

# MAINE STATE LEGISLATURE

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THIRD SPECIAL SESSION

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ONE HUNDRED AND THIRTEENTH LEGISLATURE

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Legislative Document

NO. 2695

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H.P. 1993 House of Representatives, September 15, 1988  
Approved for introduction by a majority of the  
Legislative Council pursuant to Joint Rule 26.  
Reference to the Committee on State and Local Government  
suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative DIAMOND of Bangor.  
Cosponsored by Senator PERKINS of Hancock.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-EIGHT

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1                   **RESOLUTION, Proposing an Amendment to the**  
2                   **Constitution of Maine to Clarify the**  
3                   **Original Constitutional Resolution Making the**  
4                   **Language of the Constitution**  
5                   **Gender-Neutral.**  
6

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7                   Constitutional amendment.   **RESOLVED:** Two-thirds  
8 of each branch of the Legislature concurring, that the  
9 following amendment to the Constitution of Maine be  
10 proposed:

1 CR 1987, c. 3 is repealed.

2 Constitution, Preamble is amended to read:

3 We the people of Maine, in order to establish  
4 justice, insure tranquility, provide for our mutual  
5 defense, promote our common welfare, and secure to  
6 ourselves and our posterity the blessings of liberty,  
7 acknowledging with grateful hearts the goodness of the  
8 Sovereign Ruler of the Universe in affording us an  
9 opportunity, so favorable to the design; and,  
10 imploring His God's aid and direction in its  
11 accomplishment, do agree to form ourselves into a free  
12 and independent State, by the style and title of the  
13 State of Maine and do ordain and establish the  
14 following Constitution for the government of the same.

15 Constitution, Art. I, §§1, 3, 4, 6, 6-A, 19 and  
16 20 are amended to read:

17 Section 1. Natural rights. All men people are  
18 born equally free and independent, and have certain  
19 natural, inherent and unalienable rights, among which  
20 are those of enjoying and defending life and liberty,  
21 acquiring, possessing and protecting property, and of  
22 pursuing and obtaining safety and happiness.

23 Section 3. Religious freedom; sects equal;  
24 religious tests prohibited; religious teachers. All  
25 men individuals have a natural and unalienable right  
26 to worship Almighty God according to the dictates of  
27 their own consciences, and no one person shall be  
28 hurt, molested or restrained in his person, that  
29 person's liberty or estate for worshipping God in the  
30 manner and season most agreeable to the dictates of  
31 his that person's own conscience, nor for his that  
32 person's religious professions or sentiments,  
33 provided he that that person does not disturb the  
34 public peace, nor obstruct others in their religious  
35 worship; -- and all persons demeaning themselves  
36 peaceably, as good members of the State, shall be  
37 equally under the protection of the laws, and no  
38 subordination nor preference of any one sect or  
39 denomination to another shall ever be

1 established by law, nor shall any religious test be  
2 required as a qualification for any office or trust,  
3 under this State; and all religious societies in this  
4 State, whether incorporate or unincorporate, shall at  
5 all times have the exclusive right of electing their  
6 public teachers, and contracting with them for their  
7 support and maintenance.

8 Section 4. Freedom of speech and publication;  
9 libel; truth given in evidence; jury determines law  
10 and fact. Every citizen may freely speak, write and  
11 publish his sentiments on any subject, being  
12 responsible for the abuse of this liberty; no laws  
13 shall be passed regulating or restraining the freedom  
14 of the press; and in prosecutions for any publication  
15 respecting the official conduct of men people in  
16 public capacity, or the qualifications of those who  
17 are candidates for the suffrages of the people, or  
18 where the matter published is proper for public  
19 information, the truth thereof may be given in  
20 evidence, and in all indictments for libels, the jury,  
21 after having received the direction of the court,  
22 shall have a right to determine, at their discretion,  
23 the law and the fact.

24 Section 6. Rights of persons accused. In all  
25 criminal prosecutions, the accused shall have a right  
26 to be heard by himself the accused and his  
27 counsel to the accused, or either, at his the  
28 election of the accused;

29 To demand the nature and cause of the accusation,  
30 and have a copy thereof;

31 To be confronted by the witnesses against him  
32 the accused;

33 To have compulsory process for obtaining witnesses  
34 in his favor of the accused;

35 To have a speedy, public and impartial trial, and,  
36 except in trials by martial law or impeachment, by a  
37 jury of the vicinity. He The accused shall not be  
38 compelled to furnish or give evidence against himself  
39 or herself, nor be deprived of his life, liberty,  
40 property or privileges, but by judgment of his that

1 person's peers or the law of the land.

2 Section 6-A. Discrimination against persons  
3 prohibited. No person shall be deprived of life,  
4 liberty or property without due process of law, nor be  
5 denied the equal protection of the laws, nor be denied  
6 the enjoyment of ~~his~~ that person's civil rights or  
7 be discriminated against in the exercise thereof.

