

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1432, L.D. 1949)
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 2571

H.P. 1877 House of Representatives, March 23, 1988
Reported by the Majority from the Committee on State and
Local Government and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

Original bill sponsored by Representative DIAMOND of
Bangor. Cosponsored by Senators CLARK of Cumberland, PERKINS
of Hancock and Representative FOSTER of Ellsworth.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-EIGHT

1 **RESOLUTION, Proposing an Amendment to the**
2 **Constitution of Maine to Make the Language of**
3 **the Constitution Gender-Neutral.**
4

5 Constitutional amendment. **RESOLVED:** Two thirds
6 of each branch of the Legislature concurring, that the
7 following amendment to the Constitution of Maine be
8 proposed:

9 **Sec. 1. Constitution, Preamble is amended to**

1 read:

2 We the people of Maine, in order to establish
3 justice, insure tranquility, provide for our mutual
4 defense, promote our common welfare, and secure to
5 ourselves and our posterity the blessings of liberty,
6 acknowledging with grateful hearts the goodness of the
7 Sovereign Ruler of the Universe in affording us an
8 opportunity, so favorable to the design; and,
9 imploring His God's aid and direction in its
10 accomplishment, do agree to form ourselves into a free
11 and independent State, by the style and title of the
12 State of Maine and do ordain and establish the
13 following Constitution for the government of the same.

14 Sec. 2. Constitution, Art. I, §§1, 3, 4, 6, 6-A,
15 19, 20 are amended to read:

16 Section 1. Natural rights. All men people are
17 born equally free and independent, and have certain
18 natural, inherent and unalienable rights, among which
19 are those of enjoying and defending life and liberty,
20 acquiring, possessing and protecting property, and of
21 pursuing and obtaining safety and happiness.

22 Section 3. Religious freedom; sects equal;
23 religious tests prohibited; religious teachers. All
24 men people have a natural and unalienable right to
25 worship Almighty God according to the dictates of
26 their own consciences, and no one the people shall
27 not be hurt, molested or restrained in his their
28 person, liberty or estate persons, liberties or
29 estates for worshipping God in the manner and season
30 most agreeable to the dictates of his their own
31 conscience consciences, nor for his their
32 religious professions or sentiments, provided he
33 does they do not disturb the public peace, nor
34 obstruct others in their religious worship; -- and all
35 persons demeaning themselves peaceably, as good
36 members of the State, shall be equally under the
37 protection of the laws, and no subordination nor
38 preference of any one sect or denomination to another
39 shall ever be established by law, nor shall any
40 religious test be required as a qualification for any
41 office or trust, under this State; and all religious
42 societies in this State, whether incorporate or

1 unincorporate, shall at all times have the exclusive
2 right of electing their public teachers, and
3 contracting with them for their support and
4 maintenance.

5 Section 4. Freedom of speech and publication;
6 libel; truth given in evidence; jury determines law
7 and fact. Every citizen may freely speak, write and
8 publish his sentiments on any subject, being
9 responsible for the abuse of this liberty; no laws
10 shall be passed regulating or restraining the freedom
11 of the press; and in prosecutions for any publication
12 respecting the official conduct of men people in
13 public capacity, or the qualifications of those who
14 are candidates for the suffrages of the people, or
15 where the matter published is proper for public
16 information, the truth thereof may be given in
17 evidence, and in all indictments for libels, the jury,
18 after having received the direction of the court,
19 shall have a right to determine, at their discretion,
20 the law and the fact.

21 Section 6. Rights of persons accused. In all
22 criminal prosecutions, the accused shall have a right
23 to be heard by himself the accused and his
24 counsel to the accused, or either, at his the
25 election of the accused;

26 To demand the nature and cause of the accusation,
27 and have a copy thereof;

28 To be confronted by the witnesses against him
29 the accused;

30 To have compulsory process for obtaining witnesses
31 in his favor of the accused;

32 To have a speedy, public and impartial trial, and,
33 except in trials by martial law or impeachment, by a
34 jury of the vicinity. He Accused persons shall not
35 be compelled to furnish or give evidence against
36 himself themselves, nor be deprived of his their
37 life, liberty, property or privileges, but by judgment
38 of his their peers or the law of the land.

1 Section 6-A. Discrimination against persons
2 prohibited. No person The people shall not be
3 deprived of life, liberty or property without due
4 process of law, nor be denied the equal protection of
5 the laws, nor be denied the enjoyment of his their
6 civil rights or be discriminated against in the
7 exercise thereof.

