

MAINE STATE LEGISLATURE

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CONSTITUTION
of the
STATE of MAINE



CONSTITUTION of the STATE of MAINE

As Amended January, 1965

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Constitution of the State of Maine,

As Amended.

(January 1, 1965)

PREAMBLE.

We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defence, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring His aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine, and do ordain and establish the following Constitution for the government of the same.

Objects of government.

ARTICLE I.

Declaration of Rights.

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

Natural rights.

Section 2. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

Power inherent in people.

Section 3. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship;— and all persons demeaning themselves peaceably, as good members of the state, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

Religious freedom.

Proviso.

Sects equal.

Religious tests prohibited.

Religious teachers.

Section 4. Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the

Freedom of speech and publication.

Libel.

Truth may be proved.

jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

Unreasonable searches prohibited.

Section 5. The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause — supported by oath or affirmation.

Rights of persons accused.

Section 6. In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at his election;

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

To be confronted by the witnesses against him;

To have compulsory process for obtaining witnesses in his favor;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers or the law of the land.

Discrimination against persons prohibited.

(Added by Amendment lxxxix.)

Section 6-A. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his civil rights or be discriminated against in the exercise thereof.

No person to answer to certain crimes but on indictment.

Exceptions.

Section 7. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offenses, as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The Legislature shall provide by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.

Juries.

No double jeopardy.

Section 8. No person, for the same offense, shall be twice put in jeopardy of life or limb.

Sanguinary laws prohibited.

Section 9. Sanguinary laws shall not be passed: all penalties and punishments shall be proportioned to the offence: excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

(Amended by Amendment ii.)

Bailable offences.

Section 10. No person before conviction shall be bailable for any of the crimes which now are, or have been denominated capital offences since the adoption of the Constitution, when the proof is evident or the presumption great, whatever the punishment of the crimes may be. And the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Bills of attainder, etc.

Section 11. The Legislature shall pass no bill of attainder, *ex post facto* law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.

- Section 12. Treason against this State shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court. Treason.
Testimony of two witnesses.
- Section 13. The laws shall not be suspended but by the Legislature or its authority. Suspension of laws.
- Section 14. No person shall be subject to corporal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger. Corporal punishment under military law.
- Section 15. The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances. Right of petition.
- Section 16. Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned. To keep and bear arms.
- Section 17. No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power. Standing armies shall not be kept.
- Section 18. No soldier shall in time of peace be quartered in any house without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law. No soldier to be quartered on citizens in time of peace.
- Section 19. Every person, for an injury done him in his person, reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay. Right of redress for injuries.
- Section 20. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced: the party claiming the right may be heard by himself and his counsel, or either, at his election. Trial by jury.
- Section 21. Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it. Private property, when to be taken.
- Section 22. No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature. Taxes.
- Section 23. No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behaviour. Title of nobility prohibited.
Tenure of offices.
- Section 24. The enumeration of certain rights shall not impair nor deny others retained by the people. Other rights not impaired.

ARTICLE II.

Electors.

(Amended by
Amendments x,
xxix, xlii, lvii,
lxi, lxxvii.)

Qualifications of
electors.

Written ballot.

Military
servicemen.

Students.

Educational
qualification.

Electors exempt
from arrest on
election days.

Exemption from
military duty.

(Amended by
Amendments x,
xxiii, lxxiv,
lxxxiii, lxxxiv.)

Time of state
election.

Absentee voting.

(Added by
Amendment lix.)
Voting machines.

Section 1. Every citizen of the United States of the age of twenty-one years and upwards, excepting paupers and persons under guardianship, having his or her residence established in this State for the term of six months next preceding any election, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established for the term of three months next preceding such election, and he or she shall continue to be an elector in such city, town or plantation for the period of three months after his or her removal therefrom, if he or she continues to reside in this State during such period, unless barred by the provisions of the second paragraph of this section; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any city, town or plantation; nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the city, town or plantation where such seminary is established. No person, however, shall be deemed to have lost his residence by reason of his absence from the state in the military service of the United States, or of this State.

No person shall have the right to vote or be eligible to office under the Constitution of this State, who shall not be able to read the Constitution in the English language, and write his name; provided, however, that this shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on the fourth day of January in the year one thousand eight hundred and ninety-three.

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

Section 2. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

Section 3. No elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

Section 4. The election of Senators and Representatives shall be on the Tuesday following the first Monday of November biennially forever and the election of Governor shall be on the Tuesday following the first Monday of November every four years. The Legislature under proper enactment shall authorize and provide for voting by citizens of the State absent therefrom in the Armed Forces of the United States or of this State and for voting by other citizens absent or physically incapacitated for reasons deemed sufficient.

Section 5. Voting machines, or other mechanical devices for voting, may be used at all elections under such regulations as may be prescribed by law, provided, however, the right of secret voting shall be preserved.

ARTICLE III.

Distribution of Powers.

Section 1. The powers of this government shall be divided into three distinct departments, the legislative, executive and judicial. Powers distributed.

Section 2. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted. To be kept separate.

ARTICLE IV.

Part First.

House of Representatives.

Section 1. The legislative power shall be vested in two distinct branches, a House of Representatives, and a Senate, each to have a negative on the other, and both to be styled the Legislature of Maine, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls independent of the Legislature, and also reserve power at their own option to approve or reject at the polls any Act, bill, resolve or resolution passed by the joint action of both branches of the Legislature, and the style of their laws and Acts shall be, "Be it enacted by the people of the State of Maine." (Amended by Amendment xxxi.)
Legislative department.
Style of acts.

Section 2. The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the biennial meeting of the Legislature. The Legislature shall, within every period of at most ten years and at least five, cause the number of inhabitants of the State to be ascertained, exclusive of foreigners not naturalized. The number of Representatives shall, at the several periods of making such enumeration, be fixed and apportioned by the Legislature among the several counties, as near as may be, according to the number of inhabitants. Each county shall be entitled to that number of Representatives which is in the same proportion to the total number of Representatives as the number of inhabitants of the county bears to the number of inhabitants of the State, fractional excesses over whole numbers to be computed in favor of the counties having the larger fractional excesses. (Amended by Amendments iv, xxiii, xxv, lxxvii, lxxxviii.)
Number of Representatives.
Biennial terms.
Legislature to ascertain number of inhabitants.
Apportionment among counties.

Section 3. Apportionment of Representatives within each county shall be made by dividing the total number of inhabitants in the county by the number of Representatives to which the county is entitled to determine a unit base number. Each city or town having a number of inhabitants greater than the unit base number shall be entitled to as many Representatives as the number of times the number of its inhabitants fully contains the unit base number; and the remaining cities, towns and plantations within the county which have inhabitants in numbers less than such unit base number shall be formed into representative class districts in number equal to the remainder of county Representatives unallocated under the foregoing procedure by grouping whole cities, towns and plantations as equitably as possible with consideration for population and for geographical contiguity. Provided, however, that no such representative district shall contain fewer inhabitants than the largest fraction re- (Amended by Amendments xxxix, lxi, lxxxviii.)
Apportionment within counties.

maining to any city or town within such county after the allocating of one or more Representatives under the foregoing procedure; and, provided further, that additional Representatives, drawn from the remainder of county Representatives unallocated under the foregoing procedure, shall be allocated to cities or towns having the largest fraction remaining after the allocation of one or more Representatives under the foregoing procedure if such be necessary to insure that no such representative district contain fewer inhabitants than the largest fraction remaining to any city or town within such county after the allocating of one or more Representatives under the foregoing procedure. Cities and towns entitled to two or more Representatives under the foregoing procedure may, by affirmative vote of two-thirds of both Houses of the Legislature, be organized into single member districts whereby each legally qualified elector therein is entitled to vote for only one Representative, provided that all such cities and towns are so organized.

