

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 325

STATE OF MAINE.

RESOLVES, providing for an amendment of the Constitution,
empowering the Governor to remove Sheriffs.

Resolved, two-thirds of both houses of the Legislature con-
2 ccurring, that the following amendment to the Constitution
3 of this State be proposed, viz:

Section 10 of Article IX of the Constitution is amended by
5 inserting after the word "elections" in the fourth line of said
6 section the words, "unless their terms of office are sooner
7 terminated in the manner following, viz: upon petition of
8 not less than fifty adult citizens in a county, charging that
9 the sheriff of such county has persistently failed to perform
10 his legal duties, and specifying wherein he has so failed, the
11 governor, upon hearing and satisfactory proof of such per-
12 sistent failure, may remove such sheriff and fill the vacancy

13 from the same political party to which such sheriff belongs,
14 first giving to such sheriff, at least ten days before the date
15 of hearing, a copy of the charges and specifications against
16 him, and a notice of the time and place of hearing thereon.
17 The legislature may enact laws to carry these provisions
18 into effect;” also by inserting after the word “vacancies”
19 in said fourth line, the words, “occurring in any other man-
20 ner,” so that said section as amended shall read as follows:

‘Section 10. Sheriffs shall be elected by the people of their
22 respective counties, by a plurality of the votes given in on
23 the second Monday of September, and shall hold their of-
24 fices for two years from the first day of January next after
25 their elections, unless their terms of office are sooner ter-
26 minated in the manner following, viz: Upon petition of
27 not less than fifty adult citizens in a county, charging that
28 the sheriff of said county has persistently failed to perform
29 his legal duties, and specifying wherein he has so failed,
30 the governor, upon hearing and satisfactory proof of such
31 persistent failure, may remove such sheriff and fill the va-
32 cancy from the same political party to which such sheriff
33 belongs, first giving to such sheriff, at least ten days before
34 the date of hearing, a copy of the charges and specifications
35 against him, and a notice of the time and place of hearing
36 thereon. The legislature may enact laws to carry these pro-
37 visions into effect. Vacancies occurring in any other man-

38 ner shall be filled in the same manner as is provided in the
39 case of judges and registers of probate.'

RESOLVED, that the aldermen of cities, the selectmen of
41 towns, and assessors of plantations, in the State, are hereby
42 empowered and directed to notify the inhabitants of their
43 respective cities, towns and plantations, in the manner pre-
44 scribed by law, on the second Monday of September follow-
45 ing the passage of this resolve, to give in their votes on the
46 question whether the amendment to the constitution pro-
47 posed in the foregoing resolve shall be made; and the ques-
48 tion so submitted shall be "Shall the Constitution be amend-
49 ed so as to empower the Governor to remove sheriffs, as
50 provided by said amendment?" And the inhabitants of said
51 cities, towns and plantations, shall vote by ballot on said
52 question,—those in favor of the amendment expressing it
53 by the word "Yes" upon their ballots, and those opposed to
54 the amendment by the word "No" upon their ballots; and the
55 ballots shall be received, sorted, counted, declared and re-
56 corded in open ward, town and plantation meeting, and lists
57 of the votes so received shall be made and returned to the
58 secretary of State in the same manner as votes for Gover-
59 nor. And the Governor and Council shall open, examine
60 and count the same, and if it shall appear that a majority of
61 the votes is in favor of said amendment, the Constitution
62 shall thereupon be amended accordingly, and the Governor

63 shall, by his proclamation, declare such amendment to be
64 adopted.

RESOLVED, that the Secretary of State shall prepare and
66 furnish to the several cities, towns and plantations, ballots
67 and blank returns in conformity to the foregoing resolves
68 accompanied by a copy thereof.

STATE OF MAINE.

IN SENATE,

March 3, 1909.

Reported by a majority from Committee on Judiciary and
laid on table to be printed under joint rules.

F. G. FARRINGTON, *Secretary*.