8 Section 19. Right of redress for injuries. Every
9 person, for an injury done him in his inflicted on
10 the person, or the person's reputation, property or
11 immunities, shall have remedy by due course of law;
12 and right and justice shall be administered freely and
13 without sale, completely and without denial, promptly
14 and without delay.

15 Section 20. Trial by jury. In all civil suits,
16 and in all controversies concerning property, the
17 parties shall have a right to a trial by jury, except
18 in cases where it has heretofore been otherwise
19 practiced; the party claiming the right may be heard
20 by himself and his or herself and with counsel, or
21 either, at his the election of the party.

22 Sec. 3. Constitution, Art. II, §1 is amended to
23 read:

24 Section 1. Qualifications of electors; written
25 ballot; military servicemen; students; Indians. Every
26 citizen of the United States of the age of 18 years
27 and upwards, excepting persons under guardianship for
28 reasons of mental illness, having his or her residence
29 established in this State, shall be an elector for
30 Governor, Senators and Representatives, in the city,
31 town or plantation where his or her residence has been
32 established, if he or she continues to reside in this
33 State, unless barred by the provisions of the second
34 paragraph of this section; and the elections shall be
35 by written ballot. But persons in the military, naval
36 or marine service of the United States, or this State,
37 shall not be considered as having obtained such
38 established residence by being stationed in any
39 garrison, barrack or military place, in any city, town
40 or plantation; nor shall the residence of a student at
41 any seminary of learning entitle him the student to

1 the right of suffrage in the city, town or plantation
2 where such seminary is established. No person,
3 however, shall be deemed to have lost his residence
4 by reason of his the person's absence from the
5 State in the military service of the United States, or
6 of this State.

7 Every Indian, residing on tribal reservations and
8 otherwise qualified, shall be an elector in all
9 county, state and national elections.

10 **Sec. 4. Constitution, Art. IV, Part First, §4,**
11 **as amended by CR 1987, c. 1, is further amended to**
12 **read:**

13 Section 4. Residency requirement. No person
14 shall be a member of the House of Representatives,
15 unless he the person shall, at the commencement of
16 the period for which he the person is elected, have
17 been 5 years a citizen of the United States, have
18 arrived at the age of 21 years, have been a resident
19 in this State one year; and for the 3 months next
20 preceding the time of his this person's election
21 shall have been, and, during the period for which he
22 is elected, shall continue to be a resident in the
23 district which he that person represents.

24 No person may be a candidate for election as a member
25 of the House of Representatives unless, at the time of
26 the nomination for placement on a primary, general or
27 special election ballot, that person is a resident in
28 the district which he the candidate seeks to
29 represent.

30 **Sec. 5. Constitution, Art. IV, Part First, §5**
31 **is amended to read:**

32 Section 5. Election of representatives; lists of
33 votes delivered forthwith; lists of votes examined by
34 Governor; summons of persons who appear to be elected;
35 lists shall be laid before the House. The meetings
36 within this State for the choice of Representatives
37 shall be warned in due course of law by qualified
38 officials of the several towns and cities 7 days at
39 least before the election, and the election officials
40 of the various towns and cities shall preside

1 impartially at such meetings, receive the votes of all
2 the qualified electors, sort, count and declare them
3 in open meeting; and a list of the persons voted for
4 shall be formed, with the number of votes for each
5 person against his each person's name. Cities and
6 towns belonging to any representative district shall
7 hold their meetings at the same time in the respective
8 cities and towns; and such meetings shall be notified,
9 held and regulated, the votes received, sorted,
10 counted and declared in the same manner. Fair copies
11 of the lists of votes shall be attested by the
12 municipal officers and the clerks of the cities and
13 towns and the city and town clerks respectively shall
14 cause the same to be delivered into the office of the
15 Secretary of State forthwith. The Governor shall
16 examine the returned copies of such lists and 7 days
17 before the first Wednesday of December biennially,
18 shall issue a summons to such persons as shall appear
19 to have been elected by a plurality of all votes
20 returned, to attend and take their seats. All such
21 lists shall be laid before the House of
22 Representatives on the first Wednesday of December
23 biennially, and they shall finally determine who are
24 elected.