By Supreme
Judicial Court
on failure to
apportion.

In the event that the Legislature shall fail to make an apportionment, the Supreme Judicial Court shall, within sixty days following the end of the period in which the Legislature is required to act, but fails to do so, make the apportionment.

Qualifications.

Section 4. No person shall be a member of the House of Representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty-one years, have been a resident in this State one year; and for the three months next preceding the time of his election shall have been, and, during the period for which he is elected, shall continue to be a resident in the town or district which he represents.

(Amended by
Amendments i, v,
vii, viii, x, xxiii,
xlvi, lxxxviii,
xcix.)
Election.

Meetings of cities
and towns in
representative
districts.

Lists of votes shall
be examined by
Governor and
Council.

Summons of per-
sons who appear to
be elected.

Lists shall be laid
before the House.

Section 5. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities seven days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against his name. Cities and towns belonging to any representative district shall hold their meetings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State forthwith. The Governor and Council shall examine the returned copies of such lists and twenty days before the first Wednesday of January biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the first Wednesday of January biennially, and they shall finally determine who are elected.

Vacancies.

Section 6. Whenever the seat of a member shall be vacated by death, resignation, or otherwise the vacancy may be filled by a new election.

Section 7. The House of Representatives shall choose their speaker, clerk and other officers. To choose own officers.

Section 8. The House of Representatives shall have the sole power of impeachment. Power of impeachment.

ARTICLE IV.

Part Second.

Senate.

Section 1. The Senate shall consist of the members to which the several counties are entitled, on the following basis of representation according to the Federal Census: each county having a population of thirty thousand inhabitants or less shall have one Senator; each county having a population of more than thirty thousand inhabitants and less than sixty thousand inhabitants shall have two Senators; each county having a population of more than sixty thousand inhabitants and less than one hundred and twenty thousand inhabitants shall have three Senators; each county having a population of more than one hundred twenty thousand and less than two hundred forty thousand inhabitants shall have four Senators; and each county having a population of more than two hundred forty thousand inhabitants shall have five Senators. For the purpose of representation, foreigners not naturalized and Indians not taxed shall not be counted as inhabitants. The members of the Senate shall be elected at the same time and for the same term as the Representatives by the qualified electors of the counties which they shall respectively represent.

(Amended by Amendment liii.)

Number of Senators.

Section 2. The meetings within this State for the election of Senators shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State forthwith. All other qualified electors, living in places unincorporated, who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of voting for Senators, Representatives and Governor in such town; and shall be notified by the selectmen thereof for that purpose accordingly.

(Originally Sec. 3) (Amended by Amendments v, viii, x, xcix.)

Election.

Electors in unincorporated places.

Section 3. The Governor and Council shall, as soon as may be, examine the copies of such lists returned into the 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.

(Originally Sec. 4) (Amended by Amendments v, viii, x, xlii, xcii.)

Examination of returns.

Summons of persons who appear to be elected.

Section 4. The Senate shall, on the 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 Senators 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.

(Originally Sec. 5) (Amended by Amendments v, viii, xlii, xxlii, xxx, liii, xcii.)

Determination of Senators elected. Procedure when full number not elected.

(Originally Sec. 6) **Section 5.** The Senators shall be twenty-five years of age at the commencement of the term, for which they are elected, and in all other respects their qualifications shall be the same as those of the Representatives.

(Originally Sec. 7) **Section 6.** The Senate shall have the sole power to try all impeachments, and when sitting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Their judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

(Originally Sec. 8) **Section 7.** The Senate shall choose their President, Secretary and other officers.

ARTICLE IV.

Part Third.

Legislative Power.

(Amended by Amendments v, viii, xxiii, xxxi.) **Section 1.** The Legislature shall convene on the first Wednesday of January biennially, and, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

Bills to be signed by the Governor. **Section 2.** Every bill or resolution, having the force of law, to which the concurrence of both Houses may be necessary, except on a question of adjournment, which shall have passed both Houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it with his objections to the House, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If after such reconsideration, two-thirds of that House shall agree to pass it, it shall be sent together with the objections, to the other House, by which it shall be reconsidered, and, if approved by two-thirds of that House, it shall have the same effect, as if it had been signed by the Governor: but in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons, voting for and against the bill or resolution, shall be entered on the journals of both Houses respectively. If the bill or resolution shall not be returned by the Governor within five days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect, as if he had signed it unless the Legislature by their adjournment prevent its return, in which case it shall have such force and effect, unless returned within three days after their next meeting.

Each House to judge of its elections. **Section 3.** Each House shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each House shall provide.

Majority, a quorum.

Section 4. Each House may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

May punish and expel members.

Section 5. Each House shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy; and the yeas and nays of the Members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the journals.

Shall keep a journal.

Yeas and nays.

Section 6. Each House, during its session, may punish by imprisonment any person, not a member, for disrespectful or disorderly behavior in its presence, for obstructing any of its proceedings, threatening, assaulting or abusing any of its members for anything said, done, or doing in either House: provided, that no imprisonment shall extend beyond the period of the same session.

May punish for contempt.

Proviso.

Section 7. The Senators and Representatives shall receive such compensation, as shall be established by law; but no law increasing their compensation shall take effect during the existence of the Legislature, which enacted it. The expenses of the Members of the House of Representatives in traveling to the Legislature, and returning therefrom, once in each week of each session and no more, shall be paid by the State out of the public treasury to every member, who shall seasonably attend, in the judgment of the House, and does not depart therefrom without leave.

(Amended by Amendment lxiv.)

Compensation.

Traveling expenses.

Section 8. The Senators and Representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from each session of the Legislature, and no member shall be liable to answer for anything spoken in debate in either House, in any court or place elsewhere.

Members exempt from arrest.

Freedom of debate.

Section 9. Bills, orders or resolutions, may originate in either House, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases: provided, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.

Either House may originate bills.

Revenue bills.

Proviso.

Section 10. No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people.

Members not to be appointed to certain officers.

Section 11. No member of Congress, nor person holding any office under the United States (post officers excepted) nor office of profit under this State, justices of the peace, notaries public, coroners and officers of the militia excepted, shall have a seat in either House during his being such member of Congress, or his continuing in such office.

Persons disqualified to be members.

Adjournments.

Section 12. Neither House shall during the session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the Houses shall be sitting.

(Added by Amendment xiv.)

Special legislation.

Section 13. The Legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation.

(Added by Amendment xiv.)

Corporations, formed under general laws.

Section 14. Corporations shall be formed under general laws, and shall not be created by special Acts of the Legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be attained; and, however formed, they shall forever be subject to the general laws of the State.

(Added by Amendment xix.)

Constitutional conventions.

Section 15. The Legislature shall, by a two-thirds concurrent vote of both branches, have the power to call constitutional conventions, for the purpose of amending this Constitution.

(Added by Amendment xxxi.)

Acts become effective in ninety days after recess.

Exception.

Emergency bill defined.

Section 16. No Act or joint resolution of the Legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the Legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the Legislature passing it, unless in case of emergency, (which with the facts constituting the emergency shall be expressed in the preamble of the Act), the Legislature shall, by a vote of two-thirds of all the members elected to each House, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate.

