

# MAINE STATE LEGISLATURE

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

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**Legislative Document**

**No. 1208**

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S. P. 422

In Senate, February 28, 1947.

Transmitted by revisor of statutes pursuant to joint order

Referred to Committee on Judiciary. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Morrill of Cumberland.

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**STATE OF MAINE**

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-SEVEN

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**RESOLVE, Proposing an Amendment to the Constitution Creating the Office of Lieutenant-Governor and Providing for Succession of Office of the Governor.**

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**Constitutional amendment. Resolved:** Two-thirds of each branch of the legislature concurring, that the following amendment to the constitution of this state is hereby proposed:

**Constitution, Art. V, part first, § 14, repealed and replaced.** Section 14 of part first of article V of the constitution of the state is hereby repealed and the following enacted in place thereof:

**'Sec. 14. Whenever the office of the governor shall become vacant by death, resignation, removal from office or otherwise, the lieutenant-governor shall exercise the office of governor until another governor shall be duly qualified.**

Whenever the offices of governor and lieutenant-governor shall become vacant by death, resignation, removal from office or otherwise, then one of the following officers, in the order of succession herein named, namely the president of the senate and the speaker of the house shall, during such vacancy, have full power and authority to do and execute all and every

such acts, matters and things as the governor or the lieutenant-governor might or could lawfully do or execute, if they, or either of them, were personally present.

The president of the senate shall fill such vacancy until another governor or lieutenant-governor has duly qualified. The speaker of the house shall fill such vacancy until a president of the senate shall have been chosen; and when the office of governor, the office of lieutenant-governor, president of the senate and speaker of the house shall become vacant, in the recess of the senate, the person, acting as secretary of state for the time being, shall by proclamation convene the senate, that a president may be chosen to exercise the office of governor or lieutenant-governor. And whenever either the president of the senate or speaker of the house shall so exercise said office, he shall receive only the compensation of governor or lieutenant-governor, but his duties as president or speaker shall be suspended; and the senate or house shall fill the vacancy until his duties as governor or lieutenant-governor shall cease.'

**Constitution, Art. V, part first, amended.** Part first of article V of the constitution is hereby amended by adding thereto 2 new sections to be numbered 15 and 16, to read as follows:

'Sec. 15. There shall be elected biennially a lieutenant-governor of the state of Maine who shall be qualified in the same manner with the governor; and the day and manner of his election, and the qualifications of the electors, shall be the same as are required in the election of a governor. The return of votes for this officer, and the declaration of his election, shall be in the same manner; and if no one person shall be found to have a plurality of all the votes returned, the vacancy shall be filled by the senate and house of representatives, in the same manner as the governor is to be elected, in case no one person shall have a plurality of the votes of the people to be governor.

Sec. 16. Whenever the chair of the governor shall be vacant, by reason of his death, or absence from the state, or otherwise, the lieutenant-governor for the time being, shall, during such vacancy perform all the duties incumbent upon the governor, and shall have and exercise all the powers and authorities, which by this constitution the governor is vested with, when personally present.'

**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 at the next general or special state-wide election, 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 creating the office of lieutenant-governor and providing for succession of office of the governor?" 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, counted and declared in open ward, town and plantation meetings and returns 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.