

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 588

6
7 H.P. 491

House of Representatives, February 7, 1983

8 Received by the Clerk of the House on February 7, 1983. Referred to the
9 Committee on State Government and ordered printed pursuant to Joint Rule
10 14.

EDWIN H. PERT, Clerk

Presented by Representative Paradis of Augusta.

Cosponsors: Senator Baldacci of Penobscot, Representative Sproul of
11 Augusta and Representative LaPlante of Sabattus.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Provide for an Orderly Transi-
18 tion Period Following the Election of Consti-
19 tutional Officers.
20

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

23 Sec. 1. 5 MRSA §81-A is enacted to read:

24 §81-A. Transition period

25 In order to provide for an orderly transition
26 following the biennial election of the Secretary of
27 State, the Secretary of State-elect shall not take
28 the oath of his office or otherwise qualify for the
29 office for a period of no less than 30 days following
30 that election.

31 Sec. 2. 5 MRSA §121-A is enacted to read:

1 §121-A. Transition period

2 In order to provide for an orderly transition
3 following the biennial election of the Treasurer of
4 State, the Treasurer of State-elect shall not take
5 the oath of his office or otherwise qualify for the
6 office for a period of no less than 30 days following
7 that election.

8 Sec. 3. 5 MRSA §241-A is enacted to read:

9 §241-A. Transition period

10 In order to provide for an orderly transition
11 following the biennial election of the State Auditor,
12 the State Auditor-elect shall not take the oath of
13 his office or otherwise qualify for the office for a
14 period of no less than 30 days following that elec-
15 tion.

16 STATEMENT OF FACT

17 The purpose of this bill is, as stated, to pro-
18 vide for an orderly transition in the constitutional
19 offices. The Maine Constitution provides no specific
20 date on which a newly-elected constitutional officer
21 is to take office, unlike the constitutional provi-
22 sion regarding the Governor. In the past, usually,
23 the constitutional officer-elect has been sworn in
24 and assumed office on the day of election. With the
25 increasing size and importance of the office, it has
26 become apparent that such a rapid transition is both
27 impractical and unwise. A reasonable transition
28 period between election and qualification will afford
29 the constitutional officer-elect an opportunity to
30 become familiar with the office and will give the
31 prior constitutional officer an opportunity to move
32 from the office in an orderly manner.

33 Under the Constitution and decision of the
34 Supreme Judicial Court, the sitting constitutional
35 officer retains the office until his successor is
36 elected and qualified.

1 This bill does not affect the date or manner of elec-
2 tion, but rather provides that the date of qualifica-
3 tion, by taking the oath of office, be delayed for a
4 short period of time.

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