

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 876

S. P. 268

In Senate, March 5, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Wyman of Washington.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLUTION, Proposing an Amendment to the Constitution Relating to the Powers of the Governor and Providing for the Selection of the Members of the Executive Council.

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, Art. V, Pt. 1, § 11, is amended to read:

Section 11. Power to pardon and remit penalties; conditions. He shall have the 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 and the Governor may review with the Council such matters pertaining to this section as he may desire. Such power to grant reprieves, commutations and pardons shall include offenses of juvenile delinquency.

Constitution, Art. V, Pt. 2, § 2, is amended to read:

Section 2. Election; interim appointment; oath on vacancy; privilege from arrest. The Councillors shall be chosen biennially, on the first Wednesday of January, by joint ballot of the Senators and Representatives in convention. The Councillors shall be nominated by a majority vote of all the Senators-elect and Representatives-elect from the Council District and the person nominated shall be from the county within the Council District entitled to a Councillor. In the case of a Senator-elect or Representative-elect whose district includes an area from more than one Council District, the Senator-elect or Representative-elect shall vote in the Council District wherein lies the majority population which comprises the Senatorial or Representative District. The Legislature shall confirm the person nominated or a person

who belongs to the political party having elected a majority of such Senators-elect and Representatives-elect from the county within the Council District entitled to a Councillor. If there is no majority vote of all the Senators-elect and Representatives-elect of all the counties comprising the Council District entitled to a Councillor, the Councillor shall be chosen by joint ballot of the Senators and Representatives in convention. ~~and vacancies~~ 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.

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 Relating to the Powers of the Governor and Providing for the Selection of the Members of the 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

The purpose of this resolution is to amend the powers of the Governor relating to pardons and to provide that the Executive Council shall be nominated by a majority of the legislative members of the county which is entitled to the Councillor and such nominee shall be chosen by the Legislature.