

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1088

H. P. 847

House of Representatives, March 5, 1979

On Motion of Mrs. Kany of Waterville, referred to the Committee on State Government and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Jalbert, of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Remove the Attorney General, Secretary of State and Treasurer of State as Constitutional Officers.

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 V, Pt. 3rd, as last amended by CR 1975, c. 4, is repealed.

Constitution, Art. V, Pt. 4th, as amended by CR 1975, c. 9, is repealed.

Constitution, Art. IX, § 2 is amended to read:

Section 2. Offices incompatible with each other; election to Congress disqualifies. No person holding the office of Justice of the Supreme Judicial Court, or of any inferior court, ~~Attorney General~~ county attorney, ~~Treasurer of the State~~ Adjutant General, judge of probate, register of probate, register of deeds, sheriffs or their deputies, clerks of the judicial courts, shall be a member of the Legislature; and any person holding either of the foregoing offices, elected to, and accepting a seat in the Congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising at the same time within this State, more than one of the offices before mentioned.

Constitution, Art. IX, § 11, as amended by CR 1975, c. 4, is repealed.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a special statewide election on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendments proposed in this resolution by voting upon the following question:

“Shall the Constitution of Maine be amended to remove the Attorney General, Secretary of State and Treasurer of State as constitutional officers?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are in favor of the amendments, the Governor shall proclaim that fact without delay and the amendments shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

STATEMENT OF FACT

This resolution removes from the Constitution of Maine those provisions which require the Legislature to elect the Attorney General, the Secretary of State and the Treasurer of State, and further removes most of those provisions which specify their duties.

The resolution leaves in the Constitution of Maine, however, the constitutional provisions concerning the Secretary of State which involve voting, initiative and referendum procedures. These provisions should remain in the Constitution of Maine to insure the stability and integrity of Maine’s electoral process.

Adoption of this resolution would permit the Legislature to adopt, by statute, provisions governing the election of Attorney General, Treasurer of State and Secretary of State, and would also permit the Legislature to outline, by statute, the duties of the Attorney General and Treasurer of State and most of the duties of the Secretary of State.