

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SEVENTH LEGISLATURE

Legislative Document

No. 1457

S. P. 441

In Senate, April 4, 1975

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

HARRY N. STARBRANCH, Secretary

Presented by Senator Carbonneau of Androscoggin.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-FIVE

RESOLUTION, Proposing an Amendment to the Constitution to Provide for Succession in the Event of the Governor's Inability to Discharge the Powers and Duties of His Office.

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, § 14, first sentence is amended to read:

Whenever the office of Governor shall become vacant because the Governor declares his inability to discharge the powers and duties of the office or the Supreme Judicial Court, pursuant to the procedures set forth in section 15 of this Article, declares the Governor's 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 because of physical or mental disability he is unable to discharge the powers and duties of his office, the Office of the Governor shall be deemed to be vacant within the meaning of this Constitution.

Whenever a majority of the Supreme Judicial Court transmits to the President of the Senate and Speaker of the House their written declaration, after verification by a panel of physicians, to include the current and two available last past Presidents of the Maine Medical Association and such other supporting information as deemed necessary, that the Governor because of physi-

cal or mental disability 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 declaration that no physical or mental disability exists, such vacancy shall be deemed to have terminated four days following transmission of his written declaration thereto and the Governor shall resume the powers and duties of his office, unless a majority of the Supreme Judicial Court transmits within said four days to the President of the Senate and the Speaker of the House their written declaration that, because of physical or mental disability, 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, determines by a roll call vote of two-thirds of each House present and voting thereon, that the Governor, because of physical or mental disability, is unable to discharge the powers and duties of his office, the Office of the Governor shall continue to be deemed 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 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 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 amendments, 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.