

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

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Legislative Document

No. 1418

H.P. 965

House of Representatives, May 19, 2015

**RESOLUTION, Proposing an Amendment to the Constitution of
Maine To Provide for a Lieutenant Governor and Change the Line
of Succession for Governor**

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

A handwritten signature in cursive script that reads "R. B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative STETKIS of Canaan. (GOVERNOR'S BILL)

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

4 **Constitution, Art. IV, Pt. First, §5** is amended to read:

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

25 **Constitution, Art. IV, Pt. Second, §3** is amended to read:

26 **Section 3. Election of Senators; lists of votes delivered forthwith.** The
27 meetings within this State for the election of Senators shall be notified, held and regulated
28 and the votes received, sorted, counted, declared and recorded, in the same manner as
29 those for Representatives. Fair copies of the lists of votes shall be attested by the clerks
30 of the cities and towns or other duly authorized officials and sealed up in open meetings
31 and such officials shall cause said lists to be delivered into the office of the ~~Secretary of~~
32 ~~State~~ Lieutenant Governor forthwith.

33 **Constitution, Art. IV, Pt. Third, §§17, 18, 20 and 22** are amended to read:

34 **Section 17. Proceedings for people's veto.**

35 **1. Petition procedure; petition for people's veto.** Upon written petition of electors,
36 the number of which shall not be less than 10% of the total vote for Governor cast in the
37 last gubernatorial election preceding the filing of such petition, and addressed to the
38 Governor and filed in the office of the ~~Secretary of State~~ Lieutenant Governor by the hour
39 of 5:00 p.m., on or before the 90th day after the recess of the Legislature, or if such 90th
40 day is a Saturday, a Sunday, or a legal holiday, by the hour of 5:00 p.m., on the preceding
41 day which is not a Saturday, a Sunday, or a legal holiday, requesting that one or more

1 Acts, bills, resolves or resolutions, or part or parts thereof, passed by the Legislature but
2 not then in effect by reason of the provisions of the preceding section, be referred to the
3 people, such Acts, bills, resolves, or resolutions or part or parts thereof as are specified in
4 such petition shall not take effect until 30 days after the Governor shall have announced
5 by public proclamation that the same have been ratified by a majority of the electors
6 voting thereon at a statewide or general election.

7 **2. Effect of referendum.** The effect of any Act, bill, resolve or resolution or part or
8 parts thereof as are specified in such petition shall be suspended upon the filing of such
9 petition. If it is later finally determined, in accordance with any procedure enacted by the
10 Legislature pursuant to the Constitution, that such petition was invalid, such Act, bill,
11 resolve or resolution or part or parts thereof shall then take effect upon the day following
12 such final determination.

13 **3. Referral to electors; proclamation by Governor.** As soon as it appears that the
14 effect of any Act, bill, resolve, or resolution or part or parts thereof has been suspended
15 by petition in manner aforesaid, the Governor by public proclamation shall give notice
16 thereof and of the time when such measure is to be voted on by the people, which shall be
17 at the next statewide or general election, whichever comes first, not less than 60 days
18 after such proclamation. If the Governor fails to order such measure to be submitted to
19 the people at the next statewide or general election, the ~~Secretary of State~~ Lieutenant
20 Governor shall, by proclamation, order such measure to be submitted to the people at
21 such an election and such order shall be sufficient to enable the people to vote.

22 **Section 18. Direct initiative of legislation.**

23 **1. Petition procedure.** The electors may propose to the Legislature for its
24 consideration any bill, resolve or resolution, including bills to amend or repeal emergency
25 legislation but not an amendment of the State Constitution, by written petition addressed
26 to the Legislature or to either branch thereof and filed in the office of the ~~Secretary of~~
27 ~~State~~ Lieutenant Governor by the hour of 5:00 p.m., on or before the 50th day after the
28 date of convening of the Legislature in first regular session or on or before the 25th day
29 after the date of convening of the Legislature in second regular session, except that the
30 written petition may not be filed in the office of the ~~Secretary of State~~ Lieutenant
31 Governor later than 18 months after the date the petition form was furnished or approved
32 by the ~~Secretary of State~~ Lieutenant Governor. If the applicable deadline falls on a
33 Saturday, Sunday, or legal holiday, the period runs until the hour of 5:00 p.m., of the next
34 day which is not a Saturday, Sunday, or legal holiday.

