

# MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-first Legislature

OF THE

STATE OF MAINE

1923

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# PROCLAMATIONS

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STATE OF MAINE  
PROCLAMATION BY THE GOVERNOR

Whereas, the Eightieth Legislature of the State of Maine, convening upon the first Wednesday of January in the year of our Lord one thousand nine hundred and twenty-one, duly enacted a public law entitled "An Act to Provide for a Full Time State Highway Commission, Amending Section Three and Section Four of Chapter Twenty-five of the Revised Statutes, Relative to State Highways, and also Amending Section Thirty-four of Chapter One Hundred Seventeen of the Revised Statutes Relative to Salary of the State Highway Commission," which law appears in the Public Laws of the State of Maine for the year 1921, as Chapter 213 thereof, and which law provides as follows, namely:

"Be it enacted by the people of the State of Maine, as follows:

"Sec. 1. Section three of chapter twenty-five of the Revised Statutes providing for the appointment of a state highway commission is hereby amended so as to read as follows:

'Sec. 3. That the State Highway Commission shall consist of three members appointed by the governor with the advice and consent of the council, one to serve for two years, one to serve for four years and one to serve for six years; and thereafter, as the terms expire, each appointment shall be for the term of six years. Said commission when appointed and qualified under this act shall succeed to all the rights and powers, and perform all the duties, of the present state highway commission, which is hereby abolished. Vacancies occurring during a term shall be filled by appointment for the unexpired term. One member of the commission shall be designated by the governor as chairman. The commission shall adopt and have a seal, and shall keep a record of its proceedings, which shall be open to public inspection during business hours, and it may appoint a secretary to keep and certify records and papers.

"The members of the commission shall give their full time to the duties of their office. No member or employee thereof shall have any official or professional connection with, or hold any stock or securities in any road-building or bridge-building firm or corporation engaged in work within the State of Maine, nor shall he supply to the State any labor or material for construction, maintenance or repair work upon ways and bridges in which the State is engaged, nor shall he render any professional service for or against any person, firm or corporation engaged in such work, nor shall he be a member of any firm which shall render any such service. No member of said commission shall serve on or under any committee of any political party. Any wilful violation of the provisions of this chapter by any commissioner shall constitute sufficient cause for his removal by the governor with the advice and consent of the council.

"The attorney general shall without additional compensation give the commission such advice and service as its attorney as it may from time to time require.

"The commission shall be furnished with suitable offices at the seat of government, and shall perform all the duties and may exercise all the powers expressly or impliedly given by this chapter and by the act entitled, "An Act Relative to Motor Vehicles and the Law of the Road, and to revise and amend chapter twenty-six of the revised statutes and acts amendatory thereof and additional thereto." The commission shall make an annual report to the governor and council of its doings and expenditures, with such statement relative to the construction and maintenance of public highways and bridges and such recommendations as to the general policy of the State relative thereto as it considers appropriate. The report shall be transmitted to the secretary of state on or before the thirty-first day of December in each year. The commission shall have full power to enforce all contracts made by the present state highway commission, both at law and in equity.'"

"Sec. 2. Section four of chapter twenty-five of the revised statutes is hereby amended so as to read as follows:

'Sec. 4. The commission shall select, with the approval of the governor and council, such engineers, supervisors, assistants and help as may be necessary in the administration and execution of this chapter. All salaries for persons employed by the commission shall be fixed by said commission, and all employees shall serve during the pleasure of the commission. All salaries and expenses contemplated by this section shall be paid from the fund for maintenance and administration.'"

"Sec. 3. Section thirty-four of chapter one hundred and seventeen of the revised statutes is hereby amended so as to read as follows:

'Sec. 34. The annual salary of each member of the state highway commission shall be, for the chairman five thousand dollars; for each other member four thousand five hundred dollars. They shall also receive their actual expenses incurred in the performance of their official duties while absent from the seat of government.'"

"Sec. 4. This act shall take effect January first, nineteen hundred twenty-two."

And Whereas, said public law was duly approved by the Governor of the State of Maine on April 9, 1921.

And Whereas, sections 16 and 17 of Part Third of Article IV of the Constitution of Maine, as amended, provides as follows:

"Sec. 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 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."

"Sec. 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 proceeding 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."

And Whereas, it appears that written petitions of not less than ten thousand electors of this state, addressed to the governor were filed in the office of the Secretary of State within ninety days after the recess of the said Eightieth Legislature, requesting that said public act providing for a Full Time State Highway Commission be referred to the people, and it further appearing that the effect of said public act was suspended by said Petitions, under the Constitutional provisions above quoted.

Now, therefore, I, Percival P. Baxter, Governor of the State of Maine, in accordance with said provisions of the Constitution of Maine hereby declare that the act providing for a full time State Highway Commission above referred to has been suspended and I hereby designate the second Monday in September, being the 11th day of said month, in the year of our Lord one thousand nine hundred and twenty-two as the time on which

the above mentioned public act shall be voted on by the people of said State in accordance with the Constitutional provisions above mentioned.

In Witness Whereof, I have caused the seal of the State to be hereunto affixed at Augusta, Maine, this twenty-ninth day of October in the year of our Lord one thousand nine hundred and twenty-one and in the year of the Independence of the United States, the one hundred and forty-sixth.

[Seal]

(Signed) PERCIVAL P. BAXTER,  
Governor of Maine.

By the Governor.

(Signed) FRANK W. BALL,  
Secretary of State.

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STATE OF MAINE  
PROCLAMATION BY THE GOVERNOR  
Absent Voting Act

Whereas, the Eightieth Legislature of the State of Maine, by a resolve concurred in by at least two-thirds of both branches and approved on the sixth day of April, nineteen hundred and twenty-one, proposed to the electors of said State the following amendment to the Constitution of the State of Maine, to wit:

"That section five, article four, part first, of the constitution of Maine as amended by the twenty-third amendment, is hereby further amended by striking out the word "present" in the fifth and thirty-fourth lines thereof, so that said section as amended shall 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 seven 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 plan-