

MAINE STATE LEGISLATURE

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February 23, 1972

Honorable Earl L. Wing
Savings Bank Building
Kingfield, Maine 04947

Dear Judge Wing:

This will acknowledge receipt of your letter of February 17 concerning resignation as Probate Judge of Franklin County. I am enclosing herewith a copy of a portion of the State Constitution and call your attention to Article VI, Section 6. The answer is really contained in that section.

I would say that if you resigned effective December 31, 1972, that no one could be elected this year as there will not be a vacancy. If you did that, the Governor would appoint, with the advice and consent of the Council, someone to fill the vacancy until December 31, 1974, when your present term expires.

In order to have persons take out nomination papers for the June Primary and run in December, you will have to resign effective almost immediately if people are going to have an opportunity to file papers by April 1. If you did so resign, the Governor and Council could appoint someone to fill the vacancy until next January 1 when the person elected in November would take office.

I trust this answers your question.

Very truly yours,

George C. West
Deputy Attorney General

GCW:H
Enclosure