

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIRST LEGISLATURE

Legislative Document

No. 1433

H. P. 990

House of Representatives, February 28, 1963

Referred to Committee on Constitutional Amendments and Legislative Reapportionment. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Smith of Bar Harbor.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED SIXTY-THREE

RESOLVE, Proposing an Amendment to the Constitution Relative to Examination of Returns for Senators and to Provide for Election of Senators to Fill Vacancies.

Constitutional amendment. **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 3, amended. Section 3 of Part Second of Article IV of the Constitution is amended to read as follows :

'Section 3. Examination of returns; summons of electors.' The Governor and Council shall, as soon as may be, examine the returned copies of such lists and also the lists of votes of citizens in the military service returned into the secretary's Secretary of State's office, and, twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each district, to attend that day and take their seats.

Constitution, Article IV, Part Second, Section 4, repealed and replaced. Section 4 of Part Second of Article IV of the Constitution is repealed and the following enacted in place thereof :

'Section 4. Determination of Senators elected; procedure when full number not elected.' The Senate shall, on the said first Wednesday of January, biennially, determine who are elected by a plurality of votes to be Senators in each county. All vacancies in the Senate arising from death, resignation, removal from the Senate, or like causes, and also vacancies, if any, which may occur because of the failure of any county to elect by a plurality of votes the full number of Sen-

ators to which said county shall be entitled, shall be filled by an immediate election in the unrepresented county. The Governor shall issue a proclamation therefor and therein fix the time of such election."

Form of question and date when amendments shall be voted upon. **Resolved:** That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, 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 at the next general election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolve, to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

"Shall the Constitution be amended as proposed by a resolution of the Legislature relative to examination of returns for Senators and to provide for election of Senators to fill vacancies?"

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 count 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.