35 **2. Referral to electors unless enacted by the Legislature without change;**
36 **number of signatures necessary on direct initiative petitions; dating signatures on**
37 **petitions; competing measures.** For any measure thus proposed by electors, the number
38 of signatures shall not be less than 10% of the total vote for Governor cast in the last
39 gubernatorial election preceding the filing of such petition. The date each signature was
40 made shall be written next to the signature on the petition. A signature is not valid if it is
41 dated more than one year prior to the date that the petition was filed in the office of the
42 ~~Secretary of State~~ Lieutenant Governor. The measure thus proposed, unless enacted
43 without change by the Legislature at the session at which it is presented, shall be
44 submitted to the electors together with any amended form, substitute, or recommendation

1 of the Legislature, and in such manner that the people can choose between the competing
2 measures or reject both. When there are competing bills and neither receives a majority of
3 the votes given for or against both, the one receiving the most votes shall at the next
4 statewide election to be held not less than 60 days after the first vote thereon be submitted
5 by itself if it receives more than 1/3 of the votes given for and against both. If the
6 measure initiated is enacted by the Legislature without change, it shall not go to a
7 referendum vote unless in pursuance of a demand made in accordance with the preceding
8 section. The Legislature may order a special election on any measure that is subject to a
9 vote of the people.

10 **3. Timing of elections; proclamation by Governor.** The Governor shall, by
11 proclamation, order any measure proposed to the Legislature as herein provided, and not
12 enacted by the Legislature without change, referred to the people at an election to be held
13 in November of the year in which the petition is filed. If the Governor fails to order a
14 measure proposed to the Legislature and not enacted without change to be submitted to
15 the people at such an election by proclamation within 10 days after the recess of the
16 Legislature to which the measure was proposed, the ~~Secretary of State~~ Lieutenant
17 Governor shall, by proclamation, order such measure to be submitted to the people at an
18 election as requested, and such order shall be sufficient to enable the people to vote.

19 **Section 20. Meaning of words "electors," "people," "recess of**
20 **Legislature," "statewide election," "measure," "circulator," and "written**
21 **petition"; written petitions for people's veto; written petitions for direct**
22 **initiative.** As used in any of the 3 preceding sections or in this section the words
23 "electors" and "people" mean the electors of the State qualified to vote for Governor;
24 "recess of the Legislature" means the adjournment without day of a session of the
25 Legislature; "statewide election" means any election held throughout the State on a
26 particular day; "measure" means an Act, bill, resolve or resolution proposed by the
27 people, or 2 or more such, or part or parts of such, as the case may be; "circulator" means
28 a person who solicits signatures for written petitions, and who must be a resident of this
29 State and whose name must appear on the voting list of the city, town or plantation of the
30 circulator's residence as qualified to vote for Governor; "written petition" means one or
31 more petitions written or printed, or partly written and partly printed, with the original
32 signatures of the petitioners attached, verified as to the authenticity of the signatures by
33 the oath of the circulator that all of the signatures to the petition were made in the
34 presence of the circulator and that to the best of the circulator's knowledge and belief
35 each signature is the signature of the person whose name it purports to be, and
36 accompanied by the certificate of the official authorized by law to maintain the voting list
37 or to certify signatures on petitions for voters on the voting list of the city, town or
38 plantation in which the petitioners reside that their names appear on the voting list of the
39 city, town or plantation of the official as qualified to vote for Governor. The oath of the
40 circulator must be sworn to in the presence of a person authorized by law to administer
41 oaths. Written petitions for a people's veto pursuant to Article IV, Part Third, Section 17
42 must be submitted to the appropriate officials of cities, towns or plantations, or state
43 election officials as authorized by law, for determination of whether the petitioners are
44 qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed
45 in the office of the ~~Secretary of State~~ Lieutenant Governor, or, if such 5th day is a
46 Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a

