

MAINE STATE LEGISLATURE

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Legislative Document

No. 743

H. P. 1243 House of Representatives, February 26, 1943.
Referred to Committee on Judiciary. Sent up for concurrence and
ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Rollins of Greenville.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-THREE

**RESOLVE, Proposing a Constitutional Amendment Changing the Times
of Meetings of the Legislature.**

Constitutional amendment. Resolved: Two-thirds of the legislature concurring, that the following amendment to the constitution of this state be proposed.

The following sections of the constitution of the state are amended to read as follows:

Sec. 1. Article II, § 4, constitution, amended. Section 4 of Article II of the constitution, as amended by Article XXIII, is hereby further amended to read as follows:

Sec. 4. The election of governor, senators and representatives shall be on the second Monday of September biennially forever. But citizens of the state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for governor, senators and representatives on the second Monday of September biennially, in the

manner herein provided. On the day of election a poll shall be opened at every place without this state where a regiment, battalion, battery, company, or detachment of not less than 20 soldiers from the state of Maine, may be found or stationed, and every citizen of said state of the age of 21 years, in such military service, shall be entitled to vote as aforesaid; and he shall be considered as voting in the city, town, plantation and county in this state where he resided when he entered the service. The vote shall be taken by regiments when it can conveniently be done; when not so convenient, any detachment or part of a regiment, not less than 20 in number, and any battery or part thereof numbering 20 or more, shall be entitled to vote wherever they may be. The 3 ranking officers of such regiment, battalion, battery, company, or part of either, as the case may be, acting as such on the day of election, shall be supervisors of elections. If no officers, then 3 non-commissioned officers according to their seniority shall be such supervisors. If any officer or non-commissioned officer shall neglect or refuse to act, the next in rank shall take his place. In case there are no officers or non-commissioned officers present, or if they or either of them refuse to act, the electors present, not less than 20, may choose, by written ballot enough of their own number, not exceeding 3, to fill the vacancies, and the persons so chosen shall be supervisors of elections. All supervisors shall be first sworn to support the constitution of the United States and of this state, and faithfully and impartially to perform the duties of supervisors of elections. Each is authorized to administer the necessary oath to the others; and certificates thereof shall be annexed to the lists of votes by them to be made and returned into the office of the secretary of state of this state as hereinafter provided. The polls shall be opened and closed at such hours as the supervisors, or a majority of them, shall direct; **provided, however,** that due notice and sufficient time shall be given for for all voters in the regiment, battalion, battery, detachment, company, or part of either, as the case may be, to vote. Regimental and field officers shall be entitled to vote with their respective commands. When not in actual command, such officers, and also all general and staff officers, and all surgeons, assistant surgeons, and chaplains, shall be entitled to vote at any place where polls are opened. The supervisors of elections shall prepare a ballot box or other suitable receptacle for the ballots. Upon one side of every ballot shall be printed or written the name of the county, and also of the city, town or plantation of this state, in which is the residence of the person proposing to vote. Upon the other side shall be the name or names of the persons to be voted for, and the office or offices which he or they are intended to fill. And before receiving any vote, the supervisors, or a majority of them, must be satisfied of the age and citizen-

ship of the person claiming to vote, and that he has in fact a residence in the county, city, town or plantation which is printed or written on the vote offered by him. If his right to vote is challenged, they may require him to make true answers, upon oath, to all interrogatories touching his age, citizenship, residence, and right to vote, and shall hear any other evidence offered by him, or by those who challenge his right. They shall keep correct poll-lists of the names of all persons allowed to vote, and of their respective places of residence in this state, and also the number of the regiment and company or battery to which they belong; which lists shall be certified by them, or by a majority of them, to be correct, and that such residence is in accordance with the indorsement of the residence of each voter on his vote. They shall check the name of every person before he is allowed to vote, and the check mark shall be plainly made against his name on the poll-lists. They shall sort, count and publicly declare the votes at the head of their respective commands on the day of election, unless prevented by the public enemy, and in that case as soon thereafter as may be; and on the same day of said declaration they shall form a list of the persons voted for, with the number of votes for each person against his name, and the office which he was intended to fill, and shall sign and seal up such list and cause the same, together with the poll-lists aforesaid, to be delivered into the office of the secretary of state aforesaid, on or before the 15th day of ~~November~~ **October** biennially thereafter forever. The legislature of this state may pass any law additional to the foregoing provisions, if any shall, in practice, be found necessary in order more fully to carry into effect the purpose thereof.'

Sec. 2. Article IV, Part first, § 5, constitution, amended. Section 5 of Part first of Article IV of the constitution, as amended by Articles XXIII and XLVII, is hereby further amended to read as follows:

'**Sec. 5.** The meetings within this state for the choice of representatives shall be warned in due course of law by the selectmen of the several towns 7 days at least before the election, and the selectmen thereof shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open town meeting, and in the presence of the town clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the selectmen and in open town meeting. And the towns and plantations organized by law, belonging to any class herein provided, shall hold their meetings at the same time in the respective towns and plantations; and the town and plantation meetings in such towns and plantations shall be notified, held and regu-