25 **Sec. 6. Constitution, Art. IV, Part Third,**
26 **§1-A, as amended by CR 1985, c. 3, is further amended**
27 **to read:**

28 Section 1-A. Legislature to Establish
29 Apportionment Commission; number of quorum;
30 compensation of commission members; commission's
31 budget; division among political parties. A
32 Legislature which is required to apportion the
33 districts of the House of Representatives or the
34 Senate, or both, under Article IV, Part First, Section
35 2, or Article IV, Part Second, Section 2, shall
36 establish, within the first 3 calendar days after the
37 convening of that Legislature, a commission to develop
38 in accordance with the requirements of this
39 Constitution, a plan for apportioning the House of
40 Representatives, the Senate, or both.

41 The commission shall be composed of 3 members from
42 the political party holding the largest number of
43 seats in the House of Representatives, who shall be

1 appointed by the Speaker; 3 members from the political
2 party holding the majority of the remainder of the
3 seats in the House of Representatives, who shall be
4 appointed by the floor leader of that party in the
5 House; 2 members of the party holding the largest
6 number of seats in the Senate, who shall be appointed
7 by the President of the Senate; 2 members of the
8 political party holding the majority of the remainder
9 of the seats in the Senate, to be appointed by the
10 floor leader of that party in the Senate; the
11 chairperson of each of the 2 major political parties
12 in the State or their designated representatives; and
13 3 members from the public generally, one to be
14 selected by each group of members of the commission
15 representing the same political party, and the third
16 to be selected by the other 2 public members. The
17 Speaker of the House shall be responsible for
18 organizing the commission and shall be chairman
19 chairperson pro tempore thereof until a permanent
20 chairman chairperson is selected by the commission
21 members from among their own number. No action may be
22 taken without a quorum of 8 being present. The
23 commission shall hold public hearings on any plan for
24 apportionment prior to submitting such plan to the
25 Legislature.

26 Public members of the commission shall receive the
27 same rate of per diem that is paid to Legislator's for
28 every day's attendance at special sessions of the
29 Legislature as defined by law. All members of the
30 commission shall be reimbursed for actual travel
31 expenses incurred in carrying out the business of the
32 commission. The Legislature which is required to
33 apportion shall establish a budget for the
34 apportioning commission within the state budget
35 document in the fiscal year previous to the fiscal
36 year during which the apportioning commission is
37 required to convene and shall appropriate sufficient
38 funds for the commission to satisfactorily perform its
39 duties and responsibilities. The budget shall include
40 sufficient funds to compensate the chairman
41 chairperson of the commission and his the
42 chairperson's staff. The remainder of the
43 appropriation shall be made available equally among
44 the political parties represented on the commission to

1 provide travel expenses, incidental expenses and
2 compensation for commission members and for partisan
3 staff and operations.

4 Sec. 7. Constitution, Art. IV, Part Third, §2
5 is amended to read:

6 Section 2. Bills to be signed by the Governor;
7 proceedings, in case the Governor disapproves;
8 allowing the Governor 10 days to act on legislation.
9 Every bill or resolution, having the force of law, to
10 which the concurrence of both Houses may be necessary,
11 except on a question of adjournment, which shall have
12 passed both Houses, shall be presented to the
13 Governor, and if he approve the Governor
14 approves, he the Governor shall sign it; if not,
15 he the Governor shall return it with his
16 objections to the House, in which it shall have
17 originated, which shall enter the objections at large
18 on its journals, and proceed to reconsider it. If
19 after such reconsideration, 2/3 of that House shall
20 agree to pass it, it shall be sent together with the
21 objections, to the other House, by which it shall be
22 reconsidered, and, if approved by 2/3 of that House,
23 it shall have the same effect, as if it had been
24 signed by the Governor; but in all such cases, the
25 votes of both Houses shall be taken by yeas and nays,
26 and the names of the persons, voting for and against
27 the bill or resolution, shall be entered on the
28 journals of both Houses respectively. If the bill or
29 resolution shall not be returned by the Governor
30 within 10 days (Sundays excepted) after it shall have
31 been presented to him the Governor, it shall have
32 the same force and effect, as if he the Governor
33 had signed it unless the Legislature by their
34 adjournment prevent its return, in which case it shall
35 have such force and effect, unless returned within 3
36 days after the next meeting of the same Legislature
37 which enacted the bill or resolution; if there is no
38 such next meeting of the Legislature which enacted the
39 bill or resolution, the bill or resolution shall not
40 be a law.