8 Section 19. Right of redress for injuries. Every  
9 person, for an injury ~~done him in his~~ inflicted on  
10 the person, or the person's reputation, property or  
11 immunities, shall have remedy by due course of law;  
12 and right and justice shall be administered freely and  
13 without sale, completely and without denial, promptly  
14 and without delay.

15 Section 20. Trial by jury. In all civil suits,  
16 and in all controversies concerning property, the  
17 parties shall have a right to a trial by jury, except  
18 in cases where it has heretofore been otherwise  
19 practiced; the party claiming the right may be heard  
20 by himself and ~~his~~ or herself and with counsel, or  
21 either, at ~~his~~ the election of the party.

22 Constitution, Art. II, §1 is amended to read:

23 Section 1. Qualifications of electors; written  
24 ballot; military servicemen; students; Indians. Every  
25 citizen of the United States of the age of 18 years  
26 and upwards, excepting persons under guardianship for  
27 reasons of mental illness, having his or her residence  
28 established in this State, shall be an elector for  
29 Governor, Senators and Representatives, in the city,  
30 town or plantation where his or her residence has been  
31 established, if he or she continues to reside in this  
32 State, unless barred by the provisions of the second  
33 paragraph of this section; and the elections shall be  
34 by written ballot. But persons in the military, naval  
35 or marine service of the United States, or this State,  
36 shall not be considered as having obtained such  
37 established residence by being stationed in any  
38 garrison, barrack or military place, in any city, town  
39 or plantation; nor shall the residence of a student at  
40 any seminary of learning entitle ~~him~~ the student to

1 the right of suffrage in the city, town or plantation  
2 where such seminary is established. No person,  
3 however, shall be deemed to have lost his residence  
4 by reason of his the person's absence from the  
5 State in the military service of the United States, or  
6 of this State.

7 Every Indian, residing on tribal reservations and  
8 otherwise qualified, shall be an elector in all  
9 county, state and national elections.

10 Constitution, Art. IV, Part First, §4, as  
11 amended by CR 1987, c. 1, is further amended to read:

12 Section 4. Residency requirement. No person  
13 shall be a member of the House of Representatives,  
14 unless he the person shall, at the commencement of  
15 the period for which he the person is elected, have  
16 been 5 years a citizen of the United States, have  
17 arrived at the age of 21 years, have been a resident  
18 in this State one year; and for the 3 months next  
19 preceding the time of his this person's election  
20 shall have been, and, during the period for which he  
21 is elected, shall continue to be a resident in the  
22 district which he that person represents.

23 No person may be a candidate for election as a member  
24 of the House of Representatives unless, at the time of  
25 the nomination for placement on a primary, general or  
26 special election ballot, that person is a resident in  
27 the district which he the candidate seeks to  
28 represent.

29 Constitution, Art. IV, Part First, §5 is amended  
30 to read:

31 Section 5. Election of representatives; lists of  
32 votes delivered forthwith; lists of votes examined by  
33 Governor; summons of persons who appear to be elected;  
34 lists shall be laid before the House. The meetings  
35 within this State for the choice of Representatives  
36 shall be warned in due course of law by qualified  
37 officials of the several towns and cities 7 days at  
38 least before the election, and the election officials  
39 of the various towns and cities shall preside

1 impartially at such meetings, receive the votes of all  
2 the qualified electors, sort, count and declare them  
3 in open meeting; and a list of the persons voted for  
4 shall be formed, with the number of votes for each  
5 person against his that person's name. Cities and  
6 towns belonging to any representative district shall  
7 hold their meetings at the same time in the respective  
8 cities and towns; and such meetings shall be notified,  
9 held and regulated, the votes received, sorted,  
10 counted and declared in the same manner. Fair copies  
11 of the lists of votes shall be attested by the  
12 municipal officers and the clerks of the cities and  
13 towns and the city and town clerks respectively shall  
14 cause the same to be delivered into the office of the  
15 Secretary of State forthwith. The Governor shall  
16 examine the returned copies of such lists and 7 days  
17 before the first Wednesday of December biennially,  
18 shall issue a summons to such persons as shall appear  
19 to have been elected by a plurality of all votes  
20 returned, to attend and take their seats. All such  
21 lists shall be laid before the House of  
22 Representatives on the first Wednesday of December  
23 biennially, and they shall finally determine who are  
24 elected.

25 Constitution, Art. IV, Part Third, §1-A, as  
26 amended by CR 1985, c. 3, is further amended to read:

27 Section 1-A. Legislature to Establish  
28 Apportionment Commission; number of quorum;  
29 compensation of commission members; commission's  
30 budget; division among political parties. A  
31 Legislature which is required to apportion the  
32 districts of the House of Representatives or the  
33 Senate, or both, under Article IV, Part First, Section  
34 2, or Article IV, Part Second, Section 2, shall  
35 establish, within the first 3 calendar days after the  
36 convening of that Legislature, a commission to develop  
37 in accordance with the requirements of this  
38 Constitution, a plan for apportioning the House of  
39 Representatives, the Senate, or both.

