

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SECOND LEGISLATURE

Legislative Document

No. 497

S. P. 168

In Senate, January 26, 1965

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

EDWIN H. PERT, Secretary

Presented by Senator Maxwell of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SIXTY-FIVE

RESOLVE, Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor.

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

Constitution, Article IV, Part Second, Section 7, amended. Section 7 of Part Second of Article IV of the Constitution is amended to read as follows:

'Section 7. **To choose own officers.** The Senate shall choose their **temporary** president, secretary and other officers.'

Constitution, Article V, Part First, Section 2, amended. Section 2 of Part First of Article V of the Constitution, as amended, is further amended to read as follows:

'Section 2. **Term of office; reelection eligibility.** 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 Lieutenant-Governor shall be chosen at the same time, and for the same term.** The person who has served two consecutive popular elective four-year terms of office as Governor **or Lieutenant-Governor** shall be ineligible to succeed himself.'

Constitution, Article V, Part First, Section 3, amended. Section 3 of Part First of Article V of the Constitution, as amended, is further amended to read as follows:

'Section 3. **Election; votes to be returned to Secretary of State; provision in**

case of tie. The meetings for election of Governor and Lieutenant-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. **The Governor and Lieutenant-Governor shall be chosen jointly, by the casting by each voter of a single vote applicable to both offices, and the Legislature by law shall provide for making such choice in such manner.** 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~~ **the respective persons having the highest number of votes cast jointly for them for Governor and Lieutenant-Governor respectively shall be by them declared elected.** 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.'

Constitution, Article V, Part First, Section 4, amended. Section 4 of Part First of Article V of the Constitution, as amended, is further amended to read as follows:

'**Section 4. Qualifications.** The Governor or Lieutenant-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.'

Constitution, Article V, Part First, Section 5, amended. Section 5 of Part First of Article V of the Constitution is amended to read as follows:

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

Constitution, Article V, Part First, Section 6, amended. Section 6 of Part First of Article V of the Constitution is amended to read as follows:

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

Constitution, Article V, Part First, Section 14, repealed and replaced. Section 14 of Part First of Article V of the Constitution, as amended, is repealed and the following enacted in place thereof:

'**Section 14. Vacancy, how supplied.** Whenever the person elected Governor shall die after his election but before he shall have qualified as and assumed the office of Governor, the powers and duties of the office of Governor shall devolve

upon the person elected Lieutenant-Governor at the same election and he shall serve as Governor for the term for which the deceased Governor-elect was elected. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the powers and duties of the office, resignation or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State, in time of war, at the head of a military force thereof, he shall continue Commander in Chief of all military force of the State.

Whenever the office of Governor shall become vacant and there be no Lieutenant-Governor, the offices of Governor and Lieutenant-Governor shall be filled for the remainder of the term at the next biennial election happening not less than three months after the vacancy in the office of Governor occurs. No election of a Lieutenant-Governor shall be had in any event except at the time of electing a Governor. Until the vacancies in the offices of the Governor and Lieutenant-Governor be filled by election, the temporary President of the Senate shall perform all the duties of Lieutenant-Governor and shall act as Governor.

If the office of Lieutenant-Governor alone be vacant, or in case the Lieutenant-Governor be under impeachment, unable to discharge the powers and duties of the office of Governor or shall be absent from the State, the temporary President of the Senate then in office or his successor as such temporary President of the Senate shall perform all the duties of Lieutenant-Governor, including the duty of acting as Governor when necessary, during such vacancy, inability, absence or the pendency of such impeachment.

If, when the duty of acting as Governor devolves upon the temporary President of the Senate, he be unable to discharge the powers and duties of such office or be absent from the State, the Speaker of the House of Representatives shall act as Governor during such inability or absence.'

Constitution, Article V, Part First, Section 15, additional. Part First of Article V of the Constitution is amended by adding a new section 15 to read as follows:

'Section. 15. Lieutenant-Governor. The Lieutenant-Governor shall possess the same qualifications of eligibility for office as the Governor. He shall be President of the Senate, but shall have only a casting vote therein.'

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 creating the office of Lieutenant-Governor and providing for succession of office of the Governor?"

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.