41 Sec. 8. Constitution, Art. IV, Part Third, §§10

1 and 11 are amended to read:

2 Section 10. Members not to be appointed to
3 certain offices. No Senator or Representative shall,
4 during the term for which he the Senator or
5 Representative shall have been elected, be appointed
6 to any civil office of profit under this State, which
7 requires the approval of the Legislature for
8 appointment or which shall have been created, or the
9 emoluments of which increased during such term, except
10 such offices as may be filled by elections by the
11 people.

12 Section 11. Persons disqualified to be members.
13 No member of Congress, nor person holding any office
14 under the United States (post officers excepted) nor
15 office of profit under this State, justices of the
16 peace, notaries public, coroners and officers of the
17 militia excepted, shall have a seat in either House
18 during his at the same time as being such member of
19 Congress, or his continuing in such office.

20 Sec. 9. Constitution, Art. IV, Part Third, §17,
21 sub-§3 is amended to read:

22 3. Referral to electors; proclamation by
23 Governor. As soon as it appears that the effect of
24 any Act, bill, resolve, or resolution or part or parts
25 thereof has been suspended by petition in manner
26 aforesaid, the Governor by public proclamation shall
27 give notice thereof and of the time when such measure
28 is to be voted on by the people, which shall be at the
29 next statewide election not less than 60 days after
30 such proclamation, or in case of no statewide election
31 within 6 months thereafter the Governor may order such
32 measure submitted to the people at a special election
33 not less than 60 days nor more than 6 months after
34 his proclamation thereof. If the Governor fails to
35 order such measure to be submitted to the people at
36 the next statewide election, the Secretary of State
37 shall, by proclamation, order such measure to be
38 submitted to the people at such an election and such
39 order shall be sufficient to enable the people to vote.

1 **Sec. 10. Constitution, Art. IV, Part Third, §§19**
2 **and 20 are amended to read:**

3 Section 19. Effective date of measures approved
4 by people; veto power limited. Any measure referred
5 to the people and approved by a majority of the votes
6 given thereon shall, unless a later date is specified
7 in said measure, take effect and become a law in 30
8 days after the Governor has made public proclamation
9 of the result of the vote on said measure, which he
10 the Governor shall do within 10 days after the vote
11 thereon has been canvassed and determined; provided,
12 however, that any such measure which entails
13 expenditure in an amount in excess of available and
14 unappropriated state funds shall remain inoperative
15 until 45 days after the next convening of the
16 Legislature in regular session, unless the measure
17 provides for raising new revenues adequate for its
18 operation. The veto power of the Governor shall not
19 extend to any measure approved by vote of the people,
20 and any measure initiated by the people and passed by
21 the Legislature without change, if vetoed by the
22 Governor and if his the veto is sustained by the
23 Legislature shall be referred to the people to be
24 voted on at the next general election. The
25 Legislature may enact measures expressly conditioned
26 upon the people's ratification by a referendum vote.

27 Section 20. Meaning of words "electors," "people,"
28 "recess of Legislature," "statewide election,"
29 "measure," "circulator," and "written petition;"
30 written petitions for people's veto; written petitions
31 for direct initiative. As used in any of the 3
32 preceding sections or in this section the words
33 "electors" and "people" mean the electors of the State
34 qualified to vote for Governor; "recess of the
35 Legislature" means the adjournment without day of a
36 session of the Legislature; "statewide election" means
37 any election held throughout the State on a particular
38 day; "measure" means an Act, bill, resolve or
39 resolution proposed by the people, or 2 or more such,
40 or part or parts of such, as the case may be;
41 "circulator" means a person who solicits signatures
42 for written petitions, and who must be a resident of
43 this State and whose name must appear on the voting