40 The commission shall be composed of 3 members from  
41 the political party holding the largest number of  
42 seats in the House of Representatives, who shall be  
43 appointed by the Speaker; 3 members from the political

1 party holding the majority of the remainder of the  
2 seats in the House of Representatives, who shall be  
3 appointed by the floor leader of that party in the  
4 House; 2 members of the party holding the largest  
5 number of seats in the Senate, who shall be appointed  
6 by the President of the Senate; 2 members of the  
7 political party holding the majority of the remainder  
8 of the seats in the Senate, to be appointed by the  
9 floor leader of that party in the Senate; the  
10 chairperson of each of the 2 major political parties  
11 in the State or their designated representatives; and  
12 3 members from the public generally, one to be  
13 selected by each group of members of the commission  
14 representing the same political party, and the third  
15 to be selected by the other 2 public members. The  
16 Speaker of the House shall be responsible for  
17 organizing the commission and shall be chairman  
18 chairperson pro tempore thereof until a permanent  
19 chairman chairperson is selected by the commission  
20 members from among their own number. No action may be  
21 taken without a quorum of 8 being present. The  
22 commission shall hold public hearings on any plan for  
23 apportionment prior to submitting such plan to the  
24 Legislature.

25 Public members of the commission shall receive the  
26 same rate of per diem that is paid to Legislator's for  
27 every day's attendance at special sessions of the  
28 Legislature as defined by law. All members of the  
29 commission shall be reimbursed for actual travel  
30 expenses incurred in carrying out the business of the  
31 commission. The Legislature which is required to  
32 apportion shall establish a budget for the  
33 apportioning commission within the state budget  
34 document in the fiscal year previous to the fiscal  
35 year during which the apportioning commission is  
36 required to convene and shall appropriate sufficient  
37 funds for the commission to satisfactorily perform its  
38 duties and responsibilities. The budget shall include  
39 sufficient funds to compensate the chairman  
40 chairperson of the commission and his the  
41 chairperson's staff. The remainder of the  
42 appropriation shall be made available equally among  
43 the political parties represented on the commission to  
44 provide travel expenses, incidental expenses and  
45 compensation for commission members and for partisan



1 staff and operations.

2 Constitution, Art. IV, Part Third, §2 is amended  
3 to read:

4 Section 2. Bills to be signed by the Governor;  
5 proceedings, in case the Governor disapproves;  
6 allowing the Governor 10 days to act on legislation.  
7 Every bill or resolution, having the force of law, to  
8 which the concurrence of both Houses may be necessary,  
9 except on a question of adjournment, which shall have  
10 passed both Houses, shall be presented to the  
11 Governor, and if he the Governor approves, he  
12 the Governor shall sign it; if not, he the Governor  
13 shall return it with his objections to the House,  
14 in which it shall have originated, which shall enter  
15 the objections at large on its journals, and proceed  
16 to reconsider it. If after such reconsideration, 2/3  
17 of that House shall agree to pass it, it shall be sent  
18 together with the objections, to the other House, by  
19 which it shall be reconsidered, and, if approved by  
20 2/3 of that House, it shall have the same effect, as  
21 if it had been signed by the Governor; but in all such  
22 cases, the votes of both Houses shall be taken by yeas  
23 and nays, and the names of the persons, voting for and  
24 against the bill or resolution, shall be entered on  
25 the journals of both Houses respectively. If the bill  
26 or resolution shall not be returned by the Governor  
27 within 10 days (Sundays excepted) after it shall have  
28 been presented to him the Governor, it shall have  
29 the same force and effect as if he the Governor had  
30 signed it unless the Legislature by their adjournment  
31 prevent its return, in which case it shall have such  
32 force and effect, unless returned within 3 days after  
33 the next meeting of the same Legislature which enacted  
34 the bill or resolution; if there is no such next  
35 meeting of the Legislature which enacted the bill or  
36 resolution, the bill or resolution shall not be a law.

37 Constitution, Art. IV, Part Third, §§10 and 11  
38 are amended to read:

39 Section 10. Members not to be appointed to  
40 certain offices. No Senator or Representative shall,  
41 during the term for which he the Senator or  
42 Representative shall have been elected, be appointed

1 to any civil office of profit under this State, which  
2 requires the approval of the Legislature for  
3 appointment or which shall have been created, or the  
4 emoluments of which increased during such term, except  
5 such offices as may be filled by elections by the  
6 people.

