

# MAINE STATE LEGISLATURE

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# Public Documents of Maine:

BEING THE

ANNUAL REPORTS

OF THE VARIOUS

PUBLIC OFFICERS AND INSTITUTIONS

FOR THE YEAR

1875.

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VOLUME II.

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AUGUSTA:

SPRAGUE, OWEN & NASH, PRINTERS TO THE STATE.

1875.

# PUBLIC DOCUMENTS.

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1875.

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## CONTENTS VOL. I.

Maine State Year Book.....	No. 1
Rules of the Executive Department.....	2
Register of the House of Representatives.....	3
Address of Governor Dingley.....	4
Report of Adjutant General.....	5
Attorney General.....	6
Bank Examiner.....	7
Commissioners of Fisheries.....	8
Insane Hospital.....	9
Insurance Commissioner.....	10

## CONTENTS VOL. II.

Report of the Land Agent..	No. 1
State Librarian.....	2
State Superintendent of Common Schools.....	3
State Treasurer.....	4
Railroad Commissioners.....	5
Agent of Passamaquoddy Indians.....	6
Penobscot Indians.....	7
Maine Board of Agriculture.....	8
College of Agriculture and the Mechanic Arts.....	9
State Reform School.....	10
State Prison.....	11
Liquor Commissioners.....	12
Inspectors of Steamboats.....	13
Constitutional Commission.....	14

*To the President of the Senate, and to the*

*Speaker of the House of Representatives:*

In compliance with a resolution adopted by the Constitutional Commission created by the Resolve of the Legislature approved January 12, 1875, I have the honor to submit herewith the amendments of the Constitution, framed by the Commission, and now reported by them to the Legislature for its action. The proposed amendments are numbered from one to seventeen inclusive, and verified by the certificate of the Secretary of the Commission.

In order to facilitate legislation on this subject, the Commission also submit for consideration the form of a resolve by which such amendments, as may be proposed by the Legislature to the people for adoption, may be presented and voted on.

EDWARD KENT,

*President of the Constitutional Commission.*

AUGUSTA, February 10th, 1875.

## No. 1.

### RIGHTS OF RELIGIOUS SOCIETIES.

Article one, Section three of the Constitution, shall be amended by striking out the words "and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance," and inserting in lieu thereof the following words: "And all religious societies in this State, whether incorporate or unincorporate, shall at all times have the right of managing, in ways not inconsistent with any other provision of this instrument, their ecclesiastical affairs, according to the polity of their respective churches."

## No. 2.

### BRIBERY AT ELECTIONS.

SECTION 1. No person who shall receive, expect, or offer to receive, or pay, offer, or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and, upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm, before such officers, that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, and does not intend to pay; contributed, offered or promised to contribute, and does not intend to contribute to another, to be paid or used, any money or other valuable thing, as a compensation or reward for the giving or withholding a vote at such election, nor made or become directly or indirectly interested in any bet or wager, depending upon the result of such election.

SECTION 2. The legislature, at the session thereof next after the adoption of this section, shall, and from time to time thereafter

may, enact laws excluding from the right of suffrage perpetually, or for a term of years, all persons convicted of bribery at any election, or of voting at any election under the influence of a bribe.

### No. 3.

#### NOVEMBER ELECTION.

SECTION 1. The election of such State and County officers as are chosen by popular vote, shall be on the Tuesday next after the first Monday of November, commencing in the year eighteen hundred and seventy-six.

SECTION 2. Section four of Article two, is hereby abrogated. Section four of Article ten, is amended by striking out the word "September," and substituting therefor the word "November." Section seven of Article nine of the amendments, is amended by striking out the words "on the second Monday of September," and further amended by substituting the word "November" for the word "September," in the seventh line of said section as printed in the Revised Statutes of eighteen hundred and seventy-one. Section nine of the same Article is amended by substituting for the words "the second Monday of September," the words "the Tuesday next after the first Monday of November." The second paragraph of Article ten of the amendments, relative to the vote of citizens in the military service, is amended by substituting for the words "second Monday of September," in the eleventh line as printed in the Revised Statutes of eighteen hundred and seventy-one, the words "on the Tuesday next after the first Monday in November." The same Article is further amended in page fifty-three, in the twentieth line, by striking out the words "second Monday in September," and substituting therefor the words "Tuesday next after the first Monday in November."