(Added by Amendment xxxi. Amended by Amendment lxiii.)

Proceedings for referendum.

Proclamation by Governor.

Section 17. Upon written petition of electors, the number of which shall not be less than ten percent of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, and addressed to the Governor and filed in the office of the Secretary of State within ninety days after the recess of the Legislature, requesting that one or more Acts, bills, resolves or resolutions, or part or parts thereof, passed by the Legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such Acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the Governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. As soon as it appears that the effect of any Act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the Governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next general election not less than sixty days after such proclamation, or in case of no general election within six

months thereafter the Governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof.

Section 18. The electors may propose to the Legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the State Constitution, by written petition addressed to the Legislature or to either branch thereof and filed in the office of the Secretary of State or presented to either branch of the Legislature within forty-five days after the date of convening of the Legislature in regular session. Any measure thus proposed by electors, the number of which shall not be less than ten percent of the total vote for Governor cast in the last gubernatorial election preceding the filing of such petition, unless enacted without change by the Legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the Legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next general election to be held not less than sixty days after the first vote thereon be submitted by itself if it receives more than one-third of the votes given for and against both. If the measure initiated is enacted by the Legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The Legislature may order a special election on any measure that is subject to a vote of the people. The Governor may, and if so requested in the written petitions addressed to the Legislature, shall, by proclamation, order any measure proposed to the Legislature as herein provided, and not enacted by the Legislature without change, referred to the people at a special election to be held not less than four nor more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the Legislature, to which such measure was proposed.

(Added by Amendment xxxi.
Amended by Amendments lxvi, lxxi.)

Direct initiative of legislation.

Number signatures necessary on direct initiative petitions.

Section 19. Any measure referred to the people and approved by a majority of the votes given thereon shall, unless a later date is specified in said measure, take effect and become a law in thirty days after the Governor has made public proclamation of the result of the vote on said measure, which he shall do within ten days after the vote thereon has been canvassed and determined; provided, however, that any such measure which entails expenditure in an amount in excess of available and unappropriated state funds shall remain inoperative until forty-five days after the next convening of the Legislature in regular session, unless the measure provides for raising new revenues adequate for its operation. The veto power of the Governor shall not extend to any measure approved by vote of the people, and any measure initiated by the people and passed by the Legislature without change, if vetoed by the Governor and if his veto is sustained by the Legislature shall be referred to the people to be voted on at the next general election. The Legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote.

(Added by Amendments xxxi, lxxii.)

Measures approved by people become effective thirty days after proclamation.

Veto power limited.

(Added by Amendment xxxi.
Amended by Amendment lxxxiii.)

Meaning of words "electors", "people", "recess of Legislature", "general election", "measure", and "written petition".

Section 20. As used in either of the three preceding sections the words "electors" and "people" mean the electors of the State qualified to vote for Governor; "recess of the Legislature" means the adjournment without day of a session of the Legislature; "general election" means the November election for choice of presidential electors, Governor and other state and county officers; "measure" means an Act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; "written petition" means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of one of the petitioners certified thereon, and accompanied by the certificate of the clerk of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for Governor. The petition shall set forth the full text of the measure requested or proposed. The full text of a measure submitted to a vote of the people under the provisions of the Constitution need not be printed on the official ballots, but, until otherwise provided by the Legislature, the Secretary of State shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

(Added by Amendment xxxi.)

City council of any city may establish initiative and referendum.

Section 21. The city council of any city may establish the initiative and referendum for the electors of such city in regard to its municipal affairs, provided that the ordinance establishing and providing the method of exercising such initiative and referendum shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election. Provided, however, that the Legislature may at any time provide a uniform method for the exercise of the initiative and referendum in municipal affairs.

(Added by Amendment xxxi.)

Election officers and officials, how governed.

Section 22. Until the Legislature shall enact further regulations not inconsistent with the Constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this Constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self executing.

ARTICLE V.

Part First.

Executive Power.

Governor.

Section 1. The supreme executive power of this State shall be vested in a Governor.

(Amended by Amendments v, viii, xxiii, lxxxiv.)
Term of office.

Reelection eligibility.

Section 2. The Governor shall be elected by the qualified electors, and shall hold his office for four years from the first Wednesday of January next following the election. The person who has served two consecutive popular elective four-year terms of office as Governor shall be ineligible to succeed himself.

(Amended by Amendments v, viii, x, xxiv, lxxxiv, xcvi.)
Election.

Section 3. The meetings for election of Governor shall be notified, held and regulated and votes shall be received, sorted, counted and declared and recorded, in the same manner as those for Senators and Representatives. Copies of lists of votes shall be sealed and returned

to the secretary's office in the same manner and at the same time as those for Senators. The Secretary of State for the time being shall, on the first Wednesday of January then next, lay the lists returned to the Secretary's office before the Senate and House of Representatives to be by them examined, together with the ballots cast if they so elect, and they shall determine the number of votes duly cast for the office of Governor, and in case of a choice by plurality of all of the votes returned they shall declare and publish the same. If there shall be a tie between the two persons having the largest number of votes for Governor, the House of Representatives and the Senate meeting in joint session, and each member of said bodies having a single vote, shall elect one of said two persons having so received an equal number of votes and the person so elected by the Senate and House of Representatives shall be declared the Governor.

Votes to be returned to Secretary of State.

Provision in case of tie.

Section 4. The Governor shall, at the commencement of his term, be not less than thirty years of age; a citizen of the United States for at least fifteen years, have been five years a resident of the State; and at the time of his election and during the term for which he is elected, be a resident of said State.

(Amended by Amendment lxxix.)

Qualifications.

Section 5. No person holding any office or place under the United States, this State, or any other power, shall exercise the office of Governor.

Disqualifications.

Section 6. The Governor shall, at stated times, receive for his services a compensation, which shall not be increased or diminished during his continuance in office.

Compensation.

Section 7. He shall be commander in chief of the army and navy of the State, and of the militia, except when the same are called into the actual service of the United States.

(Amended by Amendment xcv.)
Commander in chief.

Section 8. He shall nominate, and, with the advice and consent of the Council, appoint all judicial officers (except judges of probate), coroners, and notaries public; and he shall also nominate, and with the advice and consent of the Council, appoint all other civil and military officers, whose appointment is not by this Constitution, or shall not by law be otherwise provided for, except the land agent; and every such nomination shall be made seven days, at least, prior to such appointment.

(Amended by Amendments ix, xvi.)

To nominate officers.

Section 9. He shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he may judge expedient.

To give information and recommend measures.

Section 10. He may require information from any military officer, or any officer in the executive department, upon any subject relating to the duties of their respective offices.

May require information of any officer.

Section 11. He shall have power, with the advice and consent of the Council, to remit, after conviction, all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Such power to grant reprieves, commutations and pardons shall include offenses of juvenile delinquency.

(Amended by Amendments xv, lxxviii, xc.)

Power to pardon and remit penalties, etc.

Conditions.

Shall enforce the laws.

Section 12. He shall take care that the laws be faithfully executed.

(Amended by Amendment xxiii.)

Convene the Legislature on extraordinary occasions, and adjourn it in case of disagreement.

May change the place of meeting.

Section 13. He may, on extraordinary occasions, convene the Legislature; and in case of disagreement between the two Houses with respect to the time of adjournment, adjourn them to such time, as he shall think proper, not beyond the day of the next biennial meeting; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

(Amended by Amendments lxxxiv, xevii.)