1 list of his the city, town or plantation of the
2 circulator's residence as qualified to vote for
3 Governor; "written petition" means one or more
4 petitions written or printed, or partly written and
5 partly printed, with the original signatures of the
6 petitioners attached, verified as to the authenticity
7 of the signatures by the oath of the circulator that
8 all of the signatures to the petition were made in
9 his the presence of the circulator and that to the
10 best of his the circulator's knowledge and belief
11 each signature is the signature of the person whose
12 name it purports to be, and accompanied by the
13 certificate of the official authorized by law to
14 maintain the voting list of the city, town or
15 plantation in which the petitioners reside that their
16 names appear on the voting list of his the city,
17 town or plantation of the official as qualified to
18 vote for Governor. The oath of the circulator must be
19 sworn to in the presence of a person authorized by law
20 to administer oaths. Written petitions for a people's
21 veto pursuant to Article IV, Part Third, Section 17
22 must be submitted to the appropriate officials of
23 cities, towns or plantations for determination of
24 whether the petitioners are qualified voters by the
25 hour of 5:00 p.m., on the 5th day before the petition
26 must be filed in the office of the Secretary of State,
27 or, if such 5th day is a Saturday, a Sunday or a legal
28 holiday, by 5:00 p.m., on the next day which is not a
29 Saturday, a Sunday or a legal holiday. Written
30 petitions for a direct initiative pursuant to Article
31 IV, Part Third, Section 18 must be submitted to the
32 appropriate officials of cities, towns or plantations
33 for determination of whether the petitioners are
34 qualified voters by the hour of 5:00 p.m., on the 3rd
35 day before the petition must be filed in the office of
36 the Secretary of State, or, if such 3rd day is a legal
37 holiday, by 5:00 p.m., on the next day which is not a
38 legal holiday. Such officials must complete the
39 certification of such petitions and must return them
40 to the circulators or their agents within 2 days,
41 Saturdays, Sundays and legal holidays excepted, of the
42 date on which such petitions were submitted to them.
43 The petition shall set forth the full text of the
44 measure requested or proposed. Petition forms shall
45 be furnished or approved by the Secretary of State

1 upon written application signed in the office of the
2 Secretary of State by a resident of this State whose
3 name must appear on the voting list of his the
4 city, town or plantation of that resident as qualified
5 to vote for Governor. The full text of a measure
6 submitted to a vote of the people under the provisions
7 of the Constitution need not be printed on the
8 official ballots, but, until otherwise provided by the
9 Legislature, the Secretary of State shall prepare the
10 ballots in such form as to present the question or
11 questions concisely and intelligibly.

12 Sec. 11. Constitution, Art. V, Part First, §§2,
13 4, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 are amended
14 to read:

15 Section 2. Term of office; reelection
16 eligibility. The Governor shall be elected by the
17 qualified electors, and shall hold his the office
18 for 4 years from the first Wednesday after the first
19 Tuesday of January next following the election and
20 until his the successor to the Governor has been
21 duly elected and qualified. The person who has served
22 2 consecutive popular elective 4-year terms of office
23 as Governor shall be ineligible to succeed himself
24 to this office at the next gubernatorial election.

25 Section 4. Qualifications. The Governor shall,
26 at the commencement of his the Governor's term, be
27 not less than 30 years of age; a citizen of the United
28 States for at least 15 years, have been 5 years a
29 resident of the State; and at the time of his
30 election and during the term for which he is
31 elected, be a resident of said State.

32 Section 6. Compensation. The Governor shall, at
33 stated times, receive for his services a
34 compensation, which shall not be increased or
35 diminished during his the Governor's continuance in
36 office.

37 Section 7. Commander in chief. He The
38 Governor shall be commander in chief of the army and
39 navy of the State, and of the militia, except when the
40 same are called into the actual service of the United

1 States.

2 Section 8. To appoint officers; procedure for
3 confirmation; affirmative votes of 2/3 of members
4 required; Governor or President of Senate may call
5 Senate into session; nomination by Governor made 7
6 days prior to appointment of nominee. He The
7 Governor shall nominate, and, subject to confirmation
8 as provided herein, appoint all judicial officers,
9 except judges of probate and justices of the peace if
10 their manner of selection is otherwise provided for by
11 this Constitution or by law, and all other civil and
12 military officers whose appointment is not by this
13 Constitution, or shall not by law be otherwise
14 provided for.

15 The procedure for confirmation shall be as
16 follows: an appropriate legislative committee
17 comprised of members of both houses in reasonable
18 proportion to their membership as provided by law
19 shall recommend confirmation or denial by majority
20 vote of committee members present and voting. The
21 committee recommendation shall be reviewed by the
22 Senate and upon review shall become final action of
23 confirmation or denial unless the Senate by vote of
24 2/3 of those members present and voting overrides the
25 committee recommendation. The Senate vote shall be by
26 the yeas and nays.

27 All statutes enacted to carry out the purposes of
28 the second paragraph of this section shall require the
29 affirmative vote of 2/3 of the members of each House
30 present and voting.

31 Either the Governor or the President of the Senate
32 shall have the power to call the Senate into session
33 for the purpose of voting upon confirmation of
34 appointments.

35 Every nomination by the Governor shall be made 7
36 days at least prior to appointment of the nominee.

37 Section 9. To give information and recommend
38 measures. He The Governor shall from time to time
39 give the Legislature information of the condition of

1 the State, and recommend to their consideration such
2 measures, as he the Governor may judge expedient.