1 Saturday, a Sunday or a legal holiday. Written petitions for a direct initiative pursuant to
2 Article IV, Part Third, Section 18 must be submitted to the appropriate officials of cities,
3 towns or plantations, or state election officials as authorized by law, for determination of
4 whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 10th day
5 before the petition must be filed in the office of the ~~Secretary of State~~ Lieutenant
6 Governor, or, if such 10th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on
7 the next day which is not a Saturday, a Sunday or a legal holiday. Such officials must
8 complete the certification of only those petitions submitted by these deadlines and must
9 return them to the circulators or their agents within 2 days for a petition for a people's
10 veto and within 5 days for a petition for a direct initiative, Saturdays, Sundays and legal
11 holidays excepted, of the date on which such petitions were submitted to them.
12 Signatures on petitions not submitted to the appropriate local or state officials by these
13 deadlines may not be certified. The petition shall set forth the full text of the measure
14 requested or proposed. Petition forms shall be furnished or approved by the ~~Secretary of~~
15 ~~State~~ Lieutenant Governor upon written application signed and notarized and submitted
16 to the office of the ~~Secretary of State~~ Lieutenant Governor by a resident of this State
17 whose name must appear on the voting list of the city, town or plantation of that resident
18 as qualified to vote for Governor. The full text of a measure submitted to a vote of the
19 people under the provisions of the Constitution need not be printed on the official ballots,
20 but, until otherwise provided by the Legislature, the ~~Secretary of State~~ Lieutenant
21 Governor shall prepare the ballots in such form as to present the question or questions
22 concisely and intelligibly.

23 **Section 22. Election officers and officials, how governed.** Until the
24 Legislature shall enact further laws not inconsistent with the Constitution for applying the
25 people's veto and direct initiative, the election officers and other officials shall be
26 governed by the provisions of this Constitution and of the general law, supplemented by
27 such reasonable action as may be necessary to render the preceding sections self
28 executing. The Legislature may enact laws not inconsistent with the Constitution to
29 establish procedures for determination of the validity of written petitions. Such laws shall
30 include provision for judicial review of any determination, to be completed within 100
31 days from the date of filing of a written petition in the office of the ~~Secretary of State~~
32 Lieutenant Governor.

33 **Constitution, Art. V, Pt. First, §§2, 3, 4, 14 and 15** are amended to read:

34 **Section 2. Term of office; reelection eligibility.** The Governor shall be elected
35 by the qualified electors, and shall hold the office for 4 years from the first Wednesday
36 after the first Tuesday of January next following the election and until the successor to
37 the Governor has been duly elected and qualified. The person who has served 2
38 consecutive popular elective 4-year terms of office as Governor shall be ineligible to
39 succeed himself or herself. In the election of Governor and Lieutenant Governor, voting
40 for such offices shall be as a unit. Neither candidate's name shall appear on the ballot
41 except in conjunction with the name of the candidate for the other office.

42 **Section 3. Election; votes to be returned to Lieutenant Governor;**
43 **Lieutenant Governor to lay lists before the Senate and House of**
44 **Representatives; provision in case of tie.** The meetings for election of Governor

1 and Lieutenant Governor shall be notified, held and regulated and votes shall be received,
2 sorted, counted and declared and recorded, in the same manner as those for Senators and
3 Representatives. Copies of lists of votes shall be sealed and returned to the ~~secretary's~~
4 Lieutenant Governor's office in the same manner and at the same time as those for
5 Senators. ~~The Secretary of State~~ Lieutenant Governor for the time being shall, on the
6 first Wednesday after the first Tuesday of January then next, lay the lists returned to the
7 ~~secretary's~~ Lieutenant Governor's office before the Senate and House of Representatives
8 to be by them examined, together with the ballots cast if they so elect, and they shall
9 determine the number of votes duly cast for the ~~office offices~~ of Governor and Lieutenant
10 Governor, and in case of a choice by plurality of all of the votes returned they shall
11 declare and publish the same. If there shall be a tie between ~~the 2~~ persons having the
12 largest number of votes ~~for~~ in the election of Governor and Lieutenant Governor, the
13 House of Representatives and the Senate meeting in joint session, and each member of
14 said bodies having a single vote, shall elect ~~one of said 2 persons~~ from the candidates
15 having so received an equal number of votes ~~and the person so elected by the Senate and~~
16 ~~House of Representatives shall be declared~~ the Governor and the Lieutenant Governor.

17 **Section 4. Qualifications.** The Governor shall, at the commencement of the
18 Governor's term, be not less than 30 years of age; a citizen of the United States for at least
19 15 years, have been 5 years a resident of the State; and at the time of election and during
20 the term for which elected, be a resident of said State. The Lieutenant Governor shall, at
21 the commencement of the Governor's term, be not less than 30 years of age; a citizen of
22 the United States for at least 15 years, have been 5 years a resident of the State; and at the
23 time of election and during the term for which elected, be a resident of said State.