Vacancy, how supplied.

Section 14. Whenever the office of Governor shall become vacant, the President of the Senate shall assume the office of Governor until another Governor shall be duly qualified. When the vacancy occurs more than ninety days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday of January following the biennial election. At the biennial election, a Governor shall be elected to fill the unexpired term created by the vacancy. When the vacancy occurs less than ninety days preceding the date of a primary election the President of the Senate shall fill the unexpired term.

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

Whenever the offices of Governor, President of the Senate and Speaker of the House of Representatives are vacant at the same time, the person acting as Secretary of State for the time being shall exercise the office of Governor and shall forthwith by proclamation convene the Senate and the House of Representatives which shall fill respectively the vacancies in the office of the President of the Senate and the Speaker of the House, and by joint ballot of the Senators and Representatives in convention choose a person who shall assume the office of Governor for the same term and under the same conditions as the President of the Senate. Whenever either the President of the Senate or Speaker of the House of Representatives shall assume said 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 his duties as Governor shall cease.

ARTICLE V.

Part Second.

Council.

Constitution of Council.

Section 1. There shall be a Council, to consist of seven persons, citizens of the United States, and residents of this State, to advise the Governor in the executive part of government, whom the Governor shall have full power, at his discretion, to assemble; and he with the Councillors, or a majority of them may from time to time, hold and keep a Council, for ordering and directing the affairs of state according to law.

Section 2. The Councillors shall be chosen biennially, on the first Wednesday of January, by joint ballot of the Senators and Representatives in convention; and vacancies, which shall afterwards happen, shall be filled in the following manner: the Governor with the advice and consent of the Council shall appoint within thirty days from said vacancy a Councillor from the same district in which the vacancy occurred, and the oath of office shall be administered by the Governor; said Councillor shall hold office until the next convening of the Legislature; but not more than one Councillor shall be elected or appointed from any district prescribed for the election of Senators; they shall be privileged from arrest in the same manner as Senators and Representatives.

(Amended by Amendments v, viii, xxiii, l.)

Election.

Vacancies.

Privileged from arrest.

Section 3. The resolutions and advice of Council shall be recorded in a register, and signed by the members agreeing thereto, which may be called for by either House of the Legislature; and any Councillor may enter his dissent to the resolution of the majority.

Journal of proceedings.

Section 4. No member of Congress, or of the Legislature of this State, nor any person holding any office under the United States, (post officers excepted) nor any civil officers under this State (justices of the peace and notaries public excepted) shall be Councillors. And no Councillor shall be appointed to any office during the time, for which he shall have been elected.

Persons disqualified.

Not to be appointed to any office.

ARTICLE V.

Part Third.

Secretary.

Section 1. The Secretary of State shall be chosen biennially at the first session of the Legislature, by joint ballot of the Senators and Representatives in convention.

(Amended by Amendment xxiii.)

Election.

Section 2. The records of the State shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable.

Records of State.

Deputies.

Section 3. He shall attend the Governor and Council, Senate and House of Representatives, in person or by his deputies as they shall respectively require.

Attend the Governor and Council.

Section 4. He shall carefully keep and preserve the records of all the official acts and proceedings of the Governor and Council, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

Records of executive and legislative departments.

ARTICLE V.

Part Fourth.

Treasurer.

Section 1. The Treasurer shall be chosen biennially, at the first session of the Legislature, by joint ballot of the Senators, and Representatives in convention.

(Amended by Amendments xxiii, xxvii, lxx.)

Election.

Bond.

Section 2. The Treasurer shall, before entering on the duties of his office, give bond to the State with sureties, to the satisfaction of the Legislature, for the faithful discharge of his trust.

Not to engage in trade.

Section 3. The Treasurer shall not, during his continuance in office, engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.

(Amended by Amendments xxiii, xciii.)

Section 4. No money shall be drawn from the treasury, except in consequence of appropriations or allocations authorized by law.

No money drawn except upon appropriation or allocation.

ARTICLE VI.

Judicial Power.

(Amended by Amendment xciv.)
Courts.

Section 1. The judicial power of this State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish.

(Amended by Amendment xciv.)
Compensation.

Section 2. The Justices of the Supreme Judicial Court and the Judges of other courts shall, at stated times receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward for their services as Justices or Judges.

(Amended by Amendment xciv.)
To give opinion when required by Governor or either Branch of the Legislature.

Section 3. The Justices of the Supreme Judicial Court shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Senate or House of Representatives.

(Amended by Amendments iii, xciv.)

Tenure of judicial officers.

Section 4. All judicial officers shall hold their offices for the term of seven years from the time of their respective appointments (unless sooner removed by impeachment or by address of both branches of the Legislature to the executive, provided further that justices of the peace may be removed from office in such manner as the Legislature may provide) and no longer, unless reappointed thereto.

(Amended by Amendment xciv.)
Limitation on holding other office.

Section 5. No Justice of the Supreme Judicial Court or any other court shall hold office under the United States or any other state, nor under this State, except as justice of the peace or as member of the Judicial Council.

(Added by Amendment ix. Amended by Amendments xxiii, lxxxiii, xciv.)

Judges and registers of probate, election and tenure.

Vacancies.

Section 6. Judges and registers of probate shall be elected by the people of their respective counties, by a plurality of the votes given in, at the biennial election on the Tuesday following the first Monday of November, and shall hold their offices for four years, commencing on the first day of January next after their election. Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid at the November election, next after their occurrence; and in the meantime, the Governor, with the advice and consent of the Council, may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January next after the election aforesaid.

ARTICLE VII.

Military.

Section 1. All commissioned officers of the militia shall be appointed and commissioned by the Governor, from such persons as are qualified by law to hold such offices.

(Amended by Amendment xl.)
Officers, how appointed.

Section 2. The Legislature shall, by law, designate the qualifications necessary for holding a commission in the militia and shall prescribe the mode of selection of officers for the several grades.

(Amended by Amendment xl.)
Qualifications and selection.

Section 3. The Adjutant General shall be appointed by the Governor. But the Adjutant General shall also perform the duties of quartermaster general and paymaster general until otherwise directed by law.

(Amended by Amendments ix, xxiii, xxviii, xl.)
Adjutant General.

Section 4. The organization, armament and discipline of the militia and of the military and naval units thereof shall be the same as that which is now or may hereafter be prescribed by the laws and regulations of the United States; and it shall be the duty of the Governor to issue from time to time such orders and regulations and to adopt such other means of administration, as shall maintain the prescribed standard of organization, armament and discipline; and such orders, regulations and means adopted shall have the full force and effect of the law.

(Amended by Amendment xl.)

Standard of organization, armament and discipline.

Section 5. Persons of the denominations of Quakers and Shakers, Justices of the Supreme Judicial Court, Ministers of the Gospel and persons exempted by the laws of the United States may be exempted from military duty, but no other able-bodied person of the age of eighteen and under the age of forty-five years, excepting officers of the militia who have been honorably discharged, shall be so exempted unless he shall pay an equivalent to be fixed by law.

(Amended by Amendment xl.)

Persons exempt from military duty.

ARTICLE VIII.

Literature.

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State: provided, that no donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to, alter, limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof.

Legislature shall require towns to support public schools.

Duty of Legislature.

Proviso.

ARTICLE IX.

General Provisions.

(Amended by
Amendment xci.)

Section 1. Every person elected or appointed to either of the places or offices provided in this Constitution, and every person elected, appointed, or commissioned to any judicial, executive, military or other office under this State, shall, before he enter on the discharge of the duties of his place or office, take and subscribe the following oath or affirmation: "I,———do swear, that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God."

