

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 354

H.P. 290

House of Representatives, January 23, 1997

**RESOLUTION, Proposing an Amendment to the Constitution of Maine  
to Provide for the Direct Popular Election of Constitutional Officers.**

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

A handwritten signature in cursive script that reads "Joseph W. Mayo".

JOSEPH W. MAYO, Clerk

Presented by Representative UNDERWOOD of Oxford.  
Cosponsored by Representatives: GERRY of Auburn, KASPRZAK of Newport, LANE of  
Enfield, MACK of Standish, McALEVEY of Waterboro, WATERHOUSE of Bridgton,  
Senator: FERGUSON of Oxford.

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

4  
6 **Constitution, Art. V, Pt. 2nd, §1** is repealed and the following  
enacted in its place:

8 **Section 1. Election.** The Secretary of State must be chosen  
biennially by popular election on the same date and in the same  
10 manner as provided by this Constitution for the election of  
Senators and Representatives. Vacancy in that office must be  
12 filled by appointment by the Governor, subject to confirmation as  
required by this Constitution for Justices of the Supreme  
14 Judicial Court.

16 **Constitution, Art. V, Pt. 3rd, §1** is repealed and the following  
enacted in its place:

18 **Section 1. Election.** The Treasurer must be chosen  
biennially by popular election on the same date and in the same  
20 manner as provided by this Constitution for the election of  
Senators and Representatives. Vacancy in that office must be  
22 filled by appointment by the Governor, subject to confirmation as  
required by this Constitution for Justices of the Supreme  
24 Judicial Court.

26  
28 **Constitution, Art. IX, §11** is amended to read:

30 **Section 11. Attorney General.** The Attorney General shall  
must be chosen biennially by joint-ballot popular election on the  
32 same date and in the same manner as provided by this Constitution  
for the election of the Senators and Representatives in  
convention. Vacancy in said that office occurring--when--the  
34 Legislature is not in session, may must be filled by appointment  
by the Governor, subject to confirmation as required by this  
36 Constitution for Justices of the Supreme Judicial Court.

38 ; and be it further

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

2 "Do you favor amending the Constitution of Maine to provide  
4 that the Attorney General, the Secretary of State and the  
6 Treasurer of State be elected by the people biennially in  
the same manner as members of the Senate and the House of  
Representatives?"

8 The legal voters of each city, town and plantation shall  
10 vote by ballot on this question and designate their choice by a  
12 cross or check mark placed within the corresponding square below  
14 the word "Yes" or "No." The ballots must be received, sorted,  
16 counted and declared in open ward, town and plantation meetings  
18 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

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

24

26

#### SUMMARY

28 This resolution provides for direct popular election of the  
30 State's constitutional officers in the manner currently provided  
for Senators and Representatives.