

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

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Legislative Document

No. 1120

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S. P. 334

In Senate, March 19, 1975

On motion of Senator Curtis of Penobscot, referred to the Committee on State Government. Sent down for concurrence and ordered printed.

HARRY N. STARBRANCH, Secretary

Presented by Senator Corson of Somerset.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-FIVE

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**RESOLUTION, Proposing an Amendment to the Constitution to Provide for Determination of Inability of the Governor to Discharge the Powers and Duties of His Office.**

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**Constitutional amendment. RESOLVED:** Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

**Constitution, Art. V, Pt. 1, § 14, first sentence, is amended to read:**

Whenever the office of Governor shall become vacant **because of the removal of the Governor from office or of his inability to discharge the powers and duties of the office**, the President of the Senate shall assume the office of Governor until the **disability be removed** or another Governor shall be duly qualified.

**Constitution, Art. V, Pt. 1, § 15, is enacted to read:**

**Section 15. Disability of the Governor. Whenever the Governor transmits to the President of the Senate and the Speaker of the House his written declaration that he is unable to discharge the powers and duties of his office, the office of Governor shall be deemed to be vacant within the meaning of this Constitution.**

Whenever the chief justice and a majority of the associate justices of the Supreme Judicial Court or such other body as the Legislature may by law provide, transmit to the President of the Senate and Speaker of the House their written declaration that the Governor is unable to discharge the powers and duties of his office, the office of Governor shall be deemed to be vacant within the meaning of this Constitution.

Thereafter, in either of the above cases, whenever the Governor transmits to the President of the Senate and the Speaker of the House his written dec-

laration that no inability exists such vacancy shall be deemed to have terminated four days thereafter and the Governor shall resume the powers and duties of his office unless the chief justice and a majority of the associate justices of the Supreme Judicial Court, or such other body as the Legislature may by law provide, transmit within said four days to the President of the Senate and the Speaker of the House their written declaration that the Governor is unable to discharge the powers and duties of his office. Thereupon the Legislature shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Legislature within twenty-one days after receipt of the latter written declaration, or if the Legislature is not in session, within twenty-one days after the Legislature is required to assemble, determine by a vote, taken by yeas and nays, of two-thirds of each house present and voting thereon, that the Governor is unable to discharge the powers and duties of his office, the office of the Governor shall continue to be deemed to be vacant; otherwise such vacancy shall be deemed to have terminated and the Governor shall resume the powers and duties of his office.

**Form of question and date when amendment 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 amendment 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 gubernatorial succession in the case of inability of the Governor to discharge the powers and duties of his office?”

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 amendment, 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.

#### STATEMENT OF FACT

The purpose of this resolution is to provide for gubernatorial succession in the event of physical or mental disability.