Oaths and
subscriptions.

Proviso.

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

Before whom to
be taken.

The oaths or affirmations shall be taken and subscribed by the Governor and Councillors before the presiding officer of the Senate, in the presence of both Houses of the Legislature, and by the Senators and Representatives before the Governor and Council, and by the residue of said officers before such persons as shall be prescribed by the Legislature; and whenever the Governor or any Councillor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any Justice of the Supreme Judicial Court and provided further that, if the Governor shall be unable to appear and administer the oath to the Senators and Representatives, such oaths shall be administered by the Chief Justice of the Supreme Judicial Court or in his absence, by the senior Associate Justice of said Supreme Judicial Court present at the State Capitol on the first day of the term for which said Senators and Representatives shall have been elected.

Offices incompatible
with each other.

Section 2. No person holding the office of Justice of the Supreme Judicial Court, or of any inferior court, Attorney General, county attorney, Treasurer of the State, Adjutant General, judge of probate, register of probate, register of deeds, sheriffs or their deputies, clerks of the judicial courts, shall be a member of the Legislature; and any person holding either of the foregoing offices, elected to, and accepting a seat in the Congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising at the same time within this State, more than one of the offices before mentioned.

Election to Con-
gress disqualifies.

Commissions.

Section 3. All commissions shall be in the name of the State, signed by the Governor, attested by the Secretary or his deputy and have the seal of the State thereto affixed.

(Amended by
Amendments v,
viii, xxlii.)

Elections on the
first Wednesday of
January may be
adjourned from
day to day.

Section 4. And in case the elections, required by this Constitution on the first Wednesday of January biennially, by the two Houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order: the vacancies in the Senate shall first be filled; the Governor shall then be elected, if there be no choice by the people; and afterwards the two Houses shall elect a Council.

Section 5. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor with the advice of the Council, on the address of both branches of the Legislature. But before such address shall pass either House, the causes of removal shall be stated and entered on the journal of the House in which it originated, and a copy thereof served on the person in office, that he may be admitted to a hearing in his defence.

Removal by
impeachment or
address.

Section 6. The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the Governor and Council.

Tenure of office.

Section 7. While the public expenses shall be assessed on polls and estates, a general valuation shall be taken at least once in ten years.

Valuation.

Section 8. All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof; but the Legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property.

(Amended by
Amendments
xvii, xxxvi.)

Taxation.
Intangible
property.

Section 8-A. For the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial and manufacturing enterprises within the physical boundaries of any municipality, the registered voters of that municipality may, by majority vote, authorize the issuance of notes or bonds in the name of the municipality for the purpose of constructing buildings for industrial use, to be leased or sold by the municipality to any responsible industrial firm or corporation.

(Added by Amend-
ment lxxxvii.)

Industrial
building
construction.

Section 9. The Legislature shall never, in any manner, suspend or surrender the power of taxation.

(Added by Amend-
ment xvii.)

Power of taxation.

Section 10. Sheriffs shall be elected by the people of their respective counties, by a plurality of the votes given in on the Tuesday following the first Monday of November, and shall hold their offices for two years from the first day of January next after their election, unless sooner removed as hereinafter provided.

(Added by Amend-
ment ix as Sec. 9.
Amended by
Amendments
xxxviii, lxxxiii.)

Tenure of sheriffs.

Whenever the Governor and Council upon complaint, due notice and hearing shall find that a sheriff is not faithfully or efficiently performing any duty imposed upon him by law, the Governor may remove such sheriff from office and with the advice and consent of the Council appoint another sheriff in his place for the remainder of the term for which such removed sheriff was elected. All vacancies in the office of sheriff, other than those caused by removal in the manner aforesaid shall be filled in the same manner as is provided in the case of judges and registers of probate.

Section 11. The Attorney General shall be chosen biennially by joint ballot of the Senators and Representatives in convention. Vacancy in said office occurring when the Legislature is not in session, may be filled by appointment by the Governor, with the advice and consent of the Council.

(Added by Amend-
ment ix as Sec. 10.
Amended by
Amendments
xviii, xxiii.)

Attorney General.

(Added by Amendment xii as Sec. 16.)

(Amended by Amendment xvi.)
Voting districts.

Section 12. The Legislature may by law authorize the dividing of towns into voting districts for all state and national elections, and prescribe the manner in which the votes shall be received, counted, and the result of the election declared.

(Added by Amendment xx.)
Bribery at elections.

Section 13. The Legislature may enact laws excluding from the right of suffrage, for a term not exceeding ten years, all persons convicted of bribery at any election, or of voting at any election, under the influence of a bribe.

(Added by Amendment vi.
Amended by Amendments xxxv, xli, xlii, xliii, xlv, lv, lxvii, lxxv, lxxxii.)

State debt limit,
exception.

Section 14. The credit of the State shall not be directly or indirectly loaned in any case, except as provided in section 14-A. The Legislature shall not create any debt or debts, liability or liabilities, on behalf of the State, which shall singly, or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed two million dollars, except to suppress insurrection, to repel invasion, or for purposes of war; and excepting also that whenever two-thirds of both Houses shall deem it necessary, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, the Legislature may authorize the issuance of bonds on behalf of the State at such times and in such amounts and for such purposes as approved by such action; but this shall not be construed to refer to any money that has been, or may be deposited with this State by the Government of the United States, or to any fund which the State shall hold in trust for any Indian tribe. Whenever ratification by the electors is essential to the validity of bonds to be issued on behalf of the State, the question submitted to the electors shall be accompanied by a statement setting forth the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued, and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors be ratified.

(Added by Amendment lxxxii.
Amended by Amendment xcvi.)

Permits insuring
payment of industrial
loans by legislative Act.

Section 14-A. For the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial and manufacturing enterprises within the State, the Legislature by proper enactment may insure the payment of mortgage loans on the real estate within the State of such industrial and manufacturing enterprises not exceeding in the aggregate \$40,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.

(Added by Amendment xxii.
Amended by Amendments xxxiv, lxxiii, lxxvi, lxxx.)

Municipal indebtedness limited.

Section 15. No city or town shall hereafter create any debt or liability, which singly, or in the aggregate with previous debts or liabilities, shall exceed seven and one-half percent of the last regular valuation of said city or town; provided, however, that the adoption of this article shall not be construed as applying to any fund received in trust by said city or town, nor to any loan for the purpose of renewing existing loans or for war, or to temporary loans to be paid out of money raised by taxation, during the year in which they are made. Long term rental agreements not exceeding forty years under contracts with the Maine School Building Authority shall not be debts or liabilities within the provisions of this section.

Certain rental contracts with Maine School Building Authority not included.

(Added by Amendment xxxiii as Sec. 20.)
Seat of government.

Section 16. Augusta is hereby declared to be the seat of government of this State.

Section 17. Notwithstanding any general or special provision of this Constitution, the Legislature, in order to insure continuity of state and local governmental operations in periods of emergency resulting from disasters caused by enemy attack, shall have the power and the immediate duty to provide for prompt and temporary succession to the powers and duties of public offices, of whatever nature and whether filled by election or appointment, the incumbents of which may become unavailable for carrying on the powers and duties of such offices, and to adopt such other measures as may be necessary and proper for insuring the continuity of governmental operations including but not limited to the financing thereof. In the exercise of the powers hereby conferred the Legislature shall in all respects conform to the requirements of this Constitution except to the extent that in the judgment of the Legislature so to do would be impracticable or would admit of undue delay.

