

MAINE STATE LEGISLATURE

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EIGHTY - SEVENTH LEGISLATURE

Legislative Document

No. 46

H. P. 144

House of Representatives, January 16, 1935.

Referred to Committee on Judiciary, sent up for concurrence and 500 copies ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Webber of Auburn.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-FIVE

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

Constitutional amendments. Resolved: Two-thirds of the legislature concurring, that the following amendments to the constitution of this state be proposed:

Article IV, Part First, Section 6 of the Constitution; relating to filling vacancies in House of Representatives, amended. Section 6 of Part First of Article IV of the constitution is hereby amended to 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.’

Article XXX of the Constitution; relating to filling vacancies in Senate, amended. Article XXX of the constitution is hereby amended to 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 2nd 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.