3 Section 10. May require information of any
4 officer. He The Governor may require information
5 from any military officer, or any officer in the
6 executive department, upon any subject relating to the
7 duties of their respective offices.

8 Section 11. Power to pardon and remit penalties,
9 etc.; conditions. He The Governor shall have power
10 to remit after conviction all forfeitures and
11 penalties, and to grant reprieves, commutations and
12 pardons, except in cases of impeachment, upon such
13 conditions, and with such restrictions and limitations
14 as may be deemed proper, subject to such regulations
15 as may be provided by law, relative to the manner of
16 applying for pardons. Such power to grant reprieves,
17 commutations and pardons shall include offenses of
18 juvenile delinquency.

19 Section 12. Shall enforce the laws. He The
20 Governor shall take care that the laws be faithfully
21 executed.

22 Section 13. Convene the Legislature on
23 extraordinary occasions, and adjourn it in case of
24 disagreement; may change the place of meeting. He
25 The Governor may, on extraordinary occasions, convene
26 the Legislature; and in case of disagreement between
27 the 2 Houses with respect to the time of adjournment,
28 adjourn them to such time, as he the Governor shall
29 think proper, not beyond the day of the next regular
30 session; and if, since the last adjournment, the place
31 where the Legislature were next to convene shall have
32 become dangerous from an enemy or contagious sickness,
33 may direct the session to be held at some other
34 convenient place within the State.

35 Section 14. Vacancy, how supplied, mental or
36 physical disability of the Governor continuously for
37 more than 6 months. Whenever the office of Governor
38 shall become vacant because of the death, resignation
39 or removal of a Governor in office, or any other

1 cause, the President of the Senate shall assume the
2 office of Governor until another Governor shall be
3 duly qualified. When the vacancy occurs more than 90
4 days preceding the date of the primary election for
5 nominating candidates to be voted for at the biennial
6 election next succeeding, the President of the Senate
7 shall assume the office of Governor until the first
8 Wednesday after the first Tuesday of January following
9 the biennial election. At the biennial election, a
10 Governor shall be elected to fill the unexpired term
11 created by the vacancy. When the vacancy occurs less
12 than 90 days preceding the date of a primary election
13 the President of the Senate shall fill the unexpired
14 term.

15 Whenever the offices of Governor and President of
16 the Senate are vacant at the same time, the Speaker of
17 the House of Representatives shall assume the office
18 of Governor for the same term and under the same
19 conditions as the President of the Senate.

20 Whenever the offices of Governor, President of the
21 Senate and Speaker of the House of Representatives are
22 vacant at the same time, the person acting as
23 Secretary of State for the time being shall exercise
24 the office of Governor and shall forthwith by
25 proclamation convene the Senate and the House of
26 Representatives which shall fill respectively the
27 vacancies in the office of the President of the Senate
28 and the Speaker of the House, and by joint ballot of
29 the Senators and Representatives in convention choose
30 a person who shall assume the office of Governor for
31 the same term and under the same conditions as the
32 President of the Senate.

33 Whenever for 6 months a Governor in office shall
34 have been continuously unable to discharge the powers
35 and duties of his that office because of mental or
36 physical disability such office shall be deemed
37 vacant. Such vacancy shall be declared by the Supreme
38 Judicial Court upon presentment to it of a joint
39 resolution declaring the ground of the vacancy,
40 adopted by a vote of 2/3 of the Senators and
41 Representatives in convention, and upon notice,
42 hearing before the court and a decision by a majority

1 of the court that ground exists for declaring the
2 office to be vacant.

3 Section 15. Temporary mental or physical
4 disability of Governor. Whenever the Governor is
5 unable to discharge the powers and duties of his
6 that office because of mental or physical disability,
7 the President of the Senate, or if that office is
8 vacant, the Speaker of the House of Representatives,
9 shall exercise the powers and duties of the office of
10 Governor until the Governor is again able to discharge
11 the powers and duties of his that office, or until
12 the office of Governor is declared to be vacant or
13 until another Governor shall be duly qualified.

14 Whenever the Governor is unable to discharge the
15 powers and duties of his that office, he the
16 Governor may so certify to the Chief Justice of the
17 Supreme Judicial Court, in which case and upon notice
18 from the Chief Justice, the President of the Senate,
19 or if that office is vacant, the Speaker of the House
20 of Representatives, shall exercise the powers and
21 duties of the office of Governor until such time as
22 the Governor shall certify to the Chief Justice that
23 he the Governor elected by the people is able to
24 discharge such powers and duties and the Chief Justice
25 shall so notify the officer who is exercising the
26 powers and duties of the office of Governor.

