

# MAINE STATE LEGISLATURE

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December 13, 1957

Honorable Earl W. Davis  
State Senator  
Harrison, Maine

Dear Senator Davis:

This is in response to your recent oral request for advice as to the procedure in filling a vacancy in our Maine State Senate caused by the resignation or death of a State Senator.

We believe the following provision of our Constitution and statutes apply in such a case.

Article IV, Part Second, Section 4 of the Maine Constitution reads in part as follows:

"... but all vacancies in the Senate, arising from death, resignation, removal from the State, or like causes, shall be filled by immediate election in the represented county. The Governor shall issue his proclamation therefor and therein fix the time for such election."

The statutes then supplement this constitutional provision in the following manner. Section 46 of Chapter 4 of the Revised Statutes of 1954 reads in part as follows:

"In case a vacancy occurs in any office except that of United States senator, governor or representative to congress which is to be filled at the next biennial state election for which no nomination has been made at the primary election held on the 3rd Monday in June

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"of the same year, nominations shall be made as provided in this section. When such a vacancy occurs, the governor shall, by proclamation, declare such fact and fix a date and place for the meeting of the appropriate committees. Certificates for supplying the vacancy and the manner of placing the name of the nominee upon the ballots shall conform to the provisions of section 56."

Under these sections when a vacancy occurs, the Governor, by proclamation, calls for the county committees to nominate and in that same proclamation sets a date for the special election.

The above quoted provisions are all the provisions which apply. There are no sections which specifically govern the procedure of the various committees in such cases.

Very truly yours,

James G. Frost  
Deputy Attorney General

jgf/n