24 **Section 14. Vacancy, how supplied.** Whenever the office of Governor shall
25 become vacant because of the death, resignation or removal of a Governor in office, or
26 any other cause, the ~~President of the Senate~~ Lieutenant Governor shall assume the office
27 of Governor ~~until another Governor shall be duly qualified. When the vacancy occurs~~
28 ~~more than 90 days preceding the date of the primary election for nominating candidates to~~
29 ~~be voted for at the biennial election next succeeding, the President of the Senate shall~~
30 ~~assume the office of Governor until the first Wednesday after the first Tuesday of January~~
31 ~~following the biennial election. At the biennial election, a Governor shall be elected to~~
32 ~~fill the unexpired term created by the vacancy. When the vacancy occurs less than 90~~
33 ~~days preceding the date of a primary election the President of the Senate shall fill the~~
34 ~~unexpired term.~~

35 Whenever the offices of Governor, and ~~President of the Senate~~ Lieutenant Governor
36 are vacant at the same time, the ~~Speaker of the House of Representatives~~ President of the
37 Senate shall assume the office of Governor ~~for the same term and under the same~~
38 ~~conditions as the President of the Senate. When the vacancies in the offices of Governor~~
39 ~~and Lieutenant Governor occur more than 90 days preceding the date of the primary~~
40 ~~election for nominating candidates to be voted for at the biennial election next~~
41 ~~succeeding, the President of the Senate shall assume the office of Governor until the first~~
42 ~~Wednesday after the first Tuesday of January following the biennial election. At the~~
43 ~~biennial election, a Governor and a Lieutenant Governor shall be elected to fill the~~
44 ~~unexpired terms created by the vacancies. When the vacancies occur less than 90 days~~

1 preceding the date of a primary election the President of the Senate shall fill the
2 unexpired term of Governor.

3 Whenever the offices of Governor, Lieutenant Governor and President of the Senate
4 ~~and Speaker of the House of Representatives~~ are vacant at the same time, the person
5 acting as ~~Secretary of State~~ Speaker of the House of Representatives for the time being
6 shall exercise the office of Governor and shall forthwith by proclamation convene the
7 Senate and the House of Representatives which shall fill respectively the vacancies in the
8 offices of the President of the Senate and the Speaker of the House, ~~and by joint ballot of~~
9 ~~the Senators and Representatives in convention choose a person who shall assume the~~
10 ~~office of Governor for the same term and under the same conditions as the President of~~
11 ~~the Senate.~~ When the vacancies in the offices of Governor, Lieutenant Governor and
12 President of the Senate occur more than 90 days preceding the date of the primary
13 election for nominating candidates to be voted for at the biennial election next
14 succeeding, the Speaker of the House of Representatives shall assume the office of
15 Governor until the first Wednesday after the first Tuesday of January following the
16 biennial election. At the biennial election, a Governor and a Lieutenant Governor shall
17 be elected to fill the unexpired terms created by the vacancies in the positions of
18 Governor and Lieutenant Governor. When the vacancies occur less than 90 days
19 preceding the date of a primary election the Speaker of the House of Representatives shall
20 fill the unexpired term of Governor.

21 **Mental or physical disability of the Governor continuously for more than 6**
22 **months.** Whenever for 6 months a Governor in office shall have been continuously
23 unable to discharge the powers and duties of that office because of mental or physical
24 disability such office shall be deemed vacant. Such vacancy shall be declared by the
25 Supreme Judicial Court upon presentment to it of a joint resolution declaring the ground
26 of the vacancy, adopted by a vote of 2/3 of the Senators and Representatives in
27 convention, and upon notice, hearing before the court and a decision by a majority of the
28 court that ground exists for declaring the office to be vacant.

29 **Section 15. Temporary mental or physical disability of Governor.**
30 Whenever the Governor is unable to discharge the powers and duties of that office
31 because of mental or physical disability, the ~~President of the Senate~~ Lieutenant Governor,
32 or if that office is vacant, the ~~Speaker of the House of Representatives~~ President of the
33 Senate, shall exercise the powers and duties of the office of Governor until the Governor
34 is again able to discharge the powers and duties of that office, or until the office of
35 Governor is declared to be vacant or until another Governor shall be duly qualified.

