

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SEVENTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE

1909

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STATE OF MAINE.

A PROCLAMATION BY THE GOVERNOR.

Whereas, the Legislature of the State of Maine, by concurrent vote of both branches thereof, proposed an amendment to the Constitution of the State of Maine, by resolve approved March 20, 1907, as follows, to wit:

RESOLVES proposing an amendment to article four of the Constitution of the state of Maine, establishing a people's veto through the optional referendum, and a direct initiative by petition and at general or special elections.

Resolved, That the following amendment to the constitution of this state be proposed for the action of the legal voters of this state in the manner provided by the constitution, to wit:

Part first of article four is hereby amended as follows, namely:

By striking out all of section one after the word "Maine" in the third line thereof, and inserting in lieu thereof the following words 'But the people reserve to themselves power to propose and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act, bill, resolve or resolution passed by the joint action of both branches of the legislature, and the style of their laws and acts shall be 'Be it enacted by the people of the state of Maine,' so that said section as amended shall read as follows, namely:

'The legislative power shall be vested in two distinct branches, a house of representatives and a senate, each to have a negative on the other, and both to be styled the legislature of Maine, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act, bill, resolve or resolution passed by the joint action of both branches of the legislature, and the style of their laws and acts shall be, 'Be it enacted by the people of the state of Maine.'

Part third of article four is hereby amended as follows, namely:

By inserting in section one, after the words "biennially and" in the second line thereof, the words 'with the exceptions hereinafter stated,' so that said section shall read as amended:

'The legislature shall convene on the first Wednesday of January, biennially, and, with the exceptions hereinafter stated, shall have full power to make and establish all reason-

able 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.'

Part third of article four is further amended by adding to said article the following sections to be numbered from sixteen to twenty-two inclusive, namely:

'Sect. 16. No act or joint resolution of the legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the legislature passing it, unless in case of emergency, (which with the facts constituting the emergency shall be expressed in the preamble of the act), the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate.'

'Sect. 17. Upon written petition of not less than ten thousand electors, addressed to the governor and filed in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof, passed by the legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter the governor may, and if so requested in said written petition therefor, shall order such measure submitted to the

people at a special election not less than four nor more than six months after his proclamation thereof.'

'Sect. 18. The electors may propose to the legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the state constitution, by written petition addressed to the legislature or to either branch thereof and filed in the office of the secretary of state or presented to either branch of the legislature at least thirty days before the close of its session. Any measure thus proposed by not less than twelve thousand electors, unless enacted without change by the legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next general election to be held not less than sixty days after the first vote thereon be submitted by itself if it receives more than one-third of the votes given for and against both. If the measure initiated is enacted by the legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The legislature may order a special election on any measure that is subject to a vote of the people. The governor may, and if so requested in the written petitions addressed to the legislature, shall, by proclamation, order any measure proposed to the legislature by at least twelve thousand electors as herein provided, and not enacted by the legislature without change, referred to the people at a special election to be held not less than four or more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the legislature, to which such measure was proposed.'

'Sect. 19. Any measure referred to the people and approved by a majority of the votes given thereon shall, unless a later date is specified in said measure, take effect and become a law in thirty days after the governor has made public proclamation of the result of the vote on said measure, which he shall do within ten days after the vote thereon has been canvassed and determined. The veto power of the governor shall not extend to any measure approved by vote of the people, and any measure initiated by the people and passed

by the legislature without change, if vetoed by the governor and if his veto is sustained by the legislature shall be referred to the people to be voted on at the next general election. The legislature may enact measures expressly conditioned upon the peoples' ratification by a referendum vote.'

'Sect. 20. As used in either of the three preceding sections the words "electors" and "people" mean the electors of the state qualified to vote for governor; "recess of the legislature" means the adjournment without day of a session of the legislature; "general election" means the November election for choice of presidential electors or the September election for choice of governor and other state and county officers; "measure" means an act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of one of the petitioners certified thereon, and accompanied by the certificate of the clerk of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for governor. The petitions shall set forth the full text of the measure requested or proposed. The full text of a measure submitted to a vote of the people under the provisions of the constitution need not be printed on the official ballots, but, until otherwise provided by the legislature, the secretary of state shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.'

'Sect. 21. The city council of any city may establish the initiative and referendum for the electors of such city in regard to its municipal affairs, provided that the ordinance establishing and providing the method of exercising such initiative and referendum shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election. Provided, however, that the legislature may at any time provide a uniform method for the exercise of the initiative and referendum in municipal affairs.'