### No. 4.

#### BIENNIAL ELECTIONS AND BIENNIAL SESSIONS.

The Governor, Senators and Representatives in the Legislature shall be elected biennially, and hold office two years from the first Wednesday of January next succeeding their election. And the Legislature, at the first session next after the adoption of this Article, shall make all needful provisions by law in relation to the tenure of office of all County officers. The first election under this Article shall be in the year one thousand eight hundred and seventy-six; and the Legislature shall thereafter convene on the first Wednesday of January, biennially.

Section four of Article two, Section five of Part two, Article four, Section one of Part three, Article four, Section two, Part two, Article five, Section one, Part three of Article five, Section one of Part four, Article five, Section four, Article nine, and Articles nine and ten of the Amendments are amended by substituting the word "biennially," for the word "annually," wherever it occurs. Section two, Part one, Article five, is amended by striking out all after the word "office," and substituting therefor the words "for two years from the first Wednesday of January next following the election." Section thirteen of same Part and Article, Section four of Part four of same Article, and Article nine of the Amendments are amended by substituting the word "biennial" for the word "annual," wherever it occurs, except in Section eight in reference to Municipal and Police Judges. Section four of Article ten is amended by substituting the words "biennial meetings in the month of November," for the words "annual meetings in the month of September." Article ten of the Amendments is further amended in paragraph two, as printed in the Revised Statutes of eighteen hundred and seventy-one, relative to the voting of persons in the military service, so that said paragraph shall read as follows: "Citizens of this State, absent therefrom in the military service of the United States, and not in the regular army, being otherwise qualified electors, shall be allowed to vote, on the day fixed for the State election, for such State and County officers as are chosen by popular vote, under such rules and regulations as the Legislature may prescribe."

Section two, Part one of Article four, is amended, by striking out the words, "for one year from the day next preceding the annual meeting of the Legislature," and substituting therefor the words, "for two years from the day next preceding the biennial meeting of the Legislature."

Article nine, Section seven of the Amendments, is amended, by striking out the words "annual election on the second Monday of September," and substituting therefor "biennial election on the Tuesday next after the first Monday in November," and is further amended, by striking out the words "September election," and substituting therefor the words "November election."

## APPORTIONMENT OF REPRESENTATIVES.

Sections two and three of Article four, Part first, and Article four of the Amendments, shall be stricken out and the following inserted in lieu thereof.

The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and to hold their offices during the same term as the Governor and Senators.

The existing apportionment of Representatives among the several cities, towns and plantations of this State, shall continue until the next apportionment of Representatives shall be made by the Legislature. The Legislature, after the first day of January and before the fifteenth day of August, in the year of our Lord one thousand eight hundred and eighty-one, and within every subsequent period of at most ten years and at least five years, shall cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized, and Indians not taxed, and for that purpose may adopt the census last taken by authority of the government of the United States. The Legislature shall, at the several periods of making the enumeration of said inhabitants, apportion the whole number of Representatives, first among the counties, and the number apportioned to each county among the several Representative districts thereof, as nearly as may be, according to the number of said inhabitants. There shall be as many Representative districts in each county as the number of Representatives apportioned to such county; said districts to be made as nearly as may be by uniting contiguous territory, and without dividing any town or the ward of any city, *provided* that where any town or the ward of any city shall have inhabitants enough to entitle it, upon an equal apportionment, to more than one Representative, then the number of Representatives apportioned to said town or ward shall be the number to which it is so entitled; *provided also*, that if, in making up Representative districts by uniting towns and the wards of cities, there should be more Representatives apportioned to a county, than the number of Representative districts, then the Legislature, in apportioning the Representatives to the districts of a county, may and shall determine what years, during the next ten years, such excess in the number of Representatives, shall be assigned to, and elected by the several Representative districts so established, having the largest excess of



said inhabitants above the equal ratio of representation for the whole county ; *provided also*, that in case single Representative districts cannot be so made out of contiguous territory, then the Legislature may make Representative districts, to which not more than two Representatives may be apportioned, if the aggregate of said inhabitants, therein, shall entitle them thereto. The Legislature shall not alter the right of representation so established until the next general apportionment, unless it shall become necessary, or convenient, upon the division or annexation of towns.

#### No. 6.

#### ELECTION OF SENATORS BY PLURALITY VOTE.

Senators shall be elected by a plurality of the votes given in by the qualified electors.

Sections four and five of Article four, Part second of the Constitution, are amended, by striking out the word "majority" wherever it occurs in said Sections, and inserting instead thereof the word "plurality."

#### No. 7.

#### RELATING TO SPECIAL LEGISLATION AND CORPORATIONS.

Amend Article four, Part third of the Constitution, by adding thereto the following Sections :

SECTION 13. The Legislature shall, from time to time provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation.