(Added by Amendment lxxxv as Sec. 21.)

Continuity of Government in case of enemy attack.

Section 18. All of the assets, and proceeds or income therefrom, of the Maine State Retirement System or any successor system and all contributions and payments made to the system to provide for retirement and related benefits shall be held, invested or disbursed as in trust for the exclusive purpose of providing for such benefits and shall not be encumbered for, or diverted to, other purposes.

(Added by Amendment lxxxvi as Sec. 19-A.)

Limitation on use of funds of Maine State Retirement System.

Section 19. All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways, and to fuels used for the propulsion of such vehicles shall be expended solely for cost of administration, statutory refunds and adjustments, payment of debts and liabilities incurred in construction and reconstruction of highways and bridges, the cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of a state department having jurisdiction over such highways and bridges and expense for state enforcement of traffic laws and shall not be diverted for any purpose, provided that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax.

(Added by Amendment lxii as Sec. 22.)

Limitation on expenditure of motor vehicle and motor vehicle fuel revenues.

Proviso.

ARTICLE X.

Additional Provisions.

Section 1. (See Section 7 and Note.)

Section 2. (See Section 7 and Note.)

Section 3. All laws now in force in this State, and not repugnant to this Constitution, shall remain, and be in force, until altered or repealed by the Legislature, or shall expire by their own limitation.

Laws now in force continue until repealed.

Section 4. The Legislature, whenever two-thirds of both Houses shall deem it necessary, may propose amendments to this Constitution; and when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations, in the manner prescribed by law, at the next biennial meetings in the month of November, or to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives, on the Tuesday follow-

(Amended by Amendments xxiii, xxxii, xxxvii, lxxxiii.)

Amendments to Constitution.

ing the first Monday of November following the passage of said resolve, to give in their votes on the question, whether such amendment shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this Constitution.

Section 5. (See Section 7 and Note.)

(Amended by
Amendments xxi,
lxv.)

Constitution to be
arranged by Chief
Justice of S. J. C.

Constitution to be
enrolled and
printed with laws.

Supreme law of the
State.

(Added by Amend-
ment xxi.)

Original sections
1, 2, 5, of art. x,
not to be printed.

Section 5 in full
force.

Section 6. The Chief Justice of the Supreme Judicial Court shall arrange the Constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof, and shall submit the same to the Legislature; and such arrangement of the Constitution shall be made and submitted whenever a new revision of the public laws of the State is authorized; and the draft and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be prefixed to the books containing the Revised Statutes of the State. And the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State.

Section 7. Sections one, two and five, of Article ten of the Constitution, shall hereafter be omitted in any printed copies thereof prefixed to the laws of the State; but this shall not impair the validity of acts under those sections; and said section five shall remain in full force, as part of the Constitution, according to the stipulations of said section, with the same effect as if contained in said printed copies.

Note: The omitted sections may be found in the text of the Constitution prefixed to the official publication of the laws passed by the first Legislature of the State, which convened May 31, 1820, pages xxiv-xxvii, and pages xxviii-xxxi; in the text of the Constitution prefixed to the publication of the Laws of Maine, authorized by Resolve of March 8, 1821, Volume 1, pages 41-50, and in such text prefixed to the Revised Statutes of 1841, 1857 and 1871.

Amendment Notes

Each Article of the amendments is identified by the Resolve proposing its submission for adoption. The placement of each in the Constitution identifies it in the arrangement made pursuant to section 6 of Article X. Parentheses indicate that the section identified has been repealed, or omitted as not in force.

In the present codification, based upon the 1954 codified text prepared by Chief Justice Raymond Fellows, with Articles LXXVIII through XCIX of the amendments, it is noted:

1. Article II, Section 4. By the Resolve (1957, c. 94) the effective date for the first election under Article LXXXIII of the amendments was in 1960.
2. Article IV, Part First, Section 2-A. Added by Article LXXXVIII of the amendments and providing for first apportionment under Article IV, Part First, in 1964 is not printed as part of the Constitution pursuant to section 2-B.
3. Article V, Part First, Section 14. By the Resolve (1957, c. 95) the effective date of Article LXXXIV of the amendments for the 4-year term was for the Governor elected in 1958.
4. Article IX, Section 12. Added by Article X of the amendments as Section 11 and amended by Article XXIII of the amendments was repealed by Article LXXXI of the amendments.

Renumbering

Section 16 of 1954 text has been renumbered as Section 12.

Section 20 of 1954 text has been renumbered as Section 16.

Section 17 was repealed by Article LXXV of the Amendments. It is replaced by Section 21 added by Article LXXXV of the Amendments, renumbered as Section 17.

Section 18 was repealed by Article LXXV of the Amendments. It is replaced by Section 19-A added by Article LXXXVI of the Amendments, renumbered as Section 18.

Article	Resolve Proposing Submission	Placement in this Codification	Effective Date
I	1834, c. 43	Art. IV, Pt. 1, § 5	4 Feb 1835
II	1837, c. 74	Art. I, § 10	21 Mar 1838
III	1839, c. 69	Art. VI, § 4	10 Jan 1840
IV	1841, c. 181	Art. IV, Pt. 1, § 2	17 Mar 1842
V	1844, c. 281	Art. IV, Pt. 1, § 5	26 Mar 1845
		Art. IV, Pt. 2, § 2	
		Art. IV, Pt. 2, § 3	
		Art. IV, Pt. 2, § 4	
		Art. IV, Pt. 3, § 1	
		Art. V, Pt. 1, § 2	
		Art. V, Pt. 1, § 3	
		Art. V, Pt. 2, § 2	
		Art. IX, § 4	
VI	1847, c. 29	Art. IX, § 14	29 Jul 1848
VII	1847, c. 45	Art. IV, Pt. 1, § 5	29 Jul 1848
VIII	1850, c. 274	Amends each section amended by Art. V by restoring the original language.	30 May 1851
IX	1855, c. 273	Art. V, Pt. 1, § 8	28 Feb 1856
		Art. VI, §§ 2-6	
		Art. VI, (§ 8)	
		Art. VII, § 3	
		Art. IX, § 10	
		Art. IX, § 11	
X	1864, c. 344	Art. II, § 1	6 Oct 1864
		Art. II, § 4	
		Art. IV, Pt. 1, § 5	
		Art. IV, Pt. 2, § 2	
		Art. IV, Pt. 2, § 3	
		Art. V, Pt. 1, § 3	
		Art. IX, (§ 12)	
XI	1868, c. 276	Art. IX, (§ 15)	8 Oct 1868
XII	1869, c. 91	Art. IX, § 12	6 Jan 1870
XIII	1875, c. 98	Art. IV, Pt. 2, § 3	5 Jan 1876
		Art. IV, Pt. 2, § 4	
XIV	1875, c. 98	Art. IV, Pt. 3, § 13	5 Jan 1876
		Art. IV, Pt. 3, § 14	
XV	1875, c. 98	Art. V, Pt. 1, § 11	5 Jan 1876
XVI	1875, c. 98	Art. V, Pt. 1, § 8	5 Jan 1876
		Art. VI, (§ 8)	
XVII	1875, c. 98	Art. IX, § 8	5 Jan 1876
		Art. IX, § 9	
XVIII	1875, c. 98	Art. IX, § 11	5 Jan 1876
XIX	1875, c. 98	Art. IV, Pt. 3, § 15	5 Jan 1876
XX	1875, c. 98	Art. IX, § 13	5 Jan 1876
XXI	1875, c. 98	Art. X, § 6	5 Jan 1876
		Art. X, § 7	
XXII	1877, c. 292	Art. IX, § 15	2 Jan 1878
XXIII	1879, c. 151	Art. II, § 4	18 Mar 1880
		Art. IV, Pt. 1, § 2	
		Art. IV, Pt. 1, § 5	
		Art. IV, Pt. 2, § 4	
		Art. IV, Pt. 3, § 1	
		Art. V, Pt. 1, § 2	