7 Section 11. Persons disqualified to be members.  
8 No member of Congress, nor person holding any office  
9 under the United States (post officers excepted) nor  
10 office of profit under this State, justices of the  
11 peace, notaries public, coroners and officers of the  
12 militia excepted, shall have a seat in either House  
13 during his being such while a member of Congress,  
14 or his continuing in such office.

15 Constitution, Art. IV, Part Third, §17, sub-§3  
16 is amended to read:

17 3. Referral to electors; proclamation by  
18 Governor. As soon as it appears that the effect of  
19 any Act, bill, resolve, or resolution or part or parts  
20 thereof has been suspended by petition in manner  
21 aforesaid, the Governor by public proclamation shall  
22 give notice thereof and of the time when such measure  
23 is to be voted on by the people, which shall be at the  
24 next statewide election not less than 60 days after  
25 such proclamation, or in case of no statewide election  
26 within 6 months thereafter the Governor may order such  
27 measure submitted to the people at a special election  
28 not less than 60 days nor more than 6 months after  
29 his proclamation thereof. If the Governor fails to  
30 order such measure to be submitted to the people at  
31 the next statewide election, the Secretary of State  
32 shall, by proclamation, order such measure to be  
33 submitted to the people at such an election and such  
34 order shall be sufficient to enable the people to vote.

35 Constitution, Art. IV, Part Third, §§19 and 20  
36 are amended to read:

37 Section 19. Effective date of measures approved  
38 by people; veto power limited. Any measure referred  
39 to the people and approved by a majority of the votes  
40 given thereon shall, unless a later date is specified  
41 in said measure, take effect and become a law in 30

1 days after the Governor has made public proclamation  
2 of the result of the vote on said measure, which he  
3 the Governor shall do within 10 days after the vote  
4 thereon has been canvassed and determined; provided,  
5 however, that any such measure which entails  
6 expenditure in an amount in excess of available and  
7 unappropriated state funds shall remain inoperative  
8 until 45 days after the next convening of the  
9 Legislature in regular session, unless the measure  
10 provides for raising new revenues adequate for its  
11 operation. The veto power of the Governor shall not  
12 extend to any measure approved by vote of the people,  
13 and any measure initiated by the people and passed by  
14 the Legislature without change, if vetoed by the  
15 Governor and if his the veto is sustained by the  
16 Legislature shall be referred to the people to be  
17 voted on at the next general election. The  
18 Legislature may enact measures expressly conditioned  
19 upon the people's ratification by a referendum vote.

20 Section 20. Meaning of words "electors," "people,"  
21 "recess of Legislature," "statewide election,"  
22 "measure," "circulator," and "written petition;"  
23 written petitions for people's veto; written petitions  
24 for direct initiative. As used in any of the 3  
25 preceding sections or in this section the words  
26 "electors" and "people" mean the electors of the State  
27 qualified to vote for Governor; "recess of the  
28 Legislature" means the adjournment without day of a  
29 session of the Legislature; "statewide election" means  
30 any election held throughout the State on a particular  
31 day; "measure" means an Act, bill, resolve or  
32 resolution proposed by the people, or 2 or more such,  
33 or part or parts of such, as the case may be;  
34 "circulator" means a person who solicits signatures  
35 for written petitions, and who must be a resident of  
36 this State and whose name must appear on the voting  
37 list of his the city, town or plantation of the  
38 circulator's residence as qualified to vote for  
39 Governor; "written petition" means one or more  
40 petitions written or printed, or partly written and  
41 partly printed, with the original signatures of the  
42 petitioners attached, verified as to the authenticity  
43 of the signatures by the oath of the circulator that  
44 all of the signatures to the petition were made in  
45 his the presence of the circulator and that to the

1 best of his the circulator's knowledge and belief  
2 each signature is the signature of the person whose  
3 name it purports to be, and accompanied by the  
4 certificate of the official authorized by law to  
5 maintain the voting list of the city, town or  
6 plantation in which the petitioners reside that their  
7 names appear on the voting list of his the city,  
8 town or plantation of the official as qualified to  
9 vote for Governor. The oath of the circulator must be  
10 sworn to in the presence of a person authorized by law  
11 to administer oaths. Written petitions for a people's  
12 veto pursuant to Article IV, Part Third, Section 17  
13 must be submitted to the appropriate officials of  
14 cities, towns or plantations for determination of  
15 whether the petitioners are qualified voters by the  
16 hour of 5:00 p.m., on the 5th day before the petition  
17 must be filed in the office of the Secretary of State,  
18 or, if such 5th day is a Saturday, a Sunday or a legal  
19 holiday, by 5:00 p.m., on the next day which is not a  
20 Saturday, a Sunday or a legal holiday. Written  
21 petitions for a direct initiative pursuant to Article  
22 IV, Part Third, Section 18 must be submitted to the  
23 appropriate officials of cities, towns or plantations  
24 for determination of whether the petitioners are  
25 qualified voters by the hour of 5:00 p.m., on the 3rd  
26 day before the petition must be filed in the office of  
27 the Secretary of State, or, if such 3rd day is a legal  
28 holiday, by 5:00 p.m., on the next day which is not a  
29 legal holiday. Such officials must complete the  
30 certification of such petitions and must return them  
31 to the circulators or their agents within 2 days,  
32 Saturdays, Sunday and legal holidays excepted, of the  
33 date on which such petitions were submitted to them.  
34 The petition shall set forth the full text of the  
35 measure requested or proposed. Petition forms shall  
36 be furnished or approved by the Secretary of State  
37 upon written application signed in the office of the  
38 Secretary of State by a resident of this State whose  
39 name must appear on the voting list of his the  
40 city, town or plantation of that resident as qualified  
41 to vote for Governor. The full text of a measure  
42 submitted to a vote of the people under the provisions  
43 of the Constitution need not be printed on the  
44 official ballots, but, until otherwise provided by the  
45 Legislature, the Secretary of State shall prepare the  
46 ballots in such form as to present the question or

