

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

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**Legislative Document**

**No. 588**

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S. P. 203

In Senate, February 5, 1971

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Levine of Kennebec.

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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 and Duties of a Lieutenant 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, amended.** Section 14 of Part First of Article V of the Constitution is amended to read as follows:

**Section 14. Vacancy, how supplied.** Whenever the office of Governor shall become vacant, the ~~President of the Senate~~ **Lieutenant Governor** shall assume the office of Governor until another Governor shall be duly qualified. When the vacancy occurs 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~~ **Lieutenant Governor** shall assume the office of Governor until the first Wednesday of January following the biennial election. At the biennial election, a Governor shall be elected to fill the unexpired term created by the vacancy. When the vacancy occurs less than ninety days preceding the date of a primary election the ~~President of the Senate~~ **Lieutenant Governor** shall fill the unexpired term.

Whenever the offices of Governor and ~~President of the Senate~~ **Lieutenant Governor** are vacant at the same time, the ~~Speaker of the House of Representatives~~ **President of the Senate** shall assume the office of Governor for the same term and under the same conditions as the ~~President of the Senate~~ **Lieutenant Governor**.

Whenever the offices of Governor, **Lieutenant Governor** and ~~President of the Senate~~ and ~~Speaker of the House of Representatives~~ are vacant at the

same time, the ~~person acting as Secretary of State for the time being shall exercise the office of Governor and shall forthwith by proclamation convene the Senate and the House of Representatives which shall fill respectively the vacancies in the office of the President of the Senate and the Speaker of the House, and by joint ballot of the Senators and Representatives in convention choose a person who~~ Speaker of the House of Representatives shall assume the office of Governor for the same term and under the same conditions as the ~~President of the Senate~~ Lieutenant Governor. Whenever either the President of the Senate or Speaker of the House of Representatives shall assume said office of Governor, he shall receive only the compensation of Governor, but his duties as President or Speaker shall be suspended; and the Senate or House shall fill the vacancy resulting from such suspension, until his duties as Governor shall cease.

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.** There shall be a Lieutenant Governor to be nominated and elected by the qualified voters in the same manner and at the same times as the nomination and election of the Governor. He shall hold his office for four years from the first Wednesday of January next following the election. The Lieutenant Governor shall possess all the qualifications provided in the Constitution for Governor. He shall receive compensation equal to ninety per cent of the salary of the Governor.

Whenever the office of Lieutenant Governor shall become vacant, the President of the Senate shall succeed to the office of Lieutenant Governor for the remainder of the term for which the Lieutenant Governor shall have been elected.

The Lieutenant Governor shall be an officer in the Executive Branch of government. He shall execute such duties and carry out such responsibilities as the Governor or the Legislature shall assign to him. He shall be eligible on designation by the Governor to assume the duties of head of any executive department or agency established by the Constitution or the Legislature; 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 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 amendment proposed in the foregoing resolution, and the question shall be:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to provide for the selection and duties of a Lieutenant 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 amendments, 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 legislation is reflected in the Title.