

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 717

H. P. 545

House of Representatives, February 9, 1971

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

BERTHA W. JOHNSON, Clerk

Presented by Mr. Bartlett of South Berwick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

**RESOLUTION, Proposing an Amendment to the Constitution Providing for
the Election of the Attorney General by the Electors.**

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

Constitution, Article IX, Section 4, amended. Section 4 of Article IX of the Constitution is amended to read as follows:

Section 4. Elections on the first Wednesday of January may be adjourned from day to day. And in case the elections, required by this Constitution on the first Wednesday of January biennially, by the two Houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order: the vacancies in the Senate shall first be filled; the Governor and the **Attorney General** shall then be elected, if there be no choice by the people; and afterwards the two Houses shall elect a Council.

Constitution, Article IX, Section 11, repealed and replaced. Section 11 of Article IX of the Constitution is repealed and the following enacted in place thereof:

Section 11. Attorney General. The Attorney General shall be elected by the qualified electors of the State, and shall hold his office for four years from the first Wednesday of January next following the election. Vacancy in said office may be filled by appointment by the Governor, with the advice and consent of the Council.

The meetings for election of Attorney General 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. Copies of lists of votes shall be sealed and returned to the Secretary of State'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 Attorney General, and in case of a choice by plurality of all the votes returned they shall declare and publish the same. If there shall be a tie between the two persons having the largest number of votes for Attorney General, 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 Attorney General.

The Attorney General, at the time of his election and during the term for which he is elected, shall be a resident of the State and duly admitted to practice law in the courts thereof. The Attorney General shall not engage in the private practice of law during his term of office.

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 the Election of the Attorney General by the Electors?"

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

The purpose of this bill is reflected in the title.