SECTION 14. Corporations shall be formed under general laws, and shall not be created by special acts of the Legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be attained ; and, however formed, they shall forever be subject to the general laws of the State.

#### No. 8.

#### THE ELECTION OF GOVERNOR BY PLURALITY VOTE.

The Governor shall be elected by a plurality of votes, given in by the qualified electors. The third Section of Article five, Part first of the Constitution, is amended, by striking out the word "majority" wherever it occurs in said Section, and inserting instead thereof the word "plurality."

## No. 9.

## REMOVAL OF OFFICERS BY THE GOVERNOR.

SECTION 1. The Governor may suspend from office, the State Treasurer, the Attorney General, and any Sheriff, County Attorney, County Commissioner, Register of Probate, or Register of Deeds, for insanity, or imbecility, or for corrupt practices, or for gross and wilful non-feasance, or malfeasance in office, after such officer shall have been furnished with specifications of the charges against him, and has had opportunity to be heard in defence; and may appoint another person to perform the duties of such suspended officer.

SECTION 2. If there shall be no session of the Legislature after said suspension, and before the expiration of the term of office of said suspended officer, then such suspension shall be an absolute removal of such officer. But if there be a session of the Legislature, after said suspension and before the expiration of the term of office of such suspended officer, such suspension shall not be a removal from office, unless the Legislature, after the examination of the charges which the Governor shall submit to it, shall sanction the action of the Governor. No person removed from office with the sanction of the Legislature for any official misconduct, shall be again eligible to the same office. Vacancies in said offices by reason of removal shall be filled by appointment, or by election by the Legislature, or by the people at the next election for Governor, Senators and Representatives, as the Constitution or law may prescribe in relation to said offices.

## No. 10

## POWER OF GOVERNOR TO PARDON.

Article five, Part first, Section eleven, shall be amended, by striking out of said Section all after the word "reprieves," and by adding thereto the following: Commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations, as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. And he shall communicate to the Legislature, at each session thereof, each case of reprieve, remission of penalty, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commu-

tation, or pardon, and the conditions, if any, upon which the same was granted.

### No. 11.

#### ABROGATION OF THE COUNCIL.

SECTION 1. Part second of Article five is hereby abrogated.

SECTION 2. Section five of Article four, Part one as amended, and Section four of Article four, Part two, are hereby amended by striking out the words "and Council," and substituting therefor the words "Secretary of State and Attorney General." Sections eight and eleven, of Article five, Part one, are amended by striking out the words "and with the advice and consent of the Council." Sections three and four of Article five, Part three, and Section four, Part four of Article five, are amended by striking out the words "and Council." Article nine, Section one, is amended by striking out the words "and Councillors, and Council," and the words "or any Councillor." Section four of same article is amended by striking out the words "and afterwards the two houses shall elect the Council." Section five of same article is amended by striking out the words "with the advice of the Council;" and Section six of same article is amended by striking out the words "and Council." Section three of Article six is amended by striking out the word "Council." Sections seven, eight and ten of Article nine of the amendments, are each amended by striking out the words "with the advice and consent of the Council."

SECTION 3. It shall be the duty of the Legislature to provide by law for a proper officer, without whose sanction, no money shall be drawn from the Treasury.

### No. 12.

#### JUDGES OF PROBATE TO BE APPOINTED BY THE GOVERNOR.

Section seven of Article six is amended by striking out of the first line the words "Judges and."

The following Section is added to said Article :

SECTION 9. Judges of Probate shall be appointed by the Executive power, in the same manner as other judicial officers and shall hold their offices for the term of four years. *Provided however*, that the present incumbents shall hold their offices for the term for which they were elected.

No. 13.

APPOINTMENT OF JUDGES OF MUNICIPAL AND POLICE  
COURTS.

The Constitution shall be amended, by striking out Section eight of Article six, and inserting the following :

SECTION 8. Judges of Municipal and Police Courts shall be appointed by the Executive power, in the same manner as other judicial officers, and shall hold their offices for the term of four years. *Provided however*, that the present incumbents shall hold their offices for the term for which they were elected.

No. 14.

TAXATION.

Section eight of Article nine, shall be amended, by inserting after the word "real" the words "and personal," so that the Section, as amended, shall read as follows :

SECTION 8. All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally according to the just value thereof.

Said Article shall be further amended, by adding the following :

SECTION 9. The Legislature shall never, in any manner, suspend or surrender the power of taxation.

No. 15.

RESTRICTIONS UPON MUNICIPAL CORPORATIONS.

