

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 273

H. P. 207 House of Representatives, January 20, 1971
Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Birt of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**RESOLUTION, Proposing an Amendment to the Constitution to Provide
for Election of Members of the Executive Council.**

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

Constitution, Article V, Part Second, Section 1, amended. Section 1 of Part Second of Article V of the Constitution is amended to read as follows:

Section 1. Constitution of Council; assembly and general duties. There shall be a Council, to consist of seven persons, ~~citizens of the United States, and residents of this State~~ each of whom shall be a citizen of the United States for a period of five years, have arrived at the age of thirty years; and for a one-year period 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 district which he represents, 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.

Constitution, Article V, Part Second, Section 2, repealed and replaced. Section 2 of Part Second of Article V of the Constitution is repealed and the following enacted in place thereof:

Section 2. Districts, election, term of office and privilege from arrest. The Legislature shall, from time to time, establish councillor districts.

Councillors shall be elected biennially on the first Wednesday of January, by joint ballot of the Senators and Representatives within their respective

districts and shall hold office two years. In case of tie vote, the Legislature by joint ballot of the members assembled in convention shall determine which are elected; but not more than one Councillor shall be elected or appointed from any district.

Vacancies, which shall afterward occur, 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 county of the district in which the vacancy occurred, and the oath of office shall be administered by the Governor. Said Councillor shall hold office for the remainder of the unexpired term. They shall be privileged from arrest in the same manner as Senators and Representatives.

Effective date. Resolved: That the amendments herein proposed, if adopted, shall determine the method of selection of the Council which will take office in January, 1973.

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 election in the month of November or special state-wide election on the Tuesday following the first Monday of November following the passage of this resolve 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 providing for election of members of Executive Council?”

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 review 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.

STATEMENT OF FACT

This constitutional amendment proposes that the members of the Executive Council be elected by their respective districts rather than by the Legislature.