36 Whenever the Governor is unable to discharge the powers and duties of that office,
37 the Governor may so certify to the Chief Justice of the Supreme Judicial Court, in which
38 case and upon notice from the Chief Justice, the ~~President of the Senate~~ Lieutenant
39 Governor, or if that office is vacant, the ~~Speaker of the House of Representatives~~
40 President of the Senate, shall exercise the powers and duties of the office of Governor
41 until such time as the Governor shall certify to the Chief Justice that the Governor is able
42 to discharge such powers and duties and the Chief Justice shall so notify the officer who
43 is exercising the powers and duties of the office of Governor.

1 When the ~~Secretary of State~~ Lieutenant Governor shall have reason to believe that the
2 Governor is unable to discharge the duties of that office, the ~~Secretary of State~~ Lieutenant
3 Governor may so certify to the Supreme Judicial Court, declaring the reason for such
4 belief. After notice to the Governor, a hearing before the court and a decision by a
5 majority of the court that the Governor is unable to discharge the duties of the office of
6 Governor, the court shall notify the ~~President of the Senate~~ Lieutenant Governor, or if
7 that office is vacant the ~~Speaker of the House of Representatives~~ President of the Senate,
8 of such inability and that officer shall exercise the functions, powers and duties of the
9 office of Governor until such time as the ~~Secretary of State~~ Lieutenant Governor or the
10 Governor shall certify to the court that the Governor is able to discharge the duties of the
11 office of Governor and the court, after notice to the Governor and a hearing before the
12 court, decides that the Governor is able to discharge the duties of that office and so
13 notifies the officer who is exercising the powers and duties of the office of Governor.

14 Whenever either the ~~President of the Senate~~ Lieutenant Governor or ~~Speaker of the~~
15 ~~House of Representatives~~ President of the Senate shall exercise the office of Governor,
16 the officer shall receive only the compensation of Governor, but the officer's duties as
17 ~~President~~ Lieutenant Governor or ~~Speaker~~ President of the Senate shall be suspended; and
18 the Senate ~~or House~~ shall fill the vacancy resulting from such suspension, until the officer
19 shall cease to exercise the office of Governor.

20 **Constitution, Art. V, Pt. Second, headnote** is amended to read:

21 **Part Second**

22 **Secretary Lieutenant Governor.**

23 **Constitution, Art. V, Pt. Second, §§1, 1-A, 2, 3 and 4** are amended to read:

24 **Section 1. Election.** The ~~Secretary of State~~ Lieutenant Governor shall be chosen
25 ~~biennially at the first session of the Legislature, by joint ballot of the Senators and~~
26 ~~Representatives in convention~~ elected by the qualified electors, and shall hold the office
27 for 4 years from the first Wednesday after the first Tuesday of January next following the
28 election and until the successor to the Lieutenant Governor has been duly elected and
29 qualified. The person who has served 2 consecutive popular elective 4-year terms of
30 office as Lieutenant Governor shall be ineligible to succeed himself or herself.

31 **Section 1-A. Succession to the office of Lieutenant Governor.** If a vacancy
32 occurs in the office of the ~~Secretary of State~~ Lieutenant Governor, the first deputy
33 ~~secretary of state~~ Lieutenant Governor shall act as the ~~Secretary of State~~ Lieutenant
34 Governor until a ~~Secretary of State~~ Lieutenant Governor is elected by the Legislature
35 ~~during the current session if in session, or at the next regular or special session~~ in
36 accordance with Article V, Part Second, Section 1.

37 **Section 2. Records of State; deputies.** The records of the State shall be kept in
38 the office of the ~~secretary~~ Lieutenant Governor, who may appoint deputies to that office,
39 for whose conduct the ~~secretary~~ Lieutenant Governor shall be accountable.

1 **Section 3. Attend the Governor, Senate, and House.** The ~~Secretary of State~~
2 Lieutenant Governor shall attend the Governor, Senate and House of Representatives, in
3 person or by the deputies of the ~~Secretary of State~~ Lieutenant Governor as they shall
4 respectively require.

5 **Section 4. Records of executive and legislative departments.** The ~~Secretary~~
6 ~~of State~~ Lieutenant Governor shall carefully keep and preserve the records of all the
7 official acts and proceedings of the Governor, Senate and House of Representatives, and,
8 when required, lay the same before either branch of the Legislature, and perform such
9 other duties as are enjoined by this Constitution, or shall be required by law.

