

MAINE STATE LEGISLATURE

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FIRST SPECIAL SESSION

ONE-HUNDRETH LEGISLATURE

Legislative Document

No. 1697

H. P. 1232

House of Representatives, November 27, 1961

The Committee on State Government suggested.

HARVEY R. PEASE, Clerk

Presented by Mr. Knight of Rockland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-ONE

AN ACT Repealing Emergency Interim Judicial Succession.

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. R. S., c. 1, § 21-A, amended. Section 21-A of chapter 1 of the Revised Statutes, as enacted by section 1 of chapter 171 of the public laws of 1961, is amended to read as follows:

‘**Sec. 21-A. Short title.** Sections 21-A to 21-L shall be known and may be cited as the “Emergency Interim Executive ~~and Judicial~~ Succession Act.”’

Sec. 2. R. S., c. 1, § 21-B, amended. Section 21-B of chapter 1 of the Revised Statutes, as enacted by section 1 of chapter 171 of the public laws of 1961, is amended to read as follows:

‘**Sec. 21-B. Statement of policy.** Because of the existing possibility of attack upon the United States of unprecedented size and destructiveness, and in order, in the event of such an attack, to assure continuity of government through legally constituted leadership, authority and responsibility in offices of the Government of the State and its political subdivisions; to provide for the effective operation of government during an emergency; and to facilitate the early resumption of functions temporarily suspended, it is found and declared to be necessary to provide for additional officers who can exercise the powers and discharge the duties of Governor; to provide for emergency interim succession to governmental offices of this State and its political subdivisions in the event the incumbents thereof, and their deputies, assistants or other subordinate officers authorized, pursuant to law, to exercise all of the powers and discharge the duties of such offices, hereinafter in sections 21-A to 21-L referred to as deputies, are unavailable to perform the duties and functions of such offices ~~and to provide for~~

~~special emergency judges who can exercise the powers and discharge the duties of judicial offices in the event regular judges are unavailable.~~

Sec. 3. R. S., c. 1, § 21-H, repealed. Section 21-H of chapter 1 of the Revised Statutes, as enacted by section 1 of chapter 171 of the public laws of 1961, is repealed.

Sec. 4. R. S., c. 1, § 21-I, amended. The first sentence of section 21-I of chapter 1 of the Revised Statutes, as enacted by section 1 of chapter 171 of the public laws of 1961, is amended to read as follows :

~~'At the time of their designation, emergency interim successors and special emergency judges shall take such oath as may be required for them to exercise the powers and discharge the duties of the office to which they may succeed.'~~

Sec. 5. R. S., c. 1, § 21-J, amended. Section 21-J of chapter 1 of the Revised Statutes, as enacted by section 1 of chapter 171 of the public laws of 1961, is amended to read as follows :

'Sec. 21-J. Period in which authority may be exercised. Officials authorized to act as Governor pursuant to sections 21-A to 21-L, emergency interim successors ~~and special emergency judges~~ are empowered to exercise the powers and discharge the duties of an office as authorized only after an attack upon the United States, as defined, has occurred. The Legislature may at any time terminate the authority of said emergency interim successor ~~and special emergency judges~~ to exercise the powers and discharge the duties of office as provided.'

Sec. 6. R. S., c. 1, § 21-K, amended. Section 21-K of chapter 1 of the Revised Statutes, as enacted by section 1 of chapter 171 of the public laws of 1961, is amended to read as follows :

'Sec. 21-K. Removal of designees. Until such time as the persons designated as emergency interim successors ~~or special emergency judges~~ are authorized to exercise the powers and discharge the duties of an office in accordance with sections 21-A to 21-L, including section 21-J, said persons shall serve in their designated capacities at the pleasure of the designating authority and may be removed or replaced by said designating authority at any time, with or without cause.'