

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

One Hundred and Fourth Legislature

OF THE

STATE OF MAINE

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RESOLVES
OF THE
STATE OF MAINE

As Passed by the One Hundred and Fourth Legislature

1969

of this resolve to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution which now, with certain exceptions, provides that the credit of the State of Maine shall not be directly or indirectly loaned in any case, be amended, as proposed by a resolution of the Legislature pledging credit of State and providing for the issuance of bonds not exceeding, at any one time issued and outstanding, twenty-five million dollars for loans to private colleges for construction and expansion of facilities?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, 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 review 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, and the amendments 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.

Effective October 1, 1969

Chapter 27

RESOLVE, Authorizing the Estate of David L. Hilton, Formerly of Wells, Maine, to Sue the State of Maine.

Estate authorized to sue State of Maine. Resolved: That the estate of David L. Hilton, acting by his personal representative, is authorized to bring a civil action against the State of Maine, in the Superior Court for the County of York within one year from the first day of August, 1969, for damages, if any, resulting from the death of David L. Hilton, formerly of Wells, Maine, who, his estate claims, was wrongfully or negligently shot and killed on April 20, 1967, adjacent to the Sanford Road in the Town of Wells, Maine, allegedly, his estate claims, as a result of wrongful or negligent actions and manner by which his capture and apprehension as a wanted felon was attempted and executed by law enforcement officers of the State of Maine; and the complaint to be filed in said Superior Court under the authority of this resolve shall be served on the Secretary of State by attested copy 30 days, at least, before a term of said court by the sheriff or either of his deputies in any county in the State of Maine, and the conduct of said action shall be according to the practices of actions and proceedings between parties and suitors in said Superior Court, and the liabilities of the parties, and elements of damage, if any, shall be the same as the liabilities and elements of damage

between individuals; and the Attorney General or his authorized representative is authorized and directed to appear and to answer and defend said action to recover damages, if any, sustained by the Estate of David L. Hilton by reason of the death of David L. Hilton. The Attorney General or his authorized representative are not authorized to settle said action. Any judgment that may be recovered in such action shall be payable from the Unappropriated Surplus of the General Fund on final process issued by said Superior Court or, if appealed, the Supreme Judicial Court; and costs may be taxed for the said Estate if it recovers in said action. Any recovery in said action shall be brought by and in the name of the personal representative of the said David L. Hilton. Hearing thereon shall be before 3 Justices of the Superior Court without a jury; said justices to be assigned by the Chief Justice of the Supreme Judicial Court.

Effective October 1, 1969

Chapter 28

RESOLVE, Proposing an Amendment to the Constitution Regulating the Size of the State Senate.

Constitutional amendments. Resolved: Two-thirds of each branch of the Legislature concurring, that the following amendments to the Constitution of this State be proposed:

Constitution, Article IV, Part Second, Section 1, repealed and replaced. Section 1 of Part Second of Article IV of the Constitution, as repealed and replaced by Article CIII, is repealed and the following enacted in place thereof:

Section 1. Number of Senators. The Senate shall consist of an odd number of Senators, not less than thirty-one nor more than thirty-five, elected at the same time and for the same term as Representatives by the qualified electors of the districts into which the State shall be from time to time divided.

Constitution, Article IV, Part Second, Section 2, repealed and replaced. Section 2 of Part Second of Article IV of the Constitution, as enacted by Article CIII, is repealed and the following enacted in place thereof:

Section 2. Division. The Legislature which shall convene after the adoption of this amendment shall cause the State to be divided into districts for the choice of a Senator from each district. The Legislature every tenth year thereafter shall do likewise. The number of Senators to constitute the Senate shall be divided into the number of inhabitants of the State to determine a median population figure for each Senatorial District. Each Senatorial District shall have equal population as nearly as practicable. The number of inhabitants of the State shall be that determined by the latest Federal Decennial Census.

In the event that the Legislature shall fail to make an apportionment, the Supreme Judicial Court shall, within sixty days following the end of the