

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 846

H. P. 1538

House of Representatives, March 8, 1933.

Received by unanimous consent. Referred to Committee on Federal Relations and 500 copies ordered printed. Sent up for concurrence.

HARVEY R. PEASE, Clerk.

Presented by Miss Laughlin of Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-
THREE

AN ACT to Provide for a Convention to Pass upon the Proposed Twenty-first Amendment to the Constitution of the United States.

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

Sec. 1. Convention to be held. A convention for the purpose of acting upon the question of ratification or rejection of the proposed 21st amendment to the constitution of the United States shall be held in the hall of the house of representatives in the state capitol on the first Wednesday of January, 1934.

Sec. 2. Composition of convention. Said convention shall be composed of 187 delegates of whom 151 delegates shall be elected from the legislative class districts, and to the same number, as now provided by law for the election of members of the house of representatives in the legislature; 33 delegates shall be elected from the senatorial districts, and to the same number, as now provided by Article IV Part 2 of the state constitution, as amended, for the election of members of the senate in the legislature; and 3 delegates shall be elected from the congressional districts as fixed by law, one from each district.

Sec. 3. Election of delegates. The delegates to said convention shall be elected at a general election to be held on the second Monday of September, 1933, which said election shall be conducted and the results thereof

ascertained in the same manner as in a general election for the election of state officers; and all the provisions of this state governing such election, except such as are inconsistent with any of the provisions of this act shall be, and hereby are made applicable to the election of delegates to said convention.

Sec. 4. Qualification of Voters. Persons qualified to vote for governor shall be entitled to vote for delegates to said convention.

Sec. 5. Qualification of Delegates. The qualifications for delegates to said convention shall be the same as the qualifications for members of the house of representatives in the legislature.

Sec. 6. Nomination of delegates; nomination petitions. Candidates for election as delegates shall be nominated by petition and not otherwise. Nomination petitions shall be prepared and distributed by the secretary of state and shall specify as to each candidate, his name, his residence, the electoral district or division in which he is a candidate and whether or not he is for the ratification of said proposed amendment or is against the ratification of said amendment. The total number of signatures for the nomination of each candidate or delegate must amount in the aggregate to at least one per cent and not more than two per cent of the total vote cast for governor in the election held on the second Monday of September, 1932 in the electoral district or division within which such candidate is to be voted for. There shall not be in any nomination petition the name of more than one candidate proposed for nomination. Only persons qualified to vote for delegates shall sign a nomination petition and each signer shall make his signature in person, to which shall be added his place of residence. Each signer shall subscribe his name to only such number of petitions as there are delegates to be elected in the electoral district or division in which such nomination is proposed. One of the signers of each separate petition or the person circulating the petition shall make oath thereto that he believes the signatures are genuine and that the persons signing the same are qualified voters within the electoral district or division for which the nomination is proposed. Nomination petitions shall not be signed prior to the date of the taking effect of this act. All petitions shall be filed with the secretary of state on or before the 11th day of August, 1933.

Sec. 7. Contents and form of ballot. Every ballot shall contain the names and residences of all candidates duly nominated in the electoral district or districts in which such ballot is to be voted. The names shall be arranged in alphabetical order according to electoral districts and in two groups, one group under the designation "For Ratification" and the other group under the designation "Against Ratification," as the case may

be, according to the designation appearing on the nomination petition of each candidate. Appropriate instructions shall be printed on each ballot instructing the voter as to the number for whom he may vote in each electoral district and in each group and the method to be followed in marking his ballot. The person receiving the highest number of votes in the electoral district in which he is a candidate shall be declared to be elected a delegate; when more than one delegate is to be elected in any district the persons to the number to be elected who shall receive the highest number of votes shall be declared to be elected. In case of a tie between two or more persons, the person or persons elected shall be determined in the manner provided by law in the case of a tie in a primary election.

Sec. 8. Vacancies. If there shall be a vacancy in the convention, from any cause, said vacancy shall be filled by appointment by the majority vote of the delegates elected under the same designation as that under which the delegate whose place is vacant was nominated or elected.

Sec. 9. Return of expenditures. Every candidate for nomination as a delegate shall report to the secretary of state all expenditures made and all liabilities incurred by him in behalf of his election; and every person, firm, association, committee, organization or corporation making any expenditure or incurring any liability in aid of the election of any candidate shall report to the secretary of state all expenditures made and all liabilities incurred to the amount of five dollars or more in behalf of such candidate. Such reports shall be in the form prescribed in chapter 263 of the laws of 1931 for the return of expenditures in a primary election. One report shall be made ten days prior to the date of said election and a second report shall be made so as to reach the office of the secretary of state not later than ten o'clock in the forenoon of the Wednesday next preceding said election, which said reports shall be published by the secretary of state in the appropriate local newspapers not later than the Friday next preceding said election. A final report shall be filed with the secretary of state not later than 15 days next following said election. Any statement in any of said reports which is wilfully false shall be deemed to be perjury and shall be punished accordingly.

Sec. 10. Convention roll. The secretary of state shall on or before the day preceding the meeting of the convention furnish to the secretary of the senate a certified roll under the seal of the state with the names and residences of the delegates-elect according to the report of the governor and council and shall report the vacancies if any exist.

Sec. 11. Organization of convention. The secretary of the senate at 10 o'clock in the forenoon on the day appointed for the meeting of the convention as provided in section 1 shall call the delegates-elect present

to order and from the certified roll furnished him as aforesaid shall call their names and if a quorum respond, he shall preside until they are qualified and a president of the convention is elected and if no quorum appear, he shall preside and the delegates present shall adjourn from day to day until a quorum appear and are qualified and a president is elected. In case of a vacancy in the office of the secretary of the senate, the clerk of the house shall act in his stead. The governor shall administer the oath to the delegates-elect as the same is administered to members of the legislature.

Sec. 12. Powers of convention. The convention shall be the judge of the election and qualification of its members; and shall have power to elect its president, secretary and other officers, and to adopt its own rules.

Sec. 13. Compensation. Each delegate shall receive mileage at the same rate as now provided for members of the legislature and shall be paid for his services the same amount per day as is now provided for members of the legislature when meeting in special session.

Sec. 14. Convention records; certificate. The convention shall keep a journal of its proceedings, which shall contain a record of the vote of the convention for and against ratification, and which said journal shall be filed with the secretary of state. A certificate setting forth the action of the convention, whether for ratification or against ratification, shall be executed by the president and secretary of the convention and shall be filed with the secretary of state, who shall transmit said certificate under the seal of the state to the secretary of state of the United States.