

# MAINE STATE LEGISLATURE

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# ONE HUNDRED AND FIFTH LEGISLATURE

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## Legislative Document

No. 574

H. P. 439

House of Representatives, February 3, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Vincent of Portland.

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## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-ONE

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**RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Selection of a Lieutenant Governor, for His Duties and for Vacancies in the Office of Governor.**

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**Constitution, Article V, Part First, Section 14, repealed and replaced.** Section 14 of Part First of Article V of the Constitution is repealed and the following enacted in place thereof:

**Section 14. Lieutenant Governor; selection and duties; vacancy in the office of Governor.**

**1. Lieutenant Governor; selection.** There shall be a Lieutenant Governor, who shall be chosen in the manner set out below:

Following the primary election at which candidates for Governor shall have been nominated, the nominee for Governor of each political party shall designate the respective party's candidate for Lieutenant Governor within ten calendar days from the gubernatorial candidate's certification of nomination. Where a candidate for Governor shall be nominated by petition, said candidate shall then designate a candidate for Lieutenant Governor within ten calendar days from the gubernatorial candidate's certification of nomination.

The name of each candidate for Lieutenant Governor shall appear on the ballot for election of Governor along with that of the respective candidate for Governor, with a clear designation of the candidate for each office.

2. **Qualifications.** The Lieutenant Governor shall possess all the qualifications provided in this Constitution for Governor. He shall, at stated times, receive for his services a compensation equal to ninety percent of the salary provided by law for the Governor.

3. **Vacancy in office of Lieutenant Governor.** Whenever the office of Lieutenant Governor shall become vacant, the Governor shall, with the advice and consent of the Senate, designate a qualified successor for the duration of the term for which the Lieutenant Governor shall have been elected.

4. **Vacancy in office of Governor.** Whenever the office of Governor shall become vacant, the Lieutenant Governor shall succeed to the office of Governor for the remainder of the term for which the Governor shall have been elected.

5. **Vacancy in both offices.** Whenever the offices of Governor and Lieutenant Governor are vacant at the same time, the President of the Senate shall assume the duties of the office of Governor until another Governor shall be duly qualified. When the vacancies occur 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 and Lieutenant Governor shall be elected to fill the unexpired terms created by the vacancies. When the vacancies occur less than ninety days preceding the date of a primary election, the President of the Senate shall fill the unexpired term of the Governor. The Legislature shall have power, by appropriate legislation, to provide for the circumstance of vacancies simultaneously in the office of Governor, Lieutenant Governor and President of the Senate.

6. **Duties.** The Lieutenant Governor shall be an officer of the Executive Branch of Government. He shall execute such duties and carry out such responsibilities as the Governor shall assign to him. He shall be eligible, on designation by the Governor, to assume the duties of head of any executive agency established by the Constitution or laws of the State; but his compensation as Lieutenant Governor shall be in lieu of any compensation otherwise allowed by law for such other duties.

**Form of question and date when amendment 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 general election in the month of November, 1972 to give in their votes upon the amendment 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 the Selection of a Lieutenant Governor, for His Duties and for Vacancies in the Office of 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 review the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the Governor shall forthwith make known the fact by his proclamation, and the amendment 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

The purpose of this resolution is reflected in the title.