

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE
HOUSE OF REPRESENTATIVES
107TH LEGISLATURE

(Riling No. H-585)

COMMITTEE AMENDMENT" C"to H.P. 16, L.D. 24, RESOLUTION,
Proposing an Amendment to the Constitution to Abolish the
Executive Council and Reassign its Constitutional Powers to
the Governor.

Amend said Resolution by striking out all of the Title
and inserting in place thereof the following:

'RESOLUTION, Proposing an Amendment to the Constitution to
Abolish the Executive Council and to Reassign its Constitutional
Powers to the Governor and the Senate and to Prohibit
Appointment of Legislators to Offices Requiring Approval of
the Senate for Appointment.'

Further amend said Resolution by inserting after the
4th paragraph the following:

'Constitution, Art. IV, Pt. 3, §10, is amended to read:

Section 10. Members not to be appointed to certain offices.

No Senator or Representative shall, during the term for
which he shall have been elected, be appointed to any civil
office of profit under this State, which requires the approval
of the Senate for appointment or which shall have been created,
or the emoluments of which increased during such term, except
such offices as may be filled by elections by the people.'

Further amend said Resolution by striking out all of the
5th and 6th paragraphs and inserting in place thereof the
following:

'Constitution, Art. V, Pt. 1, §8, is repealed and the
following enacted in place thereof:

Section 8. To appoint officers. He shall nominate and, with the approval of the Senate, appoint all judicial officers except judges of probate and justices of the peace. He shall nominate and appoint justices of the peace and notaries public for an initial term only, and additional terms of these officers shall be by renewal of commission, as provided by law. He shall also nominate and, with the approval of the Senate when such approval is required by law, appoint all other civil and military officers whose appointment is not by this Constitution, or shall not by law be otherwise provided for. Every nomination by the Governor shall be made seven days, at least, prior to appointment of the nominee.

Every person nominated to an office when the Legislature is not in session and whose appointment requires the approval of the Senate shall assume such office as an acting officer until the Legislature shall convene and the Senate shall act to approve the nomination. No person whose nomination has been denied approval by the Senate shall continue to serve as an acting officer in the position for which he was nominated or be nominated subsequently for any office requiring the approval of the Senate when the Legislature is not in session.

If the Senate has not acted to approve a nomination by the Governor within thirty days after such nomination, or within thirty days after convening of the Legislature if the nomination is made when the Legislature is not in session, or by the time of adjournment if the nomination is made less than thirty days before such adjournment, such nomination shall be deemed to have been denied approval.'

Further amend said Resolution by striking out all of the 7th paragraph and inserting in place thereof the following:

'Constitution, Art. V, Pt. 1, §11, first sentence, is amended to read:

He shall have power ~~with-the-advice-and-consent-of-the-Council~~ to remit after conviction all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons.'

Further amend said Resolution by striking out all of the 12th paragraph from the end before the Statement of Fact and inserting in place thereof the following:

'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-shall-then--be-elected,-if-there-be-no-choice-by-the-people,-and-afterwards the-two-Houses-shall-elect-a-Council.~~'

Further amend said Resolution by striking out all of the first, 2nd, 3rd and 4th paragraphs from the end before the Statement of Fact and inserting in place thereof the following:

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 a 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 abolish the Executive Council and reassign its constitutional powers to the Governor and the Senate and to prohibit appointment of Legislators to offices requiring the approval of the Senate for appointment?"

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 on January 4, 1977, 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 amendment is to provide that certain Constitutional and other officers shall be appointed after approval by the Senate, to prohibit the appointment of Legislators to offices requiring the approval of the Senate, to provide that this resolution shall be voted upon in a special election to be held in November, 1975, and to provide that the effective date shall be January 4, 1977.

Reported by Report "C" of the Committee on State Government.

Reproduced and distributed under the direction of the Clerk of the House.
6/2/75

(Filing No. H-585)