Article	Resolve Proposing Submission	Placement in this Codification	Effective Date
XXIII	1879, c. 151	Art. V, Pt. 1, § 13 Art. V, Pt. 2, § 2 Art. V, Pt. 3, § 1 Art. V, Pt. 4, § 1 Art. V, Pt. 4, § 4 Art. VI, § 6 Art. VII, § 3 Art. IX, § 4 Art. IX, § 11 Art. IX, (§ 12) Art. X, § 4	18 Mar 1880
XXIV	1880, c. 159	Art. V, Pt. 1, § 3	20 Oct 1880
XXV	1880, c. 217	Art. IV, Pt. 1, § 2	20 Oct 1880
XXVI	1883, c. 93	Adopted an Amendment (Prohibition), repealed by Amendment LIV.	7 Jan 1885
XXVII	1887, c. 80	Art. V, Pt. 4, § 1	2 Jan 1889
XXVIII	1891, c. 100	Art. VII, § 3	4 Jan 1893
XXIX	1891, c. 109	Art. II, § 1	4 Jan 1893
XXX	1897, c. 259	Art. IV, Pt. 2, § 4	5 Jan 1898
XXXI	1907, c. 121	Art. IV, Pt. 1, § 1 Art. IV, Pt. 3, § 1 Art. IV, Pt. 3, § 16 Art. IV, Pt. 3, § 17 Art. IV, Pt. 3, § 18 Art. IV, Pt. 3, § 19 Art. IV, Pt. 3, § 20 Art. IV, Pt. 3, § 21 Art. IV, Pt. 3, § 22	6 Jan 1909
XXXII	1907, c. 238	Art. X, § 4	6 Jan 1909
XXXIII	1911, c. 210	Art. IX, § 16	12 Jul 1913
XXXIV	1911, c. 221	Art. IX, § 15	12 Jul 1913
XXXV	1912, c. 1	Art. IX, § 14 Art. IX, (§ 17)	12 Jul 1913
XXXVI	1913, c. 264	Art. IX, § 8	3 Jul 1915
XXXVII	1913, c. 354	Art. X, § 4	3 Jul 1915
XXXVIII	1917, c. 30	Art. IX, § 10	25 Sep 1917
XXXIX	1917, c. 116	Art. IV, Pt. 1, § 3	25 Sep 1917
XL	1919, c. 24	Art. VII, § 1 Art. VII, § 2 Art. VII, § 3 Art. VII, § 4 Art. VII, § 5	24 Sep 1919
XLI	1919, c. 110	Art. IX, § 14 Art. IX, (§ 18)	24 Sep 1919
XLII	1919, c. 155	Art. IX, § 14	24 Sep 1919
XLIII	1919, c. 168	Art. IX, § 14 Art. IX, (§ 17)	24 Sep 1919
XLIV	1919, c. 108	Art. II, § 1	7 Jan 1920
XLV	1919, c. 173	Art. IX, § 14 Art. IX, (§ 19)	22 Sep 1920
XLVI	1919, c. 22	Art. IX, § 12	22 Sep 1920
XLVII	1921, c. 87	Art. IV, Pt. 1, § 5	4 Oct 1921
XLVIII	1925, c. 71	Art. IX, (§ 17)	29 Sep 1925

Article	Resolve Proposing Submission	Placement in this Codification	Effective Date
XLIX	1925, c. 118	Art. IX, (§ 17)	29 Sep 1925
L	1929, c. 141	Art. V, Pt. 2, § 2	27 Sep 1929
LI	1929, c. 147	Art. IX, (§ 17)	25 Oct 1929
LII	1929, c. 177	Art. IX, (§ 17)	25 Oct 1929
LIII	1931, c. 133	Art. IV, Pt. 2, § 1	7 Oct 1931
		Art. IV, Pt. 2, (§ 2)	
		Art. IV, Pt. 2, § 4	
LIV	1933, c. 219	Repealed Amendment XXVI (Prohibition).	1 Oct 1934
LV	1933, c. 222	Art. IX, § 14	1 Oct 1934
LVI	1933, c. 223	Art. IX, (§ 20)	1 Oct 1934
LVII	1935, c. 81	Art. II, § 1	8 Oct 1935
LVIII	1935, c. 96	Art. IX, (§ 17)	8 Oct 1935
LIX	1935, c. 110	Art. II, § 5	8 Oct 1935
LX	1935, c. 133	Art. IX, (§ 18)	8 Oct 1935
LXI	1937, c. 4	Art. II, § 1	3 Oct 1938
LXII	1943, c. 53	Art. IX, § 19	27 Oct 1944
LXIII	1947, c. 37	Art. IV, Pt. 3, § 17	20 Oct 1948
LXIV	1947, c. 153	Art. IV, Pt. 3, § 7	20 Oct 1948
LXV	1949, c. 29	Art. X, § 6	12 Oct 1950
LXVI	1949, c. 61	Art. IV, Pt. 3, § 18	12 Oct 1950
LXVII	1949, c. 99	Art. IX, § 14	12 Oct 1950
LXVIII	1949, c. 184	Art. IX, (§ 17)	12 Oct 1950
LXIX	1949, c. 211	Art. IV, Pt. 1, § 3	12 Oct 1950
LXX	1951, c. 102	Art. V, Pt. 4, § 1	26 Sep 1951
LXXI	1951, c. 110	Art. IV, Pt. 3, § 18	26 Sep 1951
LXXII	1951, c. 126	Art. IV, Pt. 3, § 19	26 Sep 1951
LXXIII	1951, c. 127	Art. IX, § 15	26 Sep 1951
LXXIV	1951, c. 130	Art. II, § 4	26 Sep 1951
LXXV	1951, c. 179	Art. IX, § 14	26 Sep 1951
		Art. IX, (§ 17)	
		Art. IX, (§ 18)	
LXXVI	1953, c. 78	Art. IX, § 15	21 Sep 1954
LXXVII	1953, c. 97	Art. II, § 1	21 Sep 1954
		Art. IV, Pt. 1, § 2	
LXXVIII	1955, c. 97	Art. V, Pt. 1, § 11	26 Sep 1955
LXXIX	1955, c. 100	Art. V, Pt. 1, § 4	26 Sep 1955
LXXX	1955, c. 101	Art. IX, § 15	26 Sep 1955
LXXXI	1955, c. 102	Art. IX, (§ 12)	26 Sep 1955
LXXXII	1957, c. 159	Art. IX, § 14	19 Sep 1957
		Art. IX, §14-A	
LXXXIII	1957, c. 94	Art. II, § 4	19 Sep 1957
		Art. IV, Pt. 3, § 20	
		Art. VI, § 6	
		Art. IX, § 10	
		Art. X, § 4	
LXXXIV	1957, c. 95	Art. II, § 4	19 Sep 1957
		Art. V, Pt. 1, § 2	
		Art. V, Pt. 1, § 3	
		Art. V, Pt. 1, § 14	
LXXXV	1959, c. 52	Art. IX, § 17	30 Nov 1960
LXXXVI	1961, c. 95	Art. IX, § 18	21 Nov 1962
LXXXVII	1961, c. 106	Art. IX, § 8-A	21 Nov 1962

