

MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 5

S. P. 2

Office of the Clerk of the House

Filed November 22, 1976 under Joint Rule No. 6 by Senator Hichens of York. To be printed and delivered to the Senate of the 108th Legislature.

EDWIN H. PERT, Clerk

Presented by Senator Hichens of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

**AN ACT to Prohibit a Nominee for Public Office from Withdrawing his
Candidacy unless he is Physically or Mentally Incapacitated.**

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 21 MRSA § 446, sub-§ 1, as amended by PL 1973, c. 414, § 18, is repealed and the following enacted in its place:

1. **Content.** The consent shall contain a statement over the signature of the candidate that he will accept the nomination of the primary election, that he will not withdraw unless he lacks the physical or mental capacity to carry out the duties of the office to which he has been nominated, and that he will qualify for the office if he is elected. The statement may be printed as a part of the primary petition.

Sec. 2. 21 MRSA § 1579-A, is enacted to read:

1. **Improper withdrawal of candidacy.** A candidate for a state or county office who withdraws his name as a candidate for that office is guilty of improper withdrawal of candidacy for a state or county office.

2. **Affirmative defense.** It is an affirmative defense to prosecution under this section that the candidate at the time of withdrawal lacked the physical or mental capacity to carry out the duties of the office for which he was a candidate.

3. **Civil violation.** Improper withdrawal of candidacy for a state or county office is a civil violation for which a forfeiture of not more than \$1,000 nor less than \$50 may be adjudged.

STATEMENT OF FACT

This bill will prevent any person nominated by a primary election for state or county office from withdrawing his candidacy unless he lacks the physical or mental capacity to serve in that office. It will prevent a person who has held himself out to the voters as a legitimate candidate for state or county office from depriving the voters of a chance to vote on his candidacy for reasons unrelated to inability to serve in that office.