Municipal Corporations shall not give money or property, lend their credit, incur any liability, or raise money by taxation, except for municipal purposes ; *provided*, however, that any such Corporation, by a two-thirds vote at a legal meeting called for the purpose, may raise, by tax or loan, a sum of money not exceeding five per cent. of its regular State valuation at the time, in aid of the construction of railroads ; and that any such debt shall be paid within twenty years by annual taxation of not less than five per cent., with accruing interest.

No. 16.

ABOLISHING LAND AGENCY.

Section ten of Article nine, of the amendments, is hereby amended, by striking out the words "Land Agent."

## CODIFICATION OF THE AMENDED CONSTITUTION.

## ARTICLE 10.

Section six of Article ten, shall be amended, by striking out the same, and inserting instead thereof, the following :

SECTION 6. After the Amendments proposed herewith shall have been submitted to popular vote, the Chief Justice of the Supreme Judicial Court shall arrange the Constitution, as amended, under appropriate titles and in proper Articles, Parts and Sections, omitting all Sections, clauses, and words not in force, and making no other changes in the provisions or language thereof, and shall submit the same to the Legislature at its next Session. And the draft, and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State ; and printed copies thereof, shall be prefixed to the books containing the laws of the State. And the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State.

SECTION 7. Sections. 1, 2 and 5, of Article ten of the existing Constitution shall hereafter be omitted in any printed copies thereof, prefixed to the laws of the State : but this shall not impair the validity of acts under those Sections ; and said Section five shall remain in full force as part of the Constitution according to the stipulations of said section, with the same effect as if contained in said printed copies.

CONSTITUTIONAL COMMISSION, }  
Augusta, Feb. 10, 1875. }

I hereby certify the foregoing are true copies of the several originals, as passed by said Commission.

WM. K. KIMBALL, *Secretary.*

RESOLVES PROPOSED FOR THE CONSIDERATION OF  
THE LEGISLATURE.

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RESOLVES PROVIDING FOR AMENDMENTS TO THE CONSTITUTION.

1. *Resolved*, Two-thirds of both branches the Legislature concurring, that the Constitution of this State shall be amended as follows, to wit :

(Here insert all the amendments approved of by the Legislature *seriatim et verbatim*, with the titles thereto.)

2. *Resolved*, That the Secretary of State shall publish these Resolves in the same manner and at the same time that the public acts of the Legislature are required to be published.

3. *Resolved*, That the aldermen of cities, and selectmen of the several towns, and the assessors of the several plantations in the State, are hereby directed to notify the inhabitants of their respective cities, towns and plantations, in the manner prescribed by law at the annual meeting in the month of September next, to give in their votes upon the amendments proposed in the foregoing Resolve ; and the questions submitted to said inhabitants shall be as follows, to wit :

Shall the Constitution be amended as proposed by a resolve of the Legislature, approved February      , 1875.

4. *Resolved*, That the Aldermen of the several cities, the Selectmen of the several towns, and the Assessors of the several plantations in this State, at the general election to be held in this State on the second Monday of September next, shall provide at each poll in the State a box to receive the ballots of the electors in relation to said amendments ; and each elector may present a ballot on which shall be printed or written, or partly printed and partly written, in the form following, namely : *For all the propositions on this ballot which are not cancelled with ink or pencil, and against all which are so cancelled.*

*For the proposed amendment to* ( Here recite by its proper title the first amendment.)

( and in the same terms each of the amendments approved, by its proper title.)

Each of said ballots shall be counted as a vote for each proposition thereon not cancelled with ink or pencil, and against each proposition so cancelled. And the ballots shall be received, sorted, counted, declared and recorded in open ward, town and plantation meeting, and lists of the votes shall be made by the Aldermen, Selectmen, Assessors and Clerks of the several cities, towns, wards and plantations, and returned to the office of the Secretary of State in the same manner as votes for Governor. And the Governor and Council shall count the same and make return thereof to the next Legislature, and if a majority of the votes are in favor of any of said amendments, such amendments shall be declared by proclamation of the Governor to be adopted, and the Constitution shall be so amended, to take effect on the first Wednesday of January, A. D., 1876.

5. *Resolved*, The Secretary of State shall cause printed ballots to be prepared in the form hereinbefore prescribed; and said ballots, and also proper blanks for the return of the votes, shall be furnished to the aldermen of the several cities, the selectmen of the several towns, and the assessors of the several plantations in this State, at the same time and in the same manner as blank returns for the votes for Governor, and shall be kept at every poll during the time of voting in sufficient quantities for the use of the electors; and one of said printed ballots shall be posted up with every warrant for calling the meeting for said general election in every place where such warrant is required to be posted up.