

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1042**

S. P. 661

In Senate, March 28, 1933.

Reported by Senator Holman of Franklin from Committee on Federal Relations and laid on table to be printed under Joint Rules.

ROYDEN V. BROWN, Secretary.

New Draft of S. P. 536, L. D. 803.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

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

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

**Sec. 1. Constitutional convention to be convened.** A constitutional convention shall be convened in the hall of the house of representatives at the capitol on the first Wednesday in December, 1933, to act on the question of the ratification or rejection of the 21st amendment to the constitution of the United States.

**Sec. 2. Delegates to convention.** Said convention shall be composed of 84 delegates who shall be elected from the counties as follows:

2 each from the counties of Lincoln, Sagadahoc, Piscataquis, Franklin and Waldo,

3 each from the counties of Hancock and Knox,

4 each from the counties of Washington, Somerset, and Oxford,

7 each from the counties of Kennebec, Androscoggin and York,

9 each from the counties of Aroostook and Penobscot, and

13 from the county of Cumberland.

**Sec. 3. Election of delegates.** The delegates to said convention shall be elected at a general election to be held on the 2nd Monday in September,

1933, the ballots for which shall be prepared and distributed by the secretary of state as in the case of general elections and notifications of which shall be prepared and posted as required by law for such general elections.

**Sec. 4. Qualifications 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 state legislature.

**Sec. 5. Nomination of candidates.** Candidates for election as delegates shall be nominated by petition signed in the aggregate for each candidate by not less than 10% of the total vote cast for governor in the gubernatorial election of 1932 in the district or division sought to be represented by the candidate; provided, however, that not more than 5000 names for nomination as a candidate shall be required.

Nominating petitions shall be prepared for circulation by the secretary of state and shall specify as to each candidate his name, his place of residence and the election district in which he offers himself as a candidate.

Nominating petitions shall not be signed prior to the 5th day of July, 1933 and shall be filed in the office of the secretary of state not later than midnight on the 10th day of August, 1933.

**Sec. 6. Contents of ballot.** The ballots shall contain the names of all candidates duly nominated, arranged alphabetically according to surnames.

Appropriate instructions at the head of the ballot shall instruct the voter as to the number of candidates to be voted for.

The ballot shall contain in addition to the names and the instructions, a statement in appropriate language setting forth the purpose of the convention and the language of the proposed amendment to the Constitution of the United States.

**Sec. 7. Canvass of returns.** The result of the election shall be canvassed by the governor and council in accordance with the provisions of law governing the canvassing of the returns in general elections; the delegates-elect shall be notified of their election and the roll of convention shall be prepared by the secretary of state as in the case of election to the legislature.

**Sec. 8. Certified roll of delegates to be furnished to secretary of senate.** 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. 9. Convening 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.

**Sec. 10. Administration of oath.** The governor shall administer the oath to the delegates-elect as the same is administered to members of the legislature.

**Sec. 11. Organization of convention.** The convention shall be the judge of the qualification and election of its own members and shall organize by the election of a president and a secretary with such subordinate officers as may be in the opinion of the convention necessary for the transaction of its business.

**Sec. 12. Compensation.** Delegates to the convention shall draw the same mileage as members of the legislature and shall receive as compensation for their services \$5 each.

**Sec. 13. Journal of the convention.** The convention shall keep a journal of its proceedings in which shall be recorded the vote of each delegate on the question of ratification of the proposed amendment. Upon final adjournment the journal shall be filed with the secretary of state.

**Sec. 14. Certification of ratification.** If the convention shall agree, by vote of a majority of the total number of delegates, to the ratification of the proposed amendment, a certificate to that effect shall be executed by the president and secretary of the convention and transmitted to the secretary of state of this state, who shall transmit a copy thereof under the great seal of the state to the secretary of state of the United States.

**Sec. 15. Report of candidates expenditure.** 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 \$5 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 10 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 10 o'clock in the forenoon of the 7th day preceding said election which said reports shall be published by the secretary of state in all the daily newspapers published in the state not later than the 5th day next pre-

ceding 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. 16. Provisions in case of a referendum.** In the event that this act shall be referred to the people under the provisions of article XXXI of the Constitution and its operation suspended so that the election cannot be held on the second Monday in September as provided in section 3 a special election shall be held on a date to be fixed by the governor by proclamation not more than 3 months after this act becomes effective if it becomes effective by vote of the people at referendum election. In such event all of the provisions of this act shall apply to the election date so fixed by proclamation of the governor the nominations to be filed not less than 20 days before the date of the election. The nominating petitions to be available for signature at least 30 days before said date and the convention to be held 28 days after the date of such election.