'Sect. 22. Until the legislature shall enact further regulations not inconsistent with the constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self-executing.'

Resolved, That all the foregoing is proposed to be voted upon as one amendment, and not as two or more several amendments.

Resolved, That the aldermen of cities, the selectmen of towns and the assessors of the several plantations in this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns, and plantations in the manner prescribed by law to vote at the meeting in September in the year one thousand nine hundred and eight upon the amendment proposed in the foregoing resolutions, and the question shall be

“Shall the constitution be amended as proposed by a resolution of the legislature providing for the establishment of a people’s veto through the optional referendum and a direct initiative by petition and at general or special elections?” and the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those favoring the amendment voting “yes” and those opposing voting “no” upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and lists of the votes so received shall be made and returned 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 make return to the next legislature, and if it shall appear that a majority of the votes are in favor of the amendment, the constitution shall be amended accordingly.

Resolved, That the secretary of state shall prepare and furnish to the several cities, towns and plantations, ballots and blank returns in conformity to the foregoing resolves accompanied by a copy thereof.

And the lists of votes received in the cities, towns and plantations of the State, on the second Monday of September, being the fourteenth day of said month, in the year of our Lord one thousand nine hundred and eight, upon the foregoing proposed amendment, having been made and returned to the office of the Secretary of State, and examined and found by the Governor and Council to be as follows, to wit: fifty-three thousand seven hundred and eighty-five votes in favor of said amendment and twenty-four thousand five hundred and forty-three votes against said amendment;

NOW, THEREFORE, I, William T. Cobb, Governor of the State of Maine, in accordance with said resolve, a majority of the votes cast appearing to be in favor of said amendment,

do issue this proclamation, and declare said amendment adopted and the Constitution of the State shall be amended accordingly, to take effect on the first Wednesday of January, in the year of our Lord one thousand nine hundred and nine.

IN WITNESS WHEREOF, I have caused the seal of the State to be hereunto affixed, at Augusta, this thirtieth day of October, in the year of our Lord one thousand nine hundred and eight, and in the year of the Independence of the United States the one hundred and thirty-third.

[Seal.]

WILLIAM T. COBB.

By the Governor,

ATTEST: A. I. BROWN,

Secretary of State.

STATE OF MAINE.

A PROCLAMATION BY THE GOVERNOR.

Whereas, the Legislature of the State of Maine, by concurrent vote of both branches thereof, proposed an amendment to the Constitution of the State of Maine, by resolve approved March 28, 1907, as follows, to wit:

Resolve to amend Section two of Article ten of the Constitution of the State of Maine.

Resolved, two-thirds of both branches of the legislature concurring, that the following amendment to the constitution of the State of Maine be proposed for the action of the legal voters of this state at the next gubernatorial election in the manner prescribed by the constitution:

Section two in article ten as amended by the resolve of the fifty-eighth legislature passed March fourth, eighteen hundred and seventy-nine, and adopted September eighth, eighteen hundred and seventy-nine, is hereby further amended by striking out the words: "in the manner prescribed by law, at their next biennial meetings in the month of September," and inserting in place thereof the words: '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 second Monday in September following the passage of said resolve;' so that said section as amended, shall read as follows:

'Section 2. The legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to this constitution; and, when any amendments shall be so agreed

upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective 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 second Monday in September following the passage of said resolve, to give in their votes on the question, whether such amendments shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this constitution.'

And the lists of votes received in the cities, towns and plantations of the State, on the second Monday of September, being the fourteenth day of said month, in the year of our Lord one thousand nine hundred and eight, upon the foregoing proposed amendment, having been made and returned to the office of the Secretary of State, and examined and found by the Governor and Council to be as follows, to wit: forty-seven thousand nine hundred and eighty-one votes in favor of said amendment and twenty-three thousand one hundred and thirty-two votes against said amendment;

NOW, THEREFORE, I, William T. Cobb, Governor of the State of Maine, in accordance with said resolve, a majority of the votes cast appearing to be in favor of said amendment, do issue this proclamation, and declare said amendment adopted and the Constitution of the State shall be amended accordingly, to take effect on the first Wednesday of January, in the year of our Lord one thousand nine hundred and nine.

IN WITNESS WHEREOF, I have caused the seal of the State to be hereunto affixed, at Augusta, this thirtieth day of October, in the year of our Lord one thousand nine hundred and eight, and in the year of the Independence of the United States the one hundred and thirty-third.

[Seal.]

WILLIAM T. COBB.

By the Governor,

ATTEST: A. I. BROWN,

Secretary of State.