

MAINE STATE LEGISLATURE

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New Draft of: S. P. 203, L. D. 588

ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1678

S. P. 545

In Senate, April 16, 1971

Reported by Majority from Committee on State Government and printed under Joint Rules No. 18.

HARRY N. STARBRANCH, Secretary

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

RESOLUTION, Proposing an Amendment to the Constitution to Provide for the Selection and Duties of a Lieutenant 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 V, Part First, Section 2, amended. Section 2 of Part First of Article V of the Constitution is 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 is 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 shall by law provide the manner by which the choice shall be made.** 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 and Lieutenant 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~~ **two** of said ~~two~~ persons having so received an equal number of votes and the person ~~persons~~ so elected by the Senate and House of Representatives shall be declared the **Governor and Lieutenant Governor**.

Constitution, Article V, Part First, Section 4, amended. Section 4 of Part First of Article V of the Constitution is 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 time, 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, 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**. The Legislature shall have power, by appropriate legislation to provide for the circumstance of vacancies simultaneously in the offices of Governor, **Lieutenant Governor**, **President of the Senate** and **Speaker of the House**. 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. 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 shall assign to him.

Constitution, Article IX, Section 1, amended. The 3rd paragraph of section 1 of Article IX of the Constitution is amended to read as follows:

The oaths or affirmations shall be taken and subscribed by the Governor, **Lieutenant Governor** and Councillors before the presiding officer of the Senate, in the presence of both Houses of the Legislature, and by the Senators and Representatives before the Governor and Council, and by the residue of said officers before such persons as shall be prescribed by the Legislature; and whenever the Governor, **Lieutenant Governor** or any Councillor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any Justice of the Supreme Judicial Court and provided further that, if the Governor shall be unable to appear and administer the oath to the Senators and Representatives, such oaths shall be administered by the Chief Justice of the Supreme

Judicial Court or in his absence, by the senior Associate Justice of said Supreme Judicial Court present at the State Capitol on the first day of the term for which said Senators and Representatives shall have been elected.

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 resolution 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 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 resolution, accompanied by a copy thereof.