

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1353

7 H.P. 943

House of Representatives, April 19, 1985

8 Referred to the Committee on State Government. Sent up for
9 concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Paradis of Augusta.

11 Cosponsored by President Pray of Penobscot, Representative Gwadosky
of Fairfield and Senator Danton of York.

12 STATE OF MAINE
13

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

17 RESOLUTION, Proposing an Amendment
18 to the Constitution of Maine
19 to Correct Certain Inconsistencies Relating to
20 Civil Offices.
21

22 Constitutional amendment. RESOLVED: Two thirds
23 of each branch of the Legislature concurring, that
24 the following amendment to the Constitution of Maine
25 be proposed:

26 Constitution, Article IV, Pt. 3, §10 is amended
27 to read:

28 Section 10. Members not to be appointed to cer-
29 tain offices. No Senator or Representative shall
30 may, during the term for which he shall have been
31 elected, be appointed to any civil office of profit
32 under this State, which requires the approval of the
33 Legislature for appointment or which shall have been
34 created, or the emoluments of which increased during
35 such term, except such offices as may be filled by
36 elections by the people.

1 No Senator or Representative may, during the term
2 for which he shall have been elected, hold any civil
3 office of profit under this State which requires the
4 approval of the Legislature, except offices which may
5 be filled by elections by the people. Upon appoint-
6 ment to such an office and confirmation by the Legis-
7 lature, a Senator or Representative shall resign from
8 the Legislature without delay.

9 Constitutional referendum procedure; form of
10 question; effective date. Resolved: That the city
11 aldermen, town selectmen and plantation assessors of
12 this State shall notify the inhabitants of their re-
13 spective cities, towns and plantations to meet, in
14 the manner prescribed by law for holding a statewide
15 election, at a statewide election, on the Tuesday
16 following the first Monday of November following the
17 passage of this resolution, to vote upon the ratifi-
18 cation of the amendment proposed in this resolution
19 by voting upon the following question:

20 "Shall the Constitution of Maine be amended
21 to allow qualified individuals in the Legislature
22 to be appointed to civil office so long as they
23 resign from the Legislature upon confirmation?"

24 The legal voters of each city, town and
25 plantation shall vote by ballot on this question, and
26 shall designate their choice by a cross or check mark
27 placed within the corresponding square below the word
28 "Yes" or "No." The ballots shall be received,
29 sorted, counted and declared in open ward, town and
30 plantation meetings and returns made to the Secretary
31 of State in the same manner as votes for members of
32 the Legislature. The Governor shall review the re-
33 turns and, if it appears that a majority of the legal
34 votes are in favor of the amendment, the Governor
35 shall proclaim that fact without delay and the amend-
36 ment shall become part of the Constitution on the
37 date of the proclamation.

38 Secretary of State shall prepare ballots. Re-
39 solved: That the Secretary of State shall prepare
40 and furnish to each city, town and plantation all
41 ballots, returns and copies of this resolution neces-
42 sary to carry out the purposes of this referendum.

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STATEMENT OF FACT

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The purpose of this resolution is to allow Legislators to be appointed to civil offices requiring confirmation so long as they resign from the Legislature upon confirmation.

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