

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 643

H. P. 1102

House of Representatives, Feb. 10, 1933.

On motion of Mr. Webber of Auburn taken from the table and on further motion same gentleman, referred to the Committee on Judiciary. Sent up for concurrence. 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Webber of Auburn.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

RESOLVE, Proposing an Amendment to the Constitution Providing for Filling of Vacancies in the Legislature.

Constitutional amendment proposed to provide for filling vacancies in legislature. Resolved: That section six of the First Part of Article IV of the Constitution of the state of Maine is hereby amended by adding at the end thereof the following: 'If a vacancy occurs during a legislative session or within one month of the convening of the session, the seat may be filled by the nomination of a member by the town or city committee or committees in the town or city from which the member came, of the party with which the former member was affiliated.'; so that said section, as amended, shall read as follows:

'Sec. 6. Whenever the seat of a member shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election. **If a vacancy occurs during a legislative session or within one month of the convening of the session, the seat may be filled by the nomination of a member by the town or city committee or committees in the town or city from which the member came, of the party with which the former member was affiliated.**'

And be it further Resolved: That Article XXX of the Constitution of the state of Maine is hereby amended by adding at the end thereof the fol-

lowing words: 'Provided, however, that if the vacancy occurs during the legislative session or within one month of the convening of the session, the seat may be filled by the nomination of a senator by the county committee of the county from which the senator was elected, of the party with which the former senator was affiliated.'; so that said Article, as amended, shall read as follows:

'But all vacancies in the senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented district. The governor shall issue his proclamation therefor and therein fix the time of such election. **Provided, however, that if the vacancy occurs during the legislative session or within one month of the convening of the session, the seat may be filled by the nomination of a senator by the county committee of the county from which the senator was elected, of the party with which the former senator was affiliated.'**

Form of question and date when amendment shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives on the second Monday in September following the passage of this resolve, to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be:

"Shall the constitution be amended as proposed by a resolution of the legislature providing for filling of vacancies in the legislature?"

And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the amendment voting "Yes" upon their ballots and those opposed to the amendment voting "No" upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings, and return made to the office of the secretary of state in the same manner as votes for governor and members of the legislature and the governor and council shall count the same and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the governor shall forthwith make known the fact by his proclamation and the amendment shall thereupon as of the date of said proclamation become a part of the constitution.

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