1 questions concisely and intelligibly.

2 Constitution, Art. V, Part First, §§2, 4, 6, 7,  
3 8, 9, 10, 11, 12, 13, 14 and 15 are amended to read:

4 Section 2. Term of office; reelection  
5 eligibility. The Governor shall be elected by the  
6 qualified electors, and shall hold his the office  
7 for 4 years from the first Wednesday after the first  
8 Tuesday of January next following the election and  
9 until his the successor to the Governor has been  
10 duly elected and qualified. The person who has served  
11 2 consecutive popular elective 4-year terms of office  
12 as Governor shall be ineligible to succeed himself  
13 himself or herself.

14 Section 4. Qualifications. The Governor shall,  
15 at the commencement of his the Governor's term, be  
16 not less than 30 years of age; a citizen of the United  
17 States for at least 15 years, have been 5 years a  
18 resident of the State; and at the time of his  
19 election and during the term for which he is  
20 elected, be a resident of said State.

21 Section 6. Compensation. The Governor shall, at  
22 stated times, receive for his services a  
23 compensation, which shall not be increased or  
24 diminished during his the Governor's continuance in  
25 office.

26 Section 7. Commander in chief. He The  
27 Governor shall be commander in chief of the army and  
28 navy of the State, and of the militia, except when the  
29 same are called into the actual service of the United  
30 States.

31 Section 8. To appoint officers; procedure for  
32 confirmation; affirmative votes of 2/3 of members  
33 required; Governor or President of Senate may call  
34 Senate into session; nomination by Governor made 7  
35 days prior to appointment of nominee. He The  
36 Governor shall nominate, and, subject to confirmation  
37 as provided herein, appoint all judicial officers,  
38 except judges of probate and justices of the peace if  
39 their manner of selection is otherwise provided for by

1 this Constitution or by law, and all other civil and  
2 military officers whose appointment is not by this  
3 Constitution, or shall not by law be otherwise  
4 provided for.

5 The procedure for confirmation shall be as  
6 follows: an appropriate legislative committee  
7 comprised of members of both houses in reasonable  
8 proportion to their membership as provided by law  
9 shall recommend confirmation or denial by majority  
10 vote of committee members present and voting. The  
11 committee recommendation shall be reviewed by the  
12 Senate and upon review shall become final action of  
13 confirmation or denial unless the Senate by vote of  
14 2/3 of those members present and voting overrides the  
15 committee recommendation. The Senate vote shall be by  
16 the yeas and nays.

17 All statutes enacted to carry out the purposes of  
18 the second paragraph of this section shall require the  
19 affirmative vote of 2/3 of the members of each House  
20 present and voting.

21 Either the Governor or the President of the Senate  
22 shall have the power to call the Senate into session  
23 for the purpose of voting upon confirmation of  
24 appointments.

25 Every nomination by the Governor shall be made 7  
26 days at least prior to appointment of the nominee.

27 Section 9. To give information and recommend  
28 measures. He The Governor shall from time to time  
29 give the Legislature information of the condition of  
30 the State, and recommend to their consideration such  
31 measures, as he the Governor may judge expedient.

32 Section 10. May require information of any  
33 officer. He The Governor may require information  
34 from any military officer, or any officer in the  
35 executive department, upon any subject relating to the  
36 duties of their respective offices.

37 Section 11. Power to pardon and remit penalties,  
38 etc.; conditions. He The Governor shall have power  
39 to remit after conviction all forfeitures and

1 penalties, and to grant reprieves, commutations and  
2 pardons, except in cases of impeachment, upon such  
3 conditions, and with such restrictions and limitations  
4 as may be deemed proper, subject to such regulations  
5 as may be provided by law, relative to the manner of  
6 applying for pardons. Such power to grant reprieves,  
7 commutations and pardons shall include offenses of  
8 juvenile delinquency.

