

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 176

H.P. 132

House of Representatives, February 14, 1989

Reference to the Committee on Legal Affairs suggested and ordered printed.

Ed Pert

EDWIN H. PERT, Clerk

Presented by Representative LAPOINTE of Auburn.

Cosponsored by Representative KETOVER of Portland, Representative HANDY of Lewiston and Senator MATTHEWS of Kennebec.

STATE OF MAINE

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

An Act to Restrict the Withdrawal of Candidates from General
Elections.



1 **Be it enacted by the People of the State of Maine as follows:**

3 **21-A MRSA §374**, as enacted by PL 1985, c. 161, §6, is
5 repealed and the following enacted in its place:

7 **§374 Replacement of other nominees**

9 **1. Withdrawal of nominees; Governor's proclamation. Except**
11 **as provided in subsection 2, if a person nominated for an office,**
13 **other than United States Senator, Representative to Congress or**
Governor, at a primary election or by a political committee dies,
withdraws or becomes disqualified before the general election,
the Governor shall issue a proclamation under section 362.

15 **2. Limitations on replacement of withdrawn nominees. If the**
17 **Governor issues the proclamation as provided in section 362, a**
19 **political committee may make a replacement nomination following a**
withdrawal only if the person nominated for an office, other than
United States Senator, Representative to Congress or Governor:

21 **A. Withdraws on or before the 15th of August preceding the**
23 **general election;**

25 **B. Withdraws because of a catastrophic illness that was**
27 **diagnosed after the 65th day before the primary election day**
29 **and that has permanently and continuously incapacitated the**
31 **candidate and would prevent performance of the duties of the**
office sought, and the candidate files with the Secretary of
State a certificate, accompanying the withdrawal request,
which describes the illness and is signed by at least 2
licensed physicians; or

33 **C. Dies prior to the general election.**

35

37 **STATEMENT OF FACT**

39 The purpose of this bill is to prevent replacement of party
41 nominees who withdraw after the 15th of August preceding the
general election, except under specified circumstances. Those
circumstances involve the death or debilitating illness of the
nominee.