

MAINE STATE LEGISLATURE

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N I N E T I E T H L E G I S L A T U R E

Legislative Document

No. 49

S. P. 75.

In Senate, January 15, 1941.

Referred to Judiciary Committee and 1,000 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Mr. Friend of Somerset.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-ONE

RESOLVE, Proposing Amendments to the Constitution Repealing the Constitutional Provisions Relating to the Office of Treasurer State and Ratifying and Approving a Legislative Enabling Act Providing for Appointment of the Treasurer upon Approval of this Resolve.

Resolved: Two-thirds of both houses of the legislature concurring, that the following amendments to the constitution of this state be proposed:

Sec. 1. Article V, Part 4th, constitution, amended. Part 4th of Article V of the constitution is hereby amended by striking therefrom the head title "Treasurer" and sections 1, 2 and 3 and by inserting a new head title to read "Warrants" and by changing the number of section 4 to section 1 so that said Part 4th as amended will read as follows:

ARTICLE V.—Part 4th

Warrants

Sec. 1. No money shall be drawn from the treasury, but by warrant from the Governor and Council, and in consequence of appropriations made by law; and a regular statement and account of the receipts and expendi-

tures of all public money, shall be published at the commencement of the biennial session of the Legislature.'

Sec. 2. Article XXIII, constitution, amended. Article XXIII of the constitution is hereby amended by striking therefrom the words "section one, part four, article five"; as they occur in that sequence in the 4th line of the 2nd paragraph thereof.

Sec. 3. Article XXVII, constitution, repealed. Article XXVII of the constitution is hereby repealed.

Sec. 4. Legislative act ratified and approved. The act passed by the 90th legislature at its regular session which provides for appointment of the treasurer of state and which is by its terms to become effective upon approval of this resolve in accordance with the provisions of the constitution is hereby ratified and approved as a valid and constitutional exercise of the legislative power. Such act shall not become a part of the constitution by reason of this ratification and approval but shall be and remain valid statutory law subject to amendment or repeal by the legislature.

Sec. 5. Officer to serve until successor appointed and qualified. The incumbent of the office of treasurer of state at the time this amendment is adopted or his successor in office chosen in the manner now prescribed by law shall continue to discharge the duties of the office (unless removed therefrom in the manner prescribed by law) with all of the powers and subject to all the limitations now prescribed by law until his successor is chosen under the provisions of the legislative act above ratified and approved and has duly qualified as by law provided.

Sec. 6. Omission of sections 4, 5 and 6 from printed copies. Sections 4, 5 and 6 of this resolve shall hereafter be omitted in any printed copies of the constitution prefixed to the laws of this state but this shall not impair the validity of acts under those sections and they shall remain in full force as part of the constitution, according to the stipulations in said sections, with the same effect as if contained in said printed copies.

Further Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state, are hereby 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, on the 2nd Monday in September 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 constitu-

tion be amended as proposed by a resolution of the legislature to repeal the constitutional provisions relating to the office of treasurer of state and to ratify and approve a legislative enabling act providing for appointment of the treasurer of state?". And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the amendments voting "Yes" upon their ballots and those opposed to the amendments voting "No" upon their ballots, and the ballots shall be received, 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.

Further 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 of this resolve.