

# MAINE STATE LEGISLATURE

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SEVENTY-EIGHTH LEGISLATURE

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SENATE

NO. 52

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*In Senate, Jan. 26, 1917.*

*Referred to Committee on Judiciary and two thousand copies ordered printed. Sent down for concurrence.*

*W. E. LAWRY, Secretary.*

*Presented by Mr. Merrill of Somerset.*

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STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND SEVENTEEN

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RESOLVE, proposing an amendment to the Constitution of the  
State of Maine relative to the tenure of the office of Sheriff.

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*Resolved:* Two-thirds of the Legislature concurring, that  
2 the following amendment to the Constitution of the State of  
3 Maine be proposed:

Section ten of Article nine of the Constitution is hereby  
2 amended by striking out all that part of said section ten after  
3 the word "election" in the fourth line of said section as  
4 printed with the Revised Statutes of 1916, and inserting in  
5 the place thereof the following: 'Unless sooner removed as  
6 hereinafter provided. Whenever the Governor and Council

7 upon complaint, due notice and hearing shall