

MAINE STATE LEGISLATURE

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STATE OF MAINE
SENATE
107TH LEGISLATURE

COMMITTEE AMENDMENT "A" to S.P. 334, L.D. 1120,
RESOLUTION, Proposing an Amendment to the Constitution to
Provide for Determination of Inability of the Governor to
Discharge the Powers and Duties of His Office.

Amend said resolution by striking out everything after the
first paragraph and inserting in place
thereof the following:

'Constitution, Art. V, Pt. 1, §5, is amended to read:

Section 5. Disqualifications. No person holding any
office or place under the United States, this State, or any
other power, shall ~~exercise~~ assume the office of Governor, nor
shall any such person exercise the office of Governor except
as provided by this Constitution.

Constitution, Art. V, Pt. 1, §14, first sentence, is amended
to read:

Whenever the office of Governor shall become vacant because of
the death, resignation or removal of a Governor in office, or
any other cause , the President of the Senate shall assume the
office of Governor until another Governor / ^{shall be} duly qualified.

Constitution, Art. V, Pt. 1, §14, last sentence, is repealed.

Constitution, Art. V, Pt. 1, §14, is amended by adding at
the end a new paragraph to read:

Whenever for six months a Governor in office shall have been
continuously unable to discharge the powers and duties of his
office because of mental or physical disability such office shall
be deemed vacant. Such vacancy shall be declared by the Supreme

Judicial Court upon presentment to it of a joint resolution declaring the ground of the vacancy, adopted by a vote of two-thirds of the Senators and Representatives in convention, and upon notice, hearing before the court and a decision by a majority of the court that ground exists for declaring the office to be vacant.

Constitution, Art. V, Pt. 1, §15, is enacted to read:

Section 15. Inability of the Governor to discharge the powers and duties of his office. Whenever the Governor is unable to discharge the powers and duties of his office because of mental or physical disability, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until the Governor is again able to discharge the powers and duties of his office, or until the office of Governor is declared to be vacant or until another Governor shall be duly qualified.

Whenever the Governor is unable to discharge the powers and duties of his office, he may so certify to the Chief Justice of the Supreme Judicial Court, in which case and upon notice from the Chief Justice, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until such time as the Governor shall certify to the Chief Justice that he is able to discharge such powers and duties and the Chief Justice shall so notify the officer who is exercising the powers and duties of the office of Governor.

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When the Secretary of State shall have reason to believe that the Governor is unable to discharge the duties of his office, he may so certify to the Supreme Judicial Court, declaring his reasons for such belief. After notice to the Governor, a hearing before the Court and a decision by a majority of the Court that the Governor is unable to discharge the duties of his office, the Court shall notify the President of the Senate, or if that office is vacant the Speaker of the House of Representatives, of such inability and he shall exercise the functions, powers and duties of the office of Governor until such time as the Secretary of State or the Governor shall certify to the Court that the Governor is able to discharge the duties of his office and the Court, after notice to the Governor and a hearing before the Court, decides that the Governor is able to discharge the duties of his office and so notifies the officer who is exercising the powers and duties of the office of Governor.

Whenever either the President of the Senate or Speaker of the House of Representatives shall exercise the office of Governor, he shall receive only the compensation of Governor, but his duties as President or Speaker shall be suspended; and the Senate or House shall fill the vacancy resulting from such suspension, until he shall cease to exercise the office of Governor.

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 a special state-wide election on the Tuesday following the first Monday of November following the passage of this resolution 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 to provide for determination of the inability of the Governor to discharge the powers and duties of his office?"

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 amendment, 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 resolution, accompanied by a copy thereof.'

Statement of Fact

The purpose of this amendment is to provide a different method than that in the original Resolution for determining that the Governor is unable to discharge the powers and duties of his office.

Reported by the Committee on State Government.

Reproduced and distributed pursuant to Senate Rule 11-A. May 30, 1975. (Filing No. S-243).