote

10 is taken on its final passage. The vote shall be by  
11 yeas and nays, on each bill separately, and no bill  
12 shall become a law without the concurrence of a  
13 majority of the members elected to each house. No  
14 bill hereafter passed shall embrace more than one sub-  
15 ject, and that shall be expressed in the title, and no  
16 law shall be revived or amended by reference to its  
17 title only, but the law revived or the section amended,  
18 shall be inserted in the new act.”

#### ARTICLE 14.

SECTION 1. The members of the legislature shall  
2 receive for their services the sum of one hundred and  
3 fifty dollars for the first year after the adoption of this  
4 amendment, and ten cents for each mile necessarily  
5 traveled in going to and returning from the seat of  
6 government, and thereafter such compensation as shall  
7 be prescribed by law, and no other allowance or emol-  
8 ument, directly or indirectly, for any purpose what-  
9 ever, except the sum of fifty dollars per annum to each  
10 member, which shall be in full for postage, stationery,  
11 newspapers, and all other incidental expenses and  
12 perquisites. But no change shall be made in the  
13 compensation of members of the legislature during the  
14 term for which they may have been elected. The pay  
15 and mileage allowed to each member of the legislature

16 shall be certified by the president of the senate and the  
17 speaker of the house of their respective branches, and  
18 entered on the journal and published at the close of the  
19 session.

SECT. 2. The legislature shall never grant or au-  
2 thorize extra compensation, fee or allowance, to any  
3 public officer, agent, servant or contractor, after ser-  
4 vice has been rendered or a contract made, nor authorize  
5 the payment of any claim or part thereof hereafter  
6 created against the state under any agreement or con-  
7 tract made without express authority of law, and all  
8 such unauthorized agreements or contracts shall be  
9 null and void ; *provided* the legislature may make ap-  
10 propriations for expenditures incurred in suppressing  
11 insurrection or repelling invasion.

SECT. 3. The legislature shall provide by law, that  
2 the fuel and stationery furnished for the use of the  
3 state, the printing and binding the laws and journals,  
4 and all other printing ordered by the legislature, with  
5 the material for the same, shall be let by contract to  
6 the lowest responsible bidder, but the legislature shall  
7 fix a maximum price, and no member thereof or other  
8 officer of the state shall be directly or indirectly in-  
9 terested in such contract. But all such contracts shall  
10 be subject to the approval of the governor and council,

11 and if disapproved by them shall be relet in such man-  
12 ner as shall be prescribed by law.

SECT. 4. No teacher, state, county, town or district  
2 school officer, shall be interested in the sale, proceeds  
3 or profits of any book, apparatus or furniture, used or  
4 to be used in any school in this state, with which such  
5 officer may be connected, under such penalties as may  
6 be provided by the legislature.

SECT. 5. The legislature shall have no power to  
2 authorize lotteries or gift enterprises, for any purpose,  
3 and shall pass laws to prohibit the sale of lottery or  
4 gift enterprises in this state.

SECT. 6. The legislature shall not pass local or  
2 special laws in any of the following enumerated  
3 cases, viz.: For  
4 Granting divorces.  
5 Changing the names of persons or places.  
6 Laying out, opening, altering and working roads or  
7 highways.  
8 Vacating roads, town plats, streets, alleys and public  
9 grounds.  
10 Locating or changing county seats.  
11 Regulating county and township affairs.  
12 Regulating the practice in courts of justice.  
13 Regulating the jurisdiction and duties of justices of  
14 the peace, police magistrates and constables.

- 15 Providing for change of venue in civil and criminal  
16 cases.
- 17 Incorporating cities, towns or villages, or amending  
18 the charter of any city, town or village.
- 19 Summoning and impanelling grand and petit juries.
- 20 Providing for the management of common schools.
- 21 Regulating the rate of interest on money,
- 22 The opening and conducting of any election or desig-  
23 nating the place of voting.
- 24 The sale or mortgage of real estate belonging to  
25 minors or others under disability.
- 26 The protection of game or fish.
- 27 Chartering or licensing ferries or toll bridges.
- 28 Remitting fines, penalties or forfeitures.
- 29 Creating, increasing or decreasing fees, percentage or  
30 allowance of public officers during the term for which  
31 said officers are elected or appointed.
- 32 Changing the law of descent.
- 33 Granting to any corporation, association or individual  
34 the right to lay railroad tracks, or amending existing  
35 charters for such purposes.
- 36 Granting to any corporation, association or individual  
37 any special or exclusive privilege, immunity or fran-  
38 chise whatever.
- 39 In all cases where a general law can be made applica-  
40 ble no special law shall be enacted.

