

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1326

H. P. 1001

House of Representatives, March 6, 1973

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

E. LOUISE LINCOLN, Clerk

Presented by Mr. Birt of East Millinocket.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**RESOLUTION, Proposing an Amendment to the Constitution Providing for
Early Inauguration of the Governor.**

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 IV, Part First, Section 5, amended. The last 2 sentences of Section 5 of Part First of Article IV of the Constitution are repealed and the following enacted in place thereof:

The Governor and Council shall examine the returned copies of such lists and at least seven days before the second Tuesday of December biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the second Tuesday of December biennially, and they shall finally determine who are elected.

Constitution, Article IV, Part Second, Section 3, amended. The last sentence of Section 3 of Part Second of Article IV of the Constitution, as repealed and replaced by Article CIII, is amended to read as follows:

Fair copies of the lists of votes shall be attested by the clerks of the cities and towns or other duly authorized officials and sealed up in open meetings and such officials shall cause said lists to be delivered into the office of the Secretary of State's office within fifteen days after the date on which the election is held State forthwith.

Constitution, Article IV, Part Second, Section 4, repealed and replaced. Section 4 of Part Second of Article IV of the Constitution, as repealed and

replaced by Article CIII is repealed and the following enacted in place thereof:

Section 4. Examination of lists; summons of persons who appear to be elected. The Governor and Council shall examine the returned copies of such lists and at least seven days before the second Tuesday of December biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the Senate on the second Tuesday of December biennially, and they shall finally determine who are elected.

Constitution, Article IV, Part Second, Section 4-A, amended. The first sentence of Section 4-A of Part Second of Article IV of the Constitution, as repealed and replaced by Article CIII, is repealed as follows:

~~The Senate shall, on said first Wednesday of January, biennially determine who is elected by a plurality of votes to be Senator in each district.~~

Constitution, Article IV, Part Third, Section 1, repealed and replaced. Section 1 of Part Third of Article IV of the Constitution is repealed and the following enacted in place thereof:

Section 1. To meet biennially. The Legislature shall convene in regular session on the second Tuesday of December biennially, for four consecutive days, and then shall adjourn to the third Tuesday of January following. With the exceptions hereinafter stated, it shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States.

Constitution, Article V, Part First, Section 2, amended. The first sentence of Section 2 of Part First of Article V of the Constitution is repealed and the following enacted in place thereof:

The Governor shall be elected by the qualified electors and shall hold his office for four years from twelve o'clock noon on the Wednesday following the second Tuesday of December next following the general election.

Constitution, Article V, Part First, Section 3, amended. The 3rd sentence of Section 3 of Part First of Article V of the Constitution is amended to read as follows:

The Secretary of State for the time being shall, on the ~~first Wednesday of January~~ **second Tuesday of December** 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.

Constitution, Article V, Part First, Section 14, amended. The 2nd sentence of Section 14 of Part First of Article V of the Constitution is amended to read as follows:

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 shall assume the office of Governor until the ~~first Wednesday of January~~ **second Tuesday of December** following the biennial election.

Constitution, Article V, Part Second, Section 2, amended. Section 2 of Part Second of Article V of the Constitution is amended to read as follows:

Section 2. Election, vacancies, privileged from arrest. The Councillors shall be chosen biennially, on the ~~first Wednesday of January~~ **second Tuesday of December**, by joint ballot of the Senators and Representatives in convention; and vacancies, which shall afterwards happen, 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 district in which the vacancy occurred, and the oath of office shall be administered by the Governor; said Councillor shall hold office until the next convening of the Legislature; but not more than one Councillor shall be elected or appointed from any district prescribed for the election of Senators; they shall be privileged from arrest in the same manner as Senators and Representatives.

Constitution, Article IX, Section 4, repealed. Section 4 of Article IX of the Constitution is repealed.

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 Legislature Providing for Early Inauguration of the 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 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 resolution, accompanied by a copy thereof.

STATEMENT OF FACT

The purpose of this resolution is reflected in the title.