

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 201

H.P. 153

House of Representatives, January 24, 1995

**RESOLUTION, Proposing an Amendment to the Constitution of Maine
to Require the Popular Election of the Attorney General.**

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in black ink that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative LEMKE of Westbrook.

Cosponsored by Representatives: AHEARNE of Madawaska, BAILEY of Township 27, BARTH of Bethel, BENEDIKT of Brunswick, BIRNEY of Paris, CAMERON of Rumford, CAMPBELL of Holden, CROSS of Dover-Foxcroft, DAVIDSON of Brunswick, DESMOND of Mapleton, DEXTER of Kingfield, FARNUM of South Berwick, GERRY of Auburn, KERR of Old Orchard Beach, LEMONT of Kittery, LIBBY of Kennebunk, LIBBY of Buxton, MORRISON of Bangor, MURPHY of Berwick, PENDLETON of Scarborough, POULIOT of Lewiston, REED of Dexter, SHIAH of Bowdoinham, SIMONEAU of Thomaston, TUFTS of Stockton Springs, UNDERWOOD of Oxford, Senators: BEGLEY of Lincoln, CARPENTER of York, HANLEY of Oxford, HARRIMAN of Cumberland, LORD of York, PENDEXTER of Cumberland, STEVENS of Androscoggin.

2 **Constitutional amendment. RESOLVED:** Two thirds of each
branch of the Legislature concurring, that the following
4 amendment to the Constitution of Maine be proposed:

6 **Constitution, Art. IX, §11** is amended to read:

8 **Section 11. Attorney General.** The Attorney General shall
be chosen--biennially--by--joint--ballot--of--the--Senators--and
Representatives--in--convention elected by the qualified electors,
10 and shall hold the office for 4 years from the first Wednesday
12 after the first Tuesday of January next following the election
14 and until the successor to the Attorney General has been duly
elected and qualified, in the same manner as provided by this
16 Constitution for the election of the Governor. Vacancy in said
18 that office occurring when the Legislature is not in session, may
must be filled by appointment by the Governor, subject to
confirmation as required by this Constitution for Justices of the
Supreme Judicial Court.

; and be it further

20
22 **Constitutional referendum procedure; form of question; effective**
date. Resolved: That the municipal officers of this State shall
24 notify the inhabitants of their respective cities, towns and
plantations to meet, in the manner prescribed by law for holding
a statewide election, at a statewide election, on the Tuesday
26 following the first Monday of November following the passage of
this resolution, to vote upon the ratification of the amendment
28 proposed in this resolution by voting upon the following question:

30 "Do you favor amending the Constitution of Maine to provide
32 that the Attorney General be elected by the people in the
same manner as the Governor and shall, likewise, hold the
office for 4 years?"

34
36 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
38 the word "Yes" or "No." The ballots must be received, sorted,
counted and declared in open ward, town and plantation meetings
40 and returns made to the Secretary of State in the same manner as
votes for members of the Legislature. The Governor shall review
42 the returns and, if it appears that a majority of the legal votes
are cast in favor of the amendment, the Governor shall proclaim
44 that fact without delay and the amendment becomes part of the
Constitution on the date of the proclamation; and be it further

46
48 **Secretary of State shall prepare ballots. Resolved:** That the
Secretary of State shall prepare and furnish to each city, town
and

2 plantation all ballots, returns and copies of this resolution
necessary to carry out the purpose of this referendum.

4

STATEMENT OF FACT

6

8 This resolution provides for direct popular election of the
State's Attorney General in the same manner as currently provided
for the Governor.