SECT. 7. The legislature shall have no power to re-  
2 lease or extinguish, in whole or in part, the indebted-  
3 ness, liability or obligation of any corporation or in-  
4 dividual to this state, or to any municipal corporation  
5 therein.

## ARTICLE 15.

### CORPORATIONS.

SECT. 1. No corporation shall be created by special  
2 laws, or its charter extended, changed or amended,  
3 except those for charitable, educational, penal or re-  
4 formatory purposes, which are to be and remain under  
5 the patronage and control of the state ; but the legis-  
6 lature shall provide by general law for the organiza-  
7 tion of all corporations hereafter to be created.

SECT. 2. All existing charters or grants of special  
2 or exclusive privileges under which organization shall  
3 not have taken place, or which shall not have been in  
4 operation within ten days from the time this amend-  
5 ment takes effect, shall thereafter be void.

SECT. 3. The legislature shall provide by law, that  
2 in all elections for directors or managers of incorpo-  
3 rated companies, every stockholder shall have the  
4 right to vote, in person or by proxy, for the number  
5 of shares of stock owned by him, for as many persons  
6 as there are directors or managers to be elected, or to  
7 cumulate said shares, and give one candidate as many

8 votes as the number of directors multiplied by the  
9 number of his shares of stock shall equal, or to distri-  
10 bute them on the same principle among as many can-  
11 didates as he shall think fit, and such directors or  
12 managers shall not be elected in any other way.

SECT. 4. The legislature shall pass no law granting  
2 the right to construct and operate a street railroad,  
3 within any city, town or incorporated village, without  
4 requiring the consent of the local authorities having  
5 control of the street or highway proposed to be occu-  
6 pied by such street railroad.

SECT. 5. Every railroad corporation organized or  
2 doing business in this state, under the laws or author-  
3 ity thereof, shall have and maintain a public office or  
4 place in this state for the transaction of its business,  
5 where transfers of stock shall be made, and in which  
6 shall be kept, for public inspection, books, in which  
7 shall be recorded the amount of capital stock sub-  
8 scribed, and by whom ; the names of the owners of its  
9 stock, and the amount owned by them respectively ;  
10 the amount of stock paid in and by whom ; the trans-  
11 fers of said stock ; the amount of its assets and lia-  
12 bilities, and the name and place of residence of its  
13 officers. The directors of every railroad corporation  
14 shall annually make a report, under oath, to the sec-  
15 retary of state, of their acts and doings, which report



16 shall include such matters relating to railroads as may  
17 be prescribed by law, and the legislature shall pass  
18 laws enforcing, by suitable penalties, the provisions of  
19 this section.

SECT. 6. The rolling stock, and all other movable  
2 property belonging to any railroad company or corpo-  
3 ration in this state, shall be considered personal prop-  
4 erty, and shall be liable to execution and sale in the  
5 same manner as the personal property of individuals,  
6 and the legislature shall pass no law exempting any  
7 such property from execution and sale.

SECT. 7. No railroad corporation shall consolidate  
2 its stock property or franchise with any other corpora-  
3 tion owning a parallel or competing line, and in no case  
4 shall any consolidation take place, except upon public  
5 notice given of at least sixty days, to all stockholders,  
6 in such manner as may be prescribed by law. A ma-  
7 jority of the directors of any railroad corporation now  
8 incorporated or hereafter to be incorporated by the laws  
9 of this state, shall be citizens and residents of this  
10 state.

SECT. 8. No railroad corporation shall issue any  
2 stock or bonds, except for money, labor or property  
3 actually received and applied to the purpose for which  
4 such corporation was created ; and all stock dividends,  
5 and other fictitious increase of the capital stock or in-

6 debtedness of any such corporation, shall be void.  
7 The capital stock of no railroad corporation shall be  
8 increased for any purpose, except upon giving sixty  
9 days' public notice in such manner as may be pre-  
10 scribed by law.

SECT. 9. The exercise of the power and the right of  
2 eminent domain shall never be so construed or abridged  
3 as to prevent the taking by the legislature of the prop-  
4 erty and franchise of incorporated companies already  
5 organized, and subjecting them to the public necessity,  
6 the same as of individuals. The right of trial by jury  
7 shall be held inviolate in all claims for compensation  
8 when, in the exercise of the said right of eminent do-  
9 main, any incorporated company shall be interested  
10 either for or against the exercise of said right.

SECT. 10. Railroads already constructed or that  
2 may hereafter be constructed in this state are hereby  
3 declared public highways, and shall be free to all per-  
4 sons for the transportation of their persons and prop-  
5 erty thereon, under such regulations as may be pre-  
6 scribed by law, and the legislature shall from time  
7 to time pass laws establishing reasonable maximum  
8 rates of charges for the transportation of passengers  
9 and freight on the different railroads in this state.