10 **Constitution, Art. IX, §3** is amended to read:

11 **Section 3. Commissions.** All commissions shall be in the name of the State,
12 signed by the Governor, attested by the ~~Secretary~~ Lieutenant Governor or a deputy of the
13 ~~Secretary~~ Lieutenant Governor and have the seal of the State thereto affixed.

14 **Constitution, Art. IX, §24, sub-§1** is amended to read:

15 **1. Procedure.** Beginning in 2021 and every 10 years thereafter, when the ~~Secretary~~
16 ~~of State~~ Lieutenant Governor has received notification of the number of congressional
17 seats to which the State is entitled and the Federal Decennial Census population count is
18 final, the Legislative Apportionment Commission, established every 10 years pursuant to
19 Article IV, Part Third, Section 1-A, shall review the existing congressional districts. If
20 the districts do not conform to Supreme Judicial Court guidelines, the commission shall
21 reapportion the State into congressional districts.

22 In making such a reapportionment, the commission shall ensure that each
23 congressional district is formed of compact and contiguous territory and crosses political
24 subdivisions the least number of times necessary to establish districts as equally
25 populated as possible. The commission shall submit its plan to the Clerk of the House of
26 Representatives no later than June 1st of the year in which apportionment is required. The
27 Legislature shall enact the submitted plan of the commission or a plan of its own in
28 regular or special session by a vote of 2/3 of the members of each House by June 11th of
29 the year in which apportionment is required to the Clerk of the House of Representatives.
30 This action is subject to the Governor's approval, as provided in Article IV, Part Third,
31 Section 2.

32 **Constitution, Art. X, §6** is amended to read:

33 **Section 6. Constitution to be arranged by Chief Justice of the Supreme**
34 **Judicial Court; Constitution to be enrolled and printed with laws; supreme**
35 **law of the State.** The Chief Justice of the Supreme Judicial Court shall arrange the
36 Constitution, as amended, under appropriate titles and in proper articles, parts and
37 sections, omitting all sections, clauses and words not in force and making no other
38 changes in the provisions or language thereof, and shall submit the same to the
39 Legislature; and such arrangement of the Constitution shall be made and submitted to the
40 regular session of the Legislature in 1973 and every 10 years thereafter unless sooner

1 authorized by the Legislature; and the draft and arrangement, when approved by the
2 Legislature, shall be enrolled on parchment and deposited in the office of the ~~Secretary of~~
3 ~~State~~ Lieutenant Governor; and printed copies thereof shall be prefixed to the books
4 containing the Revised Statutes of the State. And the Constitution, with the amendments
5 made thereto, in accordance with the provisions thereof, shall be the supreme law of the
6 State.

7 ; and be it further

8 **Constitutional referendum procedure; form of question; effective date.**

9 **Resolved:** That the municipal officers of this State shall notify the inhabitants of their
10 respective cities, towns and plantations to meet, in the manner prescribed by law for
11 holding a statewide election, at a statewide election held in the month of November
12 following the passage of this resolution, to vote upon the ratification of the amendment
13 proposed in this resolution by voting upon the following question:

14 "Do you favor amending the Constitution of Maine to eliminate the
15 position of Secretary of State and replace it with the position of
16 Lieutenant Governor, who would be:

- 17 1. Elected by popular vote and on the same ballot as is the Governor in a
18 general statewide election;
- 19 2. Limited to serving 2 consecutive terms;
- 20 3. Subject to the same eligibility requirements as is the Governor;
- 21 4. First in line of succession to the position of Governor in the event of
22 the Governor's death, resignation or removal from office; and
- 23 5. Responsible for the duties currently held by the Secretary of State
24 regarding storing and archiving official state records, overseeing the
25 citizen's initiative and people's veto processes and overseeing elections
26 and voting processes?"

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

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

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SUMMARY

This resolution proposes to amend the Constitution of Maine to eliminate the position of Secretary of State and replace it with the position of Lieutenant Governor, to be elected by popular vote and on the same ballot as is the Governor. Under this resolution, a person serving as Lieutenant Governor:

1. Is limited to serving 2 consecutive terms;
2. Is subject to the same eligibility requirements as is the Governor;
3. Is first in line of succession to the position of Governor in the event of the Governor's death, resignation or removal from office; and
4. Is responsible for the duties currently held by the Secretary of State regarding storing and archiving official state records, overseeing elections and voting processes and overseeing the citizen's initiative and people's veto processes.