9 Section 12. Shall enforce the laws. He The  
10 Governor shall take care that the laws be faithfully  
11 executed.

12 Section 13. Convene the Legislature on  
13 extraordinary occasions, and adjourn it in case of  
14 disagreement; may change the place of meeting. He  
15 The Governor may, on extraordinary occasions, convene  
16 the Legislature; and in case of disagreement between  
17 the 2 Houses with respect to the time of adjournment,  
18 adjourn them to such time, as he the Governor shall  
19 think proper, not beyond the day of the next regular  
20 session; and if, since the last adjournment, the place  
21 where the Legislature were next to convene shall have  
22 become dangerous from an enemy or contagious sickness,  
23 may direct the session to be held at some other  
24 convenient place within the State.

25 Section 14. Vacancy, how supplied, mental or  
26 physical disability of the Governor continuously for  
27 more than 6 months. Whenever the office of Governor  
28 shall become vacant because of the death, resignation  
29 or removal of a Governor in office, or any other  
30 cause, the President of the Senate shall assume the  
31 office of Governor until another Governor shall be  
32 duly qualified. When the vacancy occurs more than 90  
33 days preceding the date of the primary election for  
34 nominating candidates to be voted for at the biennial  
35 election next succeeding, the President of the Senate  
36 shall assume the office of Governor until the first  
37 Wednesday after the first Tuesday of January following  
38 the biennial election. At the biennial election, a  
39 Governor shall be elected to fill the unexpired term  
40 created by the vacancy. When the vacancy occurs less  
41 than 90 days preceding the date of a primary election  
42 the President of the Senate shall fill the unexpired  
43 term.

1 Whenever the offices of Governor and President of  
2 the Senate are vacant at the same time, the Speaker of  
3 the House of Representatives shall assume the office  
4 of Governor for the same term and under the same  
5 conditions as the President of the Senate.

6 Whenever the offices of Governor, President of the  
7 Senate and Speaker of the House of Representatives are  
8 vacant at the same time, the person acting as  
9 Secretary of State for the time being shall exercise  
10 the office of Governor and shall forthwith by  
11 proclamation convene the Senate and the House of  
12 Representatives which shall fill respectively the  
13 vacancies in the office of the President of the Senate  
14 and the Speaker of the House, and by joint ballot of  
15 the Senators and Representatives in convention choose  
16 a person who shall assume the office of Governor for  
17 the same term and under the same conditions as the  
18 President of the Senate.

19 Whenever for 6 months a Governor in office shall  
20 have been continuously unable to discharge the powers  
21 and duties of his that office because of mental or  
22 physical disability such office shall be deemed  
23 vacant. Such vacancy shall be declared by the Supreme  
24 Judicial Court upon presentment to it of a joint  
25 resolution declaring the ground of the vacancy,  
26 adopted by a vote of 2/3 of the Senators and  
27 Representatives in convention, and upon notice,  
28 hearing before the court and a decision by a majority  
29 of the court that ground exists for declaring the  
30 office to be vacant.

31 Section 15. Temporary mental or physical  
32 disability of Governor. Whenever the Governor is  
33 unable to discharge the powers and duties of his  
34 that office because of mental or physical disability,  
35 the President of the Senate, or if that office is  
36 vacant, the Speaker of the House of Representatives,  
37 shall exercise the powers and duties of the office of  
38 Governor until the Governor is again able to discharge  
39 the powers and duties of his that office, or until  
40 the office of Governor is declared to be vacant or  
41 until another Governor shall be duly qualified.



1 Whenever the Governor is unable to discharge the  
2 powers and duties of his that office, he the  
3 Governor may so certify to the Chief Justice of the  
4 Supreme Judicial Court, in which case and upon notice  
5 from the Chief Justice, the President of the Senate,  
6 or if that office is vacant, the Speaker of the House  
7 of Representatives, shall exercise the powers and  
8 duties of the office of Governor until such time as  
9 the Governor shall certify to the Chief Justice that  
10 he the Governor is able to discharge such powers and  
11 duties and the Chief Justice shall so notify the  
12 officer who is exercising the powers and duties of the  
13 office of Governor.

14 When the Secretary of State shall have reason to  
15 believe that the Governor is unable to discharge the  
16 duties of his that office, he the Secretary of  
17 State may so certify to the Supreme Judicial Court,  
18 declaring his the reason for such belief. After  
19 notice to the Governor, a hearing before the court and  
20 a decision by a majority of the court that the  
21 Governor is unable to discharge the duties of his  
22 the office of Governor, the court shall notify the  
23 President of the Senate, or if that office is vacant  
24 the Speaker of the House of Representatives, of such  
25 inability and he that officer shall exercise the  
26 functions, powers and duties of the office of Governor  
27 until such time as the Secretary of State or the  
28 Governor shall certify to the court that the Governor  
29 is able to discharge the duties of his the office  
30 of Governor and the court, after notice to the  
31 Governor and a hearing before the court, decides that  
32 the Governor is able to discharge the duties of his  
33 that office and so notifies the officer who is  
34 exercising the powers and duties of the office of  
35 Governor.