27 When the Secretary of State shall have reason to
28 believe that the Governor is unable to discharge the
29 duties of his that office, he the Secretary of
30 State may so certify to the Supreme Judicial Court,
31 declaring his the reasons for such belief. After
32 notice to the Governor, a hearing before the court and
33 a decision by a majority of the court that the
34 Governor is unable to discharge the duties of his
35 the office of Governor, the court shall notify the
36 President of the Senate, or if that office is vacant
37 the Speaker of the House of Representatives, of such
38 inability and he the President of the Senate, or
39 the Speaker of the House shall exercise the functions,
40 powers and duties of the office of Governor until such
41 time as the Secretary of State or the Governor shall
42 certify to the court that the Governor is able to

1 discharge the duties of his the office of Governor
2 and the court, after notice to the Governor and a
3 hearing before the court, decides that the Governor is
4 able to discharge the duties of his that office and
5 so notifies the officer who is exercising the powers
6 and duties of the office of Governor.

7 Whenever either the President of the Senate or
8 Speaker of the House of Representatives shall exercise
9 the office of Governor, he the officer shall
10 receive only the compensation of Governor, but his
11 the officer's duties as President or Speaker shall be
12 suspended; and the Senate or House shall fill the
13 vacancy resulting from such suspension, until he
14 the officer shall cease to exercise the office of
15 Governor.

16 Sec. 12. Constitution, Art. V, Part Second, §§2,
17 3 and 4 are amended to read:

18 Section 2. Records of State; deputies. The
19 records of the State shall be kept in the office of
20 the secretary, who may appoint his deputies to that
21 office, for whose conduct he the secretary shall be
22 accountable.

23 Section 3. Attend the Governor, Senate, and
24 House. He The Secretary of State shall attend the
25 Governor, Senate and House of Representatives, in
26 person or by his the deputies of the Secretary of
27 State as they shall respectively require.

28 Section 4. Records of executive and legislative
29 departments. He The Secretary of State shall
30 carefully keep and preserve the records of all the
31 official acts and proceedings of the Governor, Senate
32 and House of Representatives, and, when required, lay
33 the same before either branch of the Legislature, and
34 perform such other duties as are enjoined by this
35 Constitution, or shall be required by law.

36 Sec. 13. Constitution, Art. V, Part Third, §§2
37 and 3 are amended to read:

38 Section 2. Bond. The Treasurer shall, before

1 entering on the duties of his that office, give
2 bond to the State with sureties, to the satisfaction
3 of the Legislature, for the faithful discharge of
4 his that trust.

5 Section 3. Not to engage in trade. The Treasurer
6 shall not, during his the treasurer's continuance
7 in office, engage in any business of trade or
8 commerce, or as a broker, nor as an agent or factor
9 for any merchant or trader.

10 Sec. 14. Constitution, Art. VI, §4 is amended
11 to read:

12 Section 4. Tenure of judicial officers; 6-month
13 holdover period. All judicial officers appointed by
14 the Governor shall hold their offices for the term of
15 7 years from the time of their respective appointments
16 (unless sooner removed by impeachment or by address of
17 both branches of the Legislature to the executive,
18 provided further that justices of the peace may be
19 removed from office in such manner as the Legislature
20 may provide); provided, however, that a judicial
21 officer whose term of office has expired or who has
22 reached mandatory retirement age, as provided by
23 statute, may continue to hold office until the
24 expiration of an additional period not to exceed 6
25 months or until his the successor to the judicial
26 officer is appointed, whichever occurs first in time.

27 Sec. 15. Constitution, Art. IX, §§1, 3 and 5
28 are amended to read:

29 Section 1. Oaths and subscriptions; alternative
30 affirmation; oaths of Governor; oaths of Senators and
31 Representatives; oaths of other officers; before whom
32 taken. Every person elected or appointed to either of
33 the places or offices provided in this Constitution,
34 and every person elected, appointed, or commissioned
35 to any judicial, executive, military or other office
36 under this State, shall, before he enter entering
37 on the discharge of the duties of his that place or
38 office, take and subscribe the following oath or
39 affirmation: "I, _____ do swear, that I will
40 support the Constitution of the United States and of

1 this State, so long as I shall continue a citizen
2 thereof. So help me God."

