

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-FOURTH LEGISLATURE**

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**Senate Document**

**No. 391**

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S. P. 738

In Senate, March 27, 1929.

Reported by Senator Martin of Kennebec from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

Presented by Senator Martin of Kennebec.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND TWENTY-NINE

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RESOLVE, Proposing an Amendment to the Constitution to  
Provide for Filling Councillor Vacancies.

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Resolved: That section two of part two of article five  
2 of the constitution as amended is hereby further amended  
3 by striking out all of said section after the word "filled"  
4 in the fourth line and inserting in place thereof the follow-  
5 ing: 'in the following manner: The governor with the ad-  
6 vice and consent of the council shall appoint within thirty  
7 days from said vacancy a councillor from the same dis-  
8 trict in which the vacancy occurred, and the oath of office  
9 shall be administered by the governor; said councillor shall

10 hold office until the next convening of the legislature; but  
11 not more than one councillor shall be elected or appointed  
12 from any district prescribed for the election of senators;  
13 they shall be privileged from arrest in the same manner as  
14 senators and representatives,' so that said section as amend-  
15 ed shall read as follows:

'Sect. 2. The councillors shall be chosen biennially, on  
2 the first Wednesday of January, by joint ballot of the sen-  
3 ators and representatives in convention; and vacancies,  
4 which shall afterward happen, shall be filled in the follow-  
5 ing manner: The governor with the advice and consent of  
6 the council shall appoint within thirty days from said va-  
7 cancy a councillor from the same district in which the va-  
8 cancy occurred, and the oath of office shall be administered  
9 by the governor; said councillor shall hold office until the  
10 next convening of the legislature; but not more than one  
11 councillor shall be elected or appointed from any district  
12 prescribed for the election of senators; they shall be privi-  
13 leged from arrest in the same manner as senators and rep-  
14 resentatives.

Resolved: That the municipal officers of the cities and  
2 towns, and the assessors of the several plantations in this  
3 state are hereby empowered and directed to notify the in-  
4 habitants of their respective cities, towns and plantations  
5 to meet in manner prescribed by law for calling and hold-  
6 ing biennial meetings of said inhabitants for the election  
7 of senators and representatives, on the second Monday in

8 September following the passage of this resolve, to give  
9 in their votes upon the amendment proposed in the fore-  
10 going resolution, and the question shall be: "Shall the con-  
11 stitution be amended as proposed by a resolution of the leg-  
12 islature providing for the filling of vacancies in the council?"

And the inhabitants of said cities, towns and plantations  
2 shall vote by ballot on said question, those in favor of the  
3 amendment expressing it by the word "yes" upon their bal-  
4 lots and those opposed to the amendment by the word "no"  
5 upon their ballots, and the ballots shall be received, sorted,  
6 counted, and declared in open ward, town and plantation  
7 meetings, and returns made to the office of the secretary  
8 of state in the same manner as votes for the governor and  
9 members of the legislature, and the governor and council  
10 shall count the same, and if it shall appear that a majority  
11 of the inhabitants voting on the question are in favor of  
12 the amendment, it shall thereupon become a part of the con-  
13 stitution, and the governor shall forthwith make known the  
14 fact by his proclamation.

Resolved: That the secretary of state shall prepare and  
2 furnish to the several cities, towns and plantations ballots  
3 and blank returns in conformity with the foregoing resolves  
4 accompanied by a copy thereof.