36 Whenever either the President of the Senate or  
37 Speaker of the House of Representatives shall exercise  
38 the office of Governor, he the officer shall  
39 receive only the compensation of Governor, but his  
40 the officer's duties as President or Speaker shall be  
41 suspended; and the Senate or House shall fill the  
42 vacancy resulting from such suspension, until he  
43 the officer shall cease to exercise the office of  
44 Governor.

1 Constitution, Art. V, Part Second, §§2, 3 and 4  
2 are amended to read:

3 Section 2. Records of State; deputies. The  
4 records of the State shall be kept in the office of  
5 the secretary, who may appoint his deputies to that  
6 office, for whose conduct ~~he~~ the secretary shall be  
7 accountable.

8 Section 3. Attend the Governor, Senate, and  
9 House. ~~He~~ The Secretary of State shall attend the  
10 Governor, Senate and House of Representatives, in  
11 person or by ~~his~~ the deputies of the Secretary of  
12 State as they shall respectively require.

13 Section 4. Records of executive and legislative  
14 departments. ~~He~~ The Secretary of State shall  
15 carefully keep and preserve the records of all the  
16 official acts and proceedings of the Governor, Senate  
17 and House of Representatives, and, when required, lay  
18 the same before either branch of the Legislature, and  
19 perform such other duties as are enjoined by this  
20 Constitution, or shall be required by law.

21 Constitution, Art. V, Part Third, §§2 and 3 are  
22 amended to read:

23 Section 2. Bond. The Treasurer shall, before  
24 entering on the duties of ~~his~~ that office, give  
25 bond to the State with sureties, to the satisfaction  
26 of the Legislature, for the faithful discharge of  
27 ~~his~~ that trust.

28 Section 3. Not to engage in trade. The Treasurer  
29 shall ~~not~~, during ~~his~~ the treasurer's continuance  
30 in office, engage in any business of trade or  
31 commerce, or as a broker, nor as an agent or factor  
32 for any merchant or trader.

33 Constitution, Art. VI, §4 is amended to read:

34 Section 4. Tenure of judicial officers; 6-month  
35 holdover period. All judicial officers appointed by  
36 the Governor shall hold their offices for the term of

1 7 years from the time of their respective appointments  
2 (unless sooner removed by impeachment or by address of  
3 both branches of the Legislature to the executive,  
4 provided further that justices of the peace may be  
5 removed from office in such manner as the Legislature  
6 may provide); provided, however, that a judicial  
7 officer whose term of office has expired or who has  
8 reached mandatory retirement age, as provided by  
9 statute, may continue to hold office until the  
10 expiration of an additional period not to exceed 6  
11 months or until his the successor to the judicial  
12 officer is appointed, whichever occurs first in time.

13 Constitution, Art. IX, §§1, 3 and 5 are amended  
14 to read:

15 Section 1. Oaths and subscriptions; alternative  
16 affirmation; oaths of Governor; oaths of Senators and  
17 Representatives; oaths of other officers; before whom  
18 taken. Every person elected or appointed to either of  
19 the places or offices provided in this Constitution,  
20 and every person elected, appointed, or commissioned  
21 to any judicial, executive, military or other office  
22 under this State, shall, before he enter entering  
23 on the discharge of the duties of his that place or  
24 office, take and subscribe the following oath or  
25 affirmation: "I, \_\_\_\_\_ do swear, that I will  
26 support the Constitution of the United States and of  
27 this State, so long as I shall continue a citizen  
28 thereof. So help me God."

29 "I \_\_\_\_\_ do swear, that I will faithfully  
30 discharge, to the best of my abilities, the duties  
31 incumbent on me as \_\_\_\_\_ according to the  
32 Constitution and laws of the State. So help me God."  
33 Provided, that an affirmation in the above forms may  
34 be substituted, when the person shall be  
35 conscientiously scrupulous of taking and subscribing  
36 an oath.

37 The oaths or affirmations shall be taken and  
38 subscribed by the Governor before the presiding  
39 officer of the Senate, in the presence of both Houses  
40 of the Legislature, and by the Senators and  
41 Representatives before the Governor, and by the  
42 residue of said officers before such persons as shall

1 be prescribed by the Legislature; and whenever the  
2 Governor shall not be able to attend during the  
3 session of the Legislature to take and subscribe said  
4 oaths or affirmations, such oaths or affirmations may  
5 be taken and subscribed in the recess of the  
6 Legislature before any Justice of the Supreme Judicial  
7 Court and provided further that, if the Governor shall  
8 be unable to appear and administer the oath to the  
9 Senators and Representatives, such oaths shall be  
10 administered by the Chief Justice of the Supreme  
11 Judicial Court or in his the absence of the Chief  
12 Justice, by the senior Associate Justice of said  
13 Supreme Judicial Court present at the State Capitol on  
14 the first day of the term for which said Senators and  
15 Representatives shall have been elected.