SECT. 11. The legislature shall pass laws to correct  
2 abuses and prevent unjust discrimination and extortion

3 in the rates of freight and passenger tariffs on the dif-  
4 ferent railroads in this state, and enforce such laws by  
5 adequate penalties to the extent, if necessary for that  
6 purpose, of the forfeiture of their property and fran-  
7 chise.

#### ARTICLE 16.

All judges of courts of record, inferior to the supreme  
2 court, shall, on or before the first day of July in each  
3 year, report in writing to the judges of the supreme  
4 court, such defects and omissions in the laws as their  
5 experience may suggest, and the judges of the su-  
6 preme court shall, on or before the first day of January  
7 of each year, report in writing to the governor, to be  
8 by him presented to the legislature, such defects and  
9 omissions in the constitution and laws as they may  
10 find to exist, together with appropriate forms of bills  
11 to remedy such defects and omissions.

#### SCHEDULE.

That no inconvenience may arise from the alteration  
2 and amendments made in the constitution of this state,  
3 and to carry the same into complete effect, it is there-  
4 fore resolved,

SECT. 1. That all laws in force at the adoption of  
2 these amendments to the constitution, not inconsistent  
3 therewith, and all rights, actions prosecutions, claims  
4 and contracts of this state, individuals or bodies corpo-

5 rate, shall continue to be as valid as if these amend-  
6 ments had not been adopted.

· SECT. 2. These amendments shall be submitted to  
2 the people of the State of Maine for adoption or rejec-  
3 tion, at the annual election for state and county offi-  
4 cers, to be held on the second Monday of September,  
5 eighteen hundred and seventy one, and there shall be  
6 separately submitted at the same time for adoption or  
7 rejection :

8 Section three, relating to minority representation in  
9 the article entitled corporations.

10 Sections five, six, seven, eight, nine, ten and eleven re-  
11 lating to railroads in the article entitled corporations.

SECT. 3. The secretary of state shall, at least thirty  
2 days before said election, cause to be delivered to the  
3 clerks of each town and organized plantation, the  
4 necessary blanks and forms of return, and twice the  
5 number of properly prepared printed ballots for the  
6 said election that there are voters in such towns and  
7 plantations.

SECT. 4. At the said election the ballots shall be in  
2 the following form :

3 *Amendment to the constitution ticket.*

4 For all the propositions on this ticket which are not  
5 cancelled with ink or pencil, and against all which  
6 are so cancelled.

- 7 For the new amendments.
- 8 For the section relating to minority representation in  
9 corporations.
- 10 For the section relating to railroads in the article en-  
11 titled corporations.
- 12 Each of said tickets shall be counted as a vote cast  
13 for each proposition thereon not cancelled with ink or  
14 pencil, and against each proposition so cancelled, and  
15 returns thereof shall be made accordingly by the  
16 judges of elections, at the same time and in the same  
17 manner that the returns of the election for state and  
18 county officers are made, and proclamation shall be  
19 made by the governor forthwith of the result of the  
canvass.

SECT. 5. These amendments, if adopted, shall on  
2 and after Monday, the second day of October, eigh-  
3 teen hundred and seventy-one, become part of the  
4 constitution of the State of Maine. If it shall appear  
5 that a majoriry of the votes polled are for the new  
6 amendments, then so much of these amendments as  
7 was not separately submitted to be voted on by arti-  
8 cles and sections shall become part of the constitution  
9 of this state ; but if it shall appear that a majority of  
10 the votes polled were against the new amendments,  
11 then so much thereof as was not separately submitted  
12 to be voted on by articles and sections is null and void.

13 If it shall appear that a majority of the votes polled  
14 are for the new amendments, section seven, article  
15 four of the constitution is annulled, section one, arti-  
16 cle fourteen of the amendments being substituted  
17 therefor. If it shall appear that a majority of the  
18 votes polled are for the section relating to minority  
19 representation in the article entitled corporations,  
20 section third in the said article shall be a part of the  
21 constitution of this state, but if a majority of said  
22 votes are against said section it shall be null and void.  
23 If a majority of the votes polled are for the sections  
24 relating to railroads in the article entitled corpora-  
25 tions, sections five, six, seven, eight, nine, ten and  
26 eleven relating to railroads in the said article shall be  
27 a part of the constitution of this state, but if a ma-  
28 jority of said votes are against such sections they shall  
29 be null and void.

SECT. 6. The legislature shall pass all laws neces-  
2 sary to carry into effect the provisions of these amend-  
3 ments.



STATE OF MAINE.

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IN SENATE, January 4, 1870.

Presented by Mr. MORRIS of Cumberland, and printed under  
the Joint Rule.

SAMUEL W. LANE, *Secretary.*