

MAINE STATE LEGISLATURE

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ONE - HUNDRETH LEGISLATURE

Legislative Document

No. 895

S. P. 307

In Senate, January 26, 1961

Referred to Committee on State Government. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary

Presented by Senator Mayo of Sagadahoc.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

RESOLVE, Proposing an Amendment to the Constitution to Allow the Governor by Appointment to Fill Vacancies in the Legislature.

Constitutional amendment. Resolved: Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

Constitution, Article IV, Part First, Section 6, repealed. Section 6 of Part First of Article IV of the Constitution is repealed as follows:

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

Constitution, Article IV, Part Second, Section 4, amended. Section 4 of Part Second of Article IV of the Constitution is amended to read as follows:

~~'Section 4. Determination of Senators elected. The Senate shall, on the said first Wednesday of January, biennially, determine who are elected by a plurality of votes to be Senators in each county; and in case the full number of senators to be elected from each county shall not have been so elected, the members of the House of Representatives and such Senators, as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of senators deficient, in every county, if there be so many voted for, elect by joint ballot the number of senators required; but all vacancies in the Senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented county. The Governor shall issue his proclamation therefor and therein fix the time of such election.'~~

Constitution, Article IV, Part Third, Section 3-A, additional. Part Third of Article IV of the Constitution is amended by adding a new section, to be numbered 3-A, to read as follows:

‘Sec. 3-A. Vacancies, how filled. Whenever the seat of a member of either house shall be vacated by death, resignation or otherwise, the Governor shall appoint a person of the same political party as the former member to serve until his successor has been elected and qualified.’

Form of question and date when amendments shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this State are empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of Senators and Representatives at the next general or special state-wide election to give in their votes upon the amendments proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to allow the Governor by appointment to fill vacancies in the Legislature?”

The inhabitants of said cities, towns and plantations shall vote by ballot on said question, and shall indicate by a cross or check mark placed against the words “Yes” or “No” their opinion of the same. The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the office of the Secretary of State in the same manner as votes for Governor and Members of the Legislature, and the Governor and Council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments shall thereupon, as of the date of said proclamation, become a part of the Constitution.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to the several cities, towns and plantations ballots and blank returns in conformity with the foregoing resolve, accompanied by a copy thereof.