3 "I _____ do swear, that I will faithfully
4 discharge, to the best of my abilities, the duties
5 incumbent on me as _____ according to the
6 Constitution and laws of the State. So help me God."
7 Provided, that an affirmation in the above forms may
8 be substituted, when the person shall be
9 conscientiously scrupulous of taking and subscribing
10 an oath.

11 The oaths or affirmations shall be taken and
12 subscribed by the Governor before the presiding
13 officer of the Senate, in the presence of both Houses
14 of the Legislature, and by the Senators and
15 Representatives before the Governor, and by the
16 residue of said officers before such persons as shall
17 be prescribed by the Legislature; and whenever the
18 Governor shall not be able to attend during the
19 session of the Legislature to take and subscribe said
20 oaths or affirmations, such oaths or affirmations may
21 be taken and subscribed in the recess of the
22 Legislature before any Justice of the Supreme Judicial
23 Court and provided further that, if the Governor shall
24 be unable to appear and administer the oath to the
25 Senators and Representatives, such oaths shall be
26 administered by the Chief Justice of the Supreme
27 Judicial Court or in his the absence of the Chief
28 Justice, by the senior Associate Justice of said
29 Supreme Judicial Court present at the State Capitol on
30 the first day of the term for which said Senators and
31 Representatives shall have been elected.

32 Section 3. Commissions. All commissions shall be
33 in the name of the State, signed by the Governor,
34 attested by the Secretary or his a deputy of the
35 Secretary and have the seal of the State thereto
36 affixed.

37 Section 5. Removal by impeachment or address.
38 Every person holding any civil office under this
39 State, may be removed by impeachment, for misdemeanor
40 in office; and every person holding any office, may be
41 removed by the Governor on the address of both

1 branches of the Legislature. But before such address
2 shall pass either House, the causes of removal shall
3 be stated and entered on the journal of the House in
4 which it originated, and a copy thereof served on the
5 person in office, that he the person may be
6 admitted to a hearing in his that person's own
7 defense.

8 Sec. 16. Constitution, Art. IX, §10, as amended
9 by CR 1985, c. 1, is further amended to read:

10 Section 10. Tenure of sheriffs; extend the Term
11 of Office to 4 years; removal of sheriff from office
12 and replacement. Sheriffs shall be elected by the
13 people of their respective counties, by a plurality of
14 the votes given in on the Tuesday following the first
15 Monday of November, and shall hold their offices for 4
16 years from the first day of January next after their
17 election, unless sooner removed as hereinafter
18 provided.

19 Whenever the Governor upon complaint, due notice
20 and hearing shall find that a sheriff is not
21 faithfully or efficiently performing any duty imposed
22 upon him the sheriff by law, the Governor may
23 remove such sheriff from office and appoint another
24 sheriff in his place to serve for the remainder of
25 the term for which such removed sheriff was elected.
26 All vacancies in the office of sheriff, other than
27 those caused by removal in the manner aforesaid, shall
28 be filled in the same manner as is provided in the
29 case of judges and registers of probate.

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

41 "Shall the Constitution of Maine be amended to
42 change male references in the Constitution to

1 gender-neutral references in order for the State
2 Constitution to be read to apply to all citizens
3 of this State?"

4 The legal voters of each city, town and plantation
5 shall vote by ballot on this question, and shall
6 designate their choice by a cross or check mark placed
7 within the corresponding square below the word "Yes"
8 or "No." The ballots shall be received, sorted,
9 counted and declared in open ward, town and plantation
10 meetings and returns made to the Secretary of State in
11 the same manner as votes for members of the
12 Legislature. The Governor shall review the returns
13 and, if it appears that a majority of the legal voters
14 are in favor of the amendment, the Governor shall
15 proclaim that fact without delay and the amendment
16 shall become part of the Constitution on the date of
17 the proclamation.

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

23 STATEMENT OF FACT

24 The purpose of this Constitutional Resolution is
25 to change male gender references in the Constitution
26 of Maine to gender-neutral references in order for the
27 Constitution of Maine to be read to apply to all
28 citizens of this State. The changes proposed in this
29 hallowed document do not change any meaning or intent
30 in the Constitution of Maine. This resolution seeks
31 only to clarify existing language and to apply the
32 provisions of the Constitution of Maine to all
33 citizens regardless of gender. No new or additional
34 rights are conferred or intended by this resolution.
35 This resolution proposes to change these references to
36 reflect the application of the Constitution of Maine
37 to all citizens of the State.

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