

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Ninth Legislature

OF THE

STATE OF MAINE

1919

Published by the Secretary of State, in accordance with the Resolves of the Legislature
approved June 28, 1820, March 18, 1840, and March 16, 1842.

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NOTICE

Petitions, upon which the number of signatures aggregate in excess of 10,000, have been filed with the Secretary of State requesting that the joint resolution entitled, "A Resolve Ratify Proposed Amendment to the Constitution of the United States, Prohibiting "The Manufacture, Sale, or Transportation of Intoxicating Liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof'", be referred to the people to be voted upon in accordance with the provisions of section 17 of part third of article four of the constitution.

FRANK W. BALL,
Secretary of State.

The unnumbered resolve beginning on Laws 1919, p. 768, entitled “A Resolve Ratifying Proposed Amendment to the Constitution of the United States, Prohibiting ‘The Manufacture, Sale, or Transportation of Intoxicating Liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof’” (subsequently ratified as the Eighteenth Amendment to the U.S. Constitution), was the subject of a people’s veto attempt. On July 9, 1919, the governor at the time, Carl E. Milliken, propounded questions to the Supreme Judicial Court as to whether a legislative resolve on the ratification of an amendment to the United States Constitution could be forced to referendum by petition. The justices of the Court responded in the negative (118 Me. 544), finding that such a mechanism fell outside the provisions for amending the United States Constitution, as per Article V of that compact. Thus, the issue was never brought to popular vote.

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 resolves accompanied by a copy thereof.

(The thirty-ninth amendment was proposed to the people by a resolve of the seventy-eighth legislature, approved March 19, 1917, and having been favorably voted upon by the people at a special election held September 10, 1917, was by proclamation of the governor, declared a part of the constitution, September 25, 1917.)

STATE OF MAINE

RATIFICATION OF NATIONAL PROHIBITION AMENDMENT

In the Year of Our Lord One Thousand Nine Hundred and Nineteen

A Resolve Ratifying Proposed Amendment to the Constitution of the United States, Prohibiting "The Manufacture, Sale, or Transportation of Intoxicating Liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof."

Resolved, Whereas, the Sixty-fifth Congress of the United States of America at the second session begun and held at the city of Washington the third day of December, one thousand nine hundred and seventeen adopted a Joint Resolution proposing an amendment to the Constitution of the United States, to wit:

"Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), that the following Amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the Legislatures of the several States as provided by the Constitution:

'ARTICLE _____

'Section 1. After one year from the ratification of this article the manufacture, sale or transportation of intoxicating liquors within, the importation thereof into, or the exportation thereof from the United States and all territory subject to the jurisdiction thereof for beverage purposes is hereby prohibited.

'Sec. 2. The Congress and the several States shall have concurrent power to enforce this article by appropriate legislation.

'Sec. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of the several States, as provided in the Constitution, within seven years from the date of the submission hereof to the States by the Congress.'

Therefore, Resolved that the legislature of the State of Maine hereby ratifies and adopts this proposed Amendment to the Constitution of the

United States. And, that the Secretary of State of the State of Maine notify the Secretary of State of the United States of this action of the legislature by forwarding to him an authenticated copy of this resolve.

In Senate, Jan. 2, 1919.

Read and adopted.

Sent down for concurrence.

P. F. CRANE, Secretary.

In the House, Jan. 2, 1919.

Tabled until next Wednesday.

CLYDE R. CHAPMAN, Clerk.

House of Representatives, Jan. 2, 1919.

Read and on motion of Barnes of Houlton, was tabled pending adoption in concurrence, assigned Wednesday, Jan. 8.

CLYDE R. CHAPMAN, Clerk.

House of Representatives, Jan. 8, 1919.

On motion of Rounds of Portland, taken from the table.

On motion of Barnes of Houlton, resolve was adopted in concurrence.

CLYDE R. CHAPMAN, Clerk.

**NUMBER OF ACTS AND RESOLVES APPROVED BY
THE GOVERNOR**

To the President of the Senate and

Speaker of the House:

A list of the Acts and Resolves passed during the present session of the Legislature and approved by me, numbering 237 Public Acts, 116 Private and Special Laws, and 160 Resolves, is herewith submitted. I have no further communication to make.

(Signed) CARL E. MILLIKEN,
Governor.