lated, the votes received, sorted, counted and declared in the same manner. And the assessors and clerks of plantations shall have all the powers, and be subject to all the duties, which selectmen and town clerks have, and are subject to by this constitution. And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office ~~thirty days at least before the first Wednesday of January~~ **by the 2nd Wednesday in October** biennially. And the governor and council shall examine the returned copies of such lists, and also all lists of votes of citizens in the military service, returned to the secretary's office, as provided in article second, section 4, of this constitution; and ~~twenty days before the said first Wednesday of January,~~ **on the 1st Monday of November,** biennially, shall issue a summons to such persons as shall appear to be elected (a) by a plurality of all the votes returned, to attend and take their seats. But all such lists shall be laid before the house of representatives on the ~~first Wednesday of January~~ **3rd Wednesday of November** biennially, and they shall finally determine who are elected. The electors resident in any city may, at any meeting duly notified for the choice of representatives, vote for such representatives in their respective ward meetings, and the wardens in said wards shall preside impartially at such meetings, receive the votes of all qualified electors sort, count and declare them in open ward meetings, and in the presence of the ward clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the warden, and in open ward meetings; and a fair copy of this list shall be attested by the warden and ward clerk, sealed up in open ward meeting, and delivered to the city clerk within 24 hours after the close of the polls. And the electors resident in any city may at any meetings duly notified and holden for the choice of any other civil officers for whom they have been required heretofore to vote in town meeting, vote for such officers in their respective wards, and the same proceedings shall be had by the warden and war clerk in each ward, as in the case of votes for representatives. And the aldermen of any city shall be in session within 24 hours after the close of the polls in such meetings, and in the presence of the city clerk shall open, examine and compare the copies from the lists of votes given in the several wards, of which the city clerk shall make a record, and return thereof shall be made into the secretary of state's office in the same manner as selectmen of towns are required to do.'

Sec. 3. Article IV, Part Second, § 3, constitution, amended. Section

3 of Part Second of Article IV of the constitution is hereby amended to read as follows :

'Sec. 3. The meetings within this state for the election of senators shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded in the same manner as those for representatives. And fair copies of the list of votes shall be attested by the selectmen and town clerks of towns, and the assessors and clerks of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office ~~thirty days at least before the first Wednesday of January~~ **by the 2nd Wednesday in October.** All other qualified electors, living in places unincorporated, who shall be assessed to the support of the government by the assessors of an adjacent town, shall have the privilege of voting for senators, representatives and governor in such town; and shall be notified by the selectmen thereof for that purpose accordingly.'

Sec. 4. Article IV, Part Second, § 4, constitution, amended. Section 4 of Part Second of Article IV of the constitution is hereby amended to read as follows :

'Sec. 4. The governor and council shall, as soon as may be, examine the returned copies of such lists, and also the lists of votes of citizens in military service, returned into the secretary's office, and ~~twenty days before the said first Wednesday of January~~ **on the first Monday of November,** issue a summons to such persons, as shall appear to be elected by a plurality of the votes for each district, to attend that day and take their seats.'

Sec. 5. Article IV, Part Second, § 5, constitution, amended. Section 5 of Part Second of Article IV of the constitution, as amended by Articles XXIII, XXX, LIII, is hereby further amended to read as follows :

'Sec. 5. The senate shall, on the said ~~first Wednesday of January~~ **3rd Wednesday of November,** biennially, determine who are elected by a plurality of votes to be senators in each county; and in case the full number of senators to be elected from each county shall not have been so elected, the members of the house of representatives and such senators, as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of senators deficient, in every county, if there be so many voted for, elect by joint ballot the number of senators required; but all vacancies in the senate, arising from death, resignation, removal from the state, or like causes, shall be filled by

an immediate election in the unrepresented county. The governor shall issue his proclamation therefor and therein fix the time of such election.'

Sec. 6. Article IV, Part Third, § 1, constitution, amended. Section 1 of Part Third of Article IV of the constitution, as amended by Articles XXIII and XXXI, is hereby further amended to read as follows :

'**Sec. 1.** The legislature shall convene on the ~~first Wednesday of January, biennially, and 3rd Wednesday of November, biennially,~~ and shall immediately organize. It shall remain in session at such times as it deems necessary until the first Wednesday in January only for the purpose of preparing and introducing bills; provided, however, that emergency legislation may be acted upon. It, with the exceptions hereinafter stated, shall have full powers to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state, not repugnant to this constitution, nor to that of the United States.'

Sec. 7. Article V, Part Third, § 1, constitution, amended. Section 1 of Part Third of Article V of the constitution, as amended by Article XXIII, is hereby further amended to read as follows :

'**Sec. 1.** The secretary of state shall be chosen biennially ~~at the first session of the legislature on the first Wednesday in January,~~ by joint ballot of the senators and representatives in convention.'

Sec. 8. Article V, Part Fourth, § 1, constitution, amended. Section 1 of Part Fourth of Article V of the constitution, as amended by Articles XXIII and XXVII, is hereby further amended to read as follows :

'**Sec. 1.** The treasurer shall be chosen biennially, ~~at the first session of the legislature on the first Wednesday in January,~~ by joint ballot of the senators and representatives in convention, but shall not be eligible more than 6 years successively.'

Sec. 9. Article IX, § 11, constitution, amended. Section 11 of Article IX of the constitution, as amended by Article XXIII, is hereby further amended to read as follows :

'**Sec. 11.** The attorney general shall be chosen biennially by joint ballot of the senators and representatives in the convention **on the first Wednesday in January.** Vacancy in said office, occurring when the legislature is not in session, may be filled by the appointment of the governor with the advice and consent of the council.'

Form of question and date when amendment shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the as-

sessors 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 at the next general or special state-wide election, 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 changing the times of meetings of the legislature?" And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the amendment voting "Yes" upon their ballots and those opposed to the amendment 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 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 resolve accompanied by a copy thereof.