Article	Resolve Proposing Submission	Placement in this Codification	Effective Date
LXXXVIII	1963, c. 75	Art. IV, Pt. 1, § 2 Art. IV, Pt. 1, (§2-A) Art. IV, Pt. 1, § 3 Art. IV, Pt. 1, § 5	20 Nov 1963
LXXXIX	1963, c. 110	Art. I, § 6-A	20 Nov 1963
XC	1963, c. 102	Art. V, Pt. 1, § 11	18 Nov 1964
XCI	1963, c. 103	Art. IX, § 1	18 Nov 1964
XCII	1963, c. 104	Art. IV, Pt. 2, § 3 Art. IV, Pt. 2, § 4	18 Nov 1964
XCH	1963, c. 105	Art. V, Pt. 4, § 4	18 Nov 1964
XCIV	1963, c. 111	Art. VI	18 Nov 1964
XCV	1963, c. 117	Art. V, Pt. 1, § 7	18 Nov 1964
XCVI	1963, c. 118	Art. V, Pt. 1, § 3	18 Nov 1964
XCVII	1963, c. 119	Art. V, Pt. 1, § 14	18 Nov 1964
XCVIII	1963, c. 120	Art. IX, §14-A	18 Nov 1964
XCIX	1963, c. 124	Art. IV, Pt. 1, § 5 Art. IV, Pt. 2, § 2	18 Nov 1964

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Constitutional Amendments

Adopted

1965

ARTICLE C.

Eliminating Voting Restrictions on Paupers.

The first sentence of Section I of Article II of the Constitution is amended to read as follows:

‘Every citizen of the United States of the age of twenty-one years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State for the term of six months next preceding any election, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established for the term of three months next preceding such election, and he or she shall continue to be an elector in such city, town or plantation for the period of three months after his or her removal therefrom, if he or she continues to reside in this State during such period, unless barred by the provisions of the second paragraph of this section; and the elections shall be by written ballot.’

Art. II. Sec. 1.
Eliminating Voting
Restrictions on
Paupers.

(The one hundredth amendment was proposed to the people by Chapter 34 of the Resolves of the One Hundred and Second Legislature, approved June 3, 1965, and having been favorably voted upon by the people at the Special Election held November 2, 1965, was proclaimed by the Governor November 12, 1965, and the amendment became a part of the Constitution.)

ARTICLE CI.

Pledging Credit of the State for Guaranteed Loans on Personal Property for Industrial Purposes.

Section 14-A of Article IX of the Constitution is amended to read as follows:

‘Section 14-A. Permits insuring payment of industrial loans secured by real estate and personal property by legislative Act. For the purposes of fostering, encouraging and assisting the physical location, settlement and resettlement of industrial and manufacturing enterprises within the State, the Legislature by proper enactment may insure the payment of mortgage loans on the real estate and personal property within the State of such industrial and manufacturing enterprises not exceeding in the aggregate

Art. IX. Sec. 14-A.
Permits insuring
payment of Industrial
Loans by Legislative Act.

\$40,000,000 in amount at any one time and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.'

(The one hundred and first amendment was proposed to the people by Chapter 49 of the Resolves of the One Hundred and Second Legislature, approved June 4, 1965, and having been favorably voted upon by the people at the Special Election held November 2, 1965, was proclaimed by the Governor November 12, 1965, and the amendment became a part of the Constitution.)

ARTICLE CII.

Pledging Credit of State for Guaranteed Loans for Recreational Purposes.

The first sentence of Section 14 of Article IX of the Constitution is amended to read as follows:

'The credit of the State shall not be directly or indirectly loaned in any case, except as provided in Sections 14-A and 14-B.'

Article IX of the Constitution is amended by adding thereto a new section to be numbered 14-B, to read as follows:

'Section 14-B. Permits insuring payment of recreational loans by Legislative Act. For the purpose of fostering, encouraging and assisting the physical location, settlement and resettlement of recreational projects within the State, the Legislature by proper enactment may insure the payment of mortgage loans on real estate and personal property within the State of such recreational projects not exceeding in the aggregate ten million dollars in amount at any one time outstanding and may also appropriate moneys and authorize the issuance of bonds on behalf of the State at such times and in such amounts as it may determine to make payments insured as aforesaid.'

Art. IX. Sec. 14.

Permits insuring
payment of Recrea-
tional Loans by
Legislative Act.

(The one hundred and second amendment was proposed to the people by Chapter 51 of the Resolves of the One Hundred and Second Legislature, approved June 4, 1965, and having been favorably voted upon by the people at the Special Election held November 2, 1965, was proclaimed by the Governor November 12, 1965, and the amendment became a part of the Constitution.)

Constitutional Amendments

Adopted

1966

ARTICLE CIII.

Affecting the Apportionment of the State Senate.

Article IV, Part Second, Sections 1-4 of the Constitution is repealed and replaced to read as follows:

'Section 1. Number of Senators. The Senate shall consist of not less than thirty nor more than forty Senators, elected at the same time and for the same term as Representatives by the qualified electors of the districts into which the State shall be from time to time divided.

Section 2. Division. The Legislature which shall convene after the adoption of this amendment shall cause the State to be divided into districts for the choice of Senators, and the Legislature, in the year of our Lord one thousand nine hundred and seventy-one, and every tenth year thereafter, shall do likewise. The districts shall conform, as near as may be to county lines and be apportioned according to the number of inhabitants so that each district shall have as close to a median number of thirty thousand inhabitants as possible, but in order to follow county and municipal boundaries the Legislature may deviate from this median figure so that the smallest district shall not have less than twenty-seven thousand inhabitants, and the largest district shall not have more than thirty-three thousand inhabitants. The basis of computation of the number of inhabitants shall be the Federal decennial census.

Art. IV,
Part Second,
Sections 1-4.

Affecting the
Apportionment
of the State
Senate.

In the event that the Legislature shall fail to make an apportionment, the Supreme Judicial Court shall, within sixty days following the end of the period in which the Legislature is required to act, but fails to do so, make the apportionment.

Section 3. Election. The meetings within this State for the election of Senators shall be notified, held and regulated and the votes received, sorted, counted, declared and recorded, in the same manner as those for Representatives. Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and such officials shall cause said lists to be delivered into the Secretary of State's office within fifteen days after the date on which the election is held.

Section 4. Examination of lists; summons of persons who appear to be elected. The Governor and Council shall, as soon as may be, examine the copies of such lists, and at least 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 senatorial district, to attend that day and take their seats.

Section 4-A. Determination of Senators elected; procedure for filling vacancies. The Senate shall, on said first Wednesday of January, biennially determine who is elected by a plurality of votes to be Senator in each district. All vacancies in the Senate arising from death, resignation, removal from the State or like causes, and also vacancies, if any, which may occur because of the failure of any district to elect by a plurality of votes the Senator to which said district shall be entitled shall be filled by an immediate election in the unrepresented district. The Governor shall issue a proclamation therefor and therein fix the time of such election.'

(The one hundred and third amendment was proposed to the people by Chapter 87 of the Resolves of the One Hundred and Second Legislature, approved January 31, 1966, and having been favorably voted upon by the people at the General Election held November 8, 1966, was proclaimed by the Governor November 28, 1966, and the amendment became a part of the Constitution.)