16 Section 3. Commissions. All commissions shall be  
17 in the name of the State, signed by the Governor,  
18 attested by the Secretary or his a deputy of the  
19 Secretary and have the seal of the State thereto  
20 affixed.

21 Section 5. Removal by impeachment or address.  
22 Every person holding any civil office under this  
23 State, may be removed by impeachment, for misdemeanor  
24 in office; and every person holding any office, may be  
25 removed by the Governor on the address of both  
26 branches of the Legislature. But before such address  
27 shall pass either House, the causes of removal shall  
28 be stated and entered on the journal of the House in  
29 which it originated, and a copy thereof served on the  
30 person in office, that he the person may be  
31 admitted to a hearing in his that person's own  
32 defense.

33 Constitution, Art. IX, §10, as amended by CR  
34 1985, c. 1, is further amended to read:

35 Section 10. Tenure of sheriffs; extend the Term  
36 of Office to 4 years; removal of sheriff from office  
37 and replacement. Sheriffs shall be elected by the  
38 people of their respective counties, by a plurality of  
39 the votes given in on the Tuesday following the first  
40 Monday of November, and shall hold their offices for 4  
41 years from the first day of January next after their  
42 election, unless sooner removed as hereinafter

1 provided.

2 Whenever the Governor upon complaint, due notice  
3 and hearing shall find that a sheriff is not  
4 faithfully or efficiently performing any duty imposed  
5 upon him the sheriff by law, the Governor may  
6 remove such sheriff from office and appoint another  
7 sheriff in his place to serve for the remainder of  
8 the term for which such removed sheriff was elected.  
9 All vacancies in the office of sheriff, other than  
10 those caused by removal in the manner aforesaid, shall  
11 be filled in the same manner as is provided in the  
12 case of judges and registers of probate.

13 Constitutional referendum procedure; form of  
14 question; effective date. Resolved: That the city  
15 aldermen, town selectmen and plantation assessors of  
16 this State shall notify the inhabitants of their  
17 respective cities, towns and plantations to meet, in  
18 the manner prescribed by law for holding a statewide  
19 election, at a statewide election, on the Tuesday  
20 following the first Monday of November following the  
21 passage of this resolution, to vote upon the  
22 ratification of the amendment proposed in this  
23 resolution by voting upon the following question:

24 "Shall the Constitution of Maine be amended to  
25 remove gender-biased language in order to clarify that  
26 the Constitution applies to all individuals?"

27 The legal voters of each city, town and plantation  
28 shall vote by ballot on this question, and shall  
29 designate their choice by a cross or check mark placed  
30 within the corresponding square below the word "Yes"  
31 or "No." The ballots shall be received, sorted,  
32 counted and declared in open ward, town and plantation  
33 meetings and returns made to the Secretary of State in  
34 the same manner as votes for members of the  
35 Legislature. The Governor shall review the returns  
36 and, if it appears that a majority of the legal voters  
37 are in favor of the amendment, the Governor shall  
38 proclaim that fact without delay and the amendment  
39 shall become part of the Constitution on the date of  
40 the proclamation.

1 Secretary of State shall prepare ballots.  
2 Resolved: That the Secretary of State shall prepare  
3 and furnish to each city, town and plantation all  
4 ballots, returns and copies of this resolution  
5 necessary to carry out the purposes of this referendum.

6  
7

#### STATEMENT OF FACT

8 This constitutional resolution corrects an  
9 inadvertent error and an inconsistency in  
10 Constitutional Resolution 1987, chapter 3, proposing  
11 to make the language of the Constitution of Maine  
12 gender-neutral. In the constitutional resolution to  
13 be voted upon by the voters in November, a phrase had  
14 been inadvertently stricken from Article IV, Part  
15 Third, section 11 when the intent was to strike out  
16 only the word "his." As a result, certain state  
17 officials could hold elected state offices and remain  
18 in their capacity as state officials. This  
19 constitutional resolution deletes this inadvertent and  
20 substantive change in the Constitution of Maine that  
21 was not intended. This constitutional resolution also  
22 replaces the word "may" with "shall" in Article 1,  
23 section 6-A which is the original language of the  
24 Constitution of Maine and which is used in similar  
25 declaratory statements throughout the Constitution of  
26 Maine.

27 To accomplish these 2 technical corrections, this  
28 constitutional resolution repeals Constitutional  
29 Resolution 1987, chapter 3, and then inserts the text  
30 of Constitutional Resolution 1987, chapter 3, with the  
31 2 corrections, in their proper places.

32

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