

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 1620

S. P. 508

In Senate, March 26, 1973

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Huber of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

**RESOLUTION, Proposing an Amendment to the Constitution Providing for
the Election of the Members of the Executive Council.**

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 II, Section 1, amended. The first sentence of Section 1 of Article II of the Constitution, as amended, is further amended to read as follows:

Every citizen of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State for term of six months next preceding any election, shall be an elector for Governor, Senators ~~and~~, Representatives ~~and~~ Councillors, in the city, town or plantation where his or her residence has been established for the term of three months next preceding such election, and he or she shall continue to be an elector in such city, town or plantation for the period of three months after his or her removal therefrom, if he or she continues to reside in this State during such period, unless barred by the provisions of the second paragraph of this section; and the elections shall be by written ballot.

Constitution, Article II, Section 4, amended. The first sentence of section 4 of Article II of the Constitution is amended to read as follows:

The election of Senators ~~and~~, Representatives ~~and~~ Councillors shall be on the Tuesday following the first Monday of November biennially forever and the election of Governor shall be on the Tuesday following the first Monday of November every four years.

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

The meetings for election of 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 and Councillors.

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. The Councillors shall be ~~chosen~~ elected at the same time and for the same term as the Representatives biennially, ~~on the first Wednesday of January, 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 V, Part Second, Section 2, amended. Section 2 of Part Second of Article V of the Constitution is amended by adding a new paragraph at the end to read as follows:

Vacancies, which shall afterward occur, 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 county of the district in which the vacancy occurred, and the oath of office shall be administered by the Governor. Said Councillor shall hold office for the remainder of the unexpired term. They shall be privileged from arrest in the same manner as Senators and Representatives.

Effective date. Resolved: That the amendments herein proposed, if adopted, shall determine the method of selection of the Council which will take office in January, 1977.

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 providing for election of members of Executive Council?”

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

This bill will change the method of selecting members for the Executive Council. The intent is to make each Council member more directly representative of the people.