

# MAINE STATE LEGISLATURE

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1 SECOND SPECIAL SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 2419

6  
7 S.P. 974

In Senate, May 27, 1986

8 Approved for introduction by a majority of the Legislative Council  
pursuant to Joint Rule 26.

9 Received by the Secretary of the Senate on May 23, 1986. Referred to the  
Committee on State Government, and ordered printed pursuant to Joint Rule  
10 14.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Violette of Aroostook.

11 Cosponsored by Senator Perkins of Hancock, Senator Clark of  
Cumberland and Senator Gill of Cumberland.

12 STATE OF MAINE  
13

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

17 RESOLUTION, Proposing an Amendment  
18 to the Constitution of Maine  
19 Providing for Filling a Vacancy in the Office  
20 of Governor after the Convening of the  
21 Legislature and before the Governor-elect is  
22 Inaugurated.  
23

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

28 Constitution, ART. V, PT. 1, §14-A is enacted to  
29 read:

30 Section 14-A. Vacancy occurring between conven-  
31 ing of Legislature and inauguration of Governor; how  
32 supplied. Whenever the Office of the Governor becomes  
33 vacant between the first Wednesday in December fol-  
34 lowing the general election for Governor and the  
35 first Wednesday after the first Tuesday in January  
36 next following the election, the President of the

1 Senate or, if that office is vacant, the Speaker of  
2 the House of Representatives shall exercise the pow-  
3 ers and duties of the Office of Governor until ano-  
4 ther Governor is duly qualified.

5 Whenever either the President of the Senate or  
6 Speaker of the House of Representatives shall exer-  
7 cise the office of Governor under this section, he  
8 shall receive only the compensation of Governor, but  
9 his duties as President of the Senate or Speaker of  
10 House of Representatives shall be suspended.

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

22 "Shall the Constitution of Maine be amended  
23 to provide for filling a vacancy in the Office of  
24 Governor after the convening of the Legislature  
25 and before the Governor-elect is inaugurated?"

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

40 Secretary of State shall prepare ballots. Re-  
41 solved: That the Secretary of State shall prepare  
42 and furnish to each city, town and plantation all

1 ballots, returns and copies of this resolution neces-  
2 sary to carry out the purposes of this referendum.

3 STATEMENT OF FACT

4 In 1978, the Constitution of Maine was amended  
5 changing the date for the convening of a  
6 newly-elected Legislature from the first Wednesday  
7 after the first Tuesday in January to the first  
8 Wednesday in December. The purpose of that change was  
9 to permit an orderly process by which the Legislature  
10 could elect its officers and organize committees. The  
11 first Wednesday after the first Tuesday in January  
12 was also the same day that a newly-elected Governor  
13 would be sworn into office.

14 Because of the 1978 amendment, if the incumbent  
15 Governor dies, resigns or otherwise leaves the office  
16 of Governor from the date of the convening of the  
17 Legislature in December to the first Wednesday after  
18 the first Tuesday in January, a newly-elected Presi-  
19 dent of the Senate or, if that office is vacant, a  
20 newly-elected Speaker of the House of Representatives  
21 would become Governor until the new Governor is sworn  
22 in.

23 Because the Constitution of Maine, Article III,  
24 Section 2, provides that no person or persons belong-  
25 ing to one of the departments of the Governor may ex-  
26 ercise any of the powers properly belonging to either  
27 of the others, except in cases expressly directed or  
28 permitted by the Constitution of Maine and because  
29 Article V, Part First, Section 14, does not contain  
30 language existing in Article V, Part First, Section  
31 15, relating to temporary disabilities of the Gover-  
32 nor, the President of the Senate or the Speaker of  
33 the House of Representatives would be required to re-  
34 sign his seat in the Senate or House of Representa-  
35 tives in order to temporarily act as Governor.

36 The effect of these provisions would necessitate  
37 the calling of a special election only shortly after  
38 the people had chosen that Senator or Representative.  
39 Such a result would be an unnecessary expenditure of  
40 state tax dollars.

1           The purpose of this resolution is to provide for  
2 a temporary accession to the office of Governor by  
3 the President of the Senate or the Speaker of the  
4 House of Representatives in a manner similar to the  
5 the constitutional provisions governing temporary  
6 disabilities of the Governor.

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