

# MAINE STATE LEGISLATURE

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L.D. 118

DATE: 5/4/95

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MINORITY  
STATE AND LOCAL GOVERNMENT

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
117TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 82, L.D. 118, "RESOLUTION, Proposing an Amendment to the Constitution of Maine to Create the Office of Lieutenant Governor"

Amend the resolution by striking out the title and substituting the following:

'RESOLUTION, Proposing an Amendment to the Constitution of Maine to Designate the Secretary of State as Lieutenant Governor and Provide for the Direct Popular Election'

Further amend the resolution by striking out everything after the title and before the statement of fact and inserting in its place the following:

'Constitutional amendment. Resolved: Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

Constitution, Art. V, Part Second is repealed and the following enacted in its place:

Article V.

Part Second.

Lieutenant Governor.

Section 1. Election. The Lieutenant Governor shall be nominated in the same manner provided by law for nominating the Governor.

**COMMITTEE AMENDMENT**

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2 In a general election the votes cast for a candidate for  
3 Governor are considered also cast for the candidate whose name  
4 appears on the ballot jointly with that of the successful  
5 candidate for Governor, and that candidate shall be elected  
6 Lieutenant Governor.

7 Section 2. Acting Governor. In case of the temporary  
8 absence of the Governor from office, the Lieutenant Governor  
9 shall serve as acting Governor.

10 Section 3. Duties of the Lieutenant Governor. The  
11 Lieutenant Governor shall also serve as the Secretary of State  
12 and shall carefully keep and preserve the official acts and  
13 proceedings of the Governor, Senate and the House of  
14 Representatives, and, when required, lay the same before either  
15 branch of the Legislature, and perform such other duties as are  
16 enjoined by this Constitution or shall be required by law.

17 Section 4. Vacancy, how supplied; mental or physical  
18 disability of the Governor continuously for more than 6 months.  
19 When the office of Governor becomes vacant because of the death,  
20 resignation or removal of the Governor in office, or any other  
21 cause, the Lieutenant Governor shall assume the office of  
22 Governor for the remainder of the term of office.

23 When the offices of Governor and Lieutenant Governor become  
24 vacant because of the death, resignation or removal of the  
25 Governor and Lieutenant Governor in office, or any other cause,  
26 the President of the Senate shall assume the office of Governor  
27 until another Governor is duly qualified. When the vacancy  
28 occurs more than 90 days before the date of the primary election  
29 for nominating candidates to be voted for at the next biennial  
30 election, the President of the Senate shall assume the office of  
31 Governor until the first Wednesday after the first Tuesday of the  
32 month of January following the biennial election. At the  
33 biennial election, a Governor and Lieutenant Governor must be  
34 elected to fill the unexpired term created by the vacancy. When  
35 the vacancy occurs less than 90 days before the date of a primary  
36 election, the President of the Senate shall fill the unexpired  
37 term.

38 Whenever the offices of Governor, Lieutenant Governor and  
39 President of the Senate are vacant at the same time, the Speaker  
40 of the House of Representatives shall assume the office of  
41 Governor for the same term and under the same conditions as the  
42 President of the Senate.

43 When a Governor in office has been continuously unable to  
44 discharge the powers and duties of that office for 6 months  
45 because of mental or physical disability, that office is deemed  
46 vacant. The vacancy must be declared by the Supreme Judicial  
47 Court.

# COMMITTEE AMENDMENT

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Court upon presentment to it of a joint resolution declaring the grounds of the vacancy, adopted by a 2/3 vote of the Senators and Representatives in convention, and upon notice, hearing before the court and a decision by a majority of the court that grounds exist for declaring the office vacant.

Section 5. Qualifications for Lieutenant Governor. The Lieutenant Governor, at the commencement of the Lieutenant Governor's term, must be at least 30 years of age; must be a citizen of the United States for at least 15 years and a resident of the State for 5 years; and, at the time of election and during the term for which elected, be a resident of the State.

Section 6. Compensation of Lieutenant Governor. At stated times the Lieutenant Governor is entitled to receive a compensation, which may not be increased or diminished during the Lieutenant Governor's continuance in office.

; and be it further

**Constitutional referendum procedure; form of question; effective date. Resolved:** That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next statewide election in the month of November following passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

"Do you favor amending the Constitution of Maine to provide for the election of Governor and Lieutenant Governor by a single vote, the Lieutenant Governor to assume the office of Secretary of State and to assist the Governor in the responsibilities and duties of that office and to succeed the Governor in the event of a vacancy in the office of Governor?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within the corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal votes are cast in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment becomes part of the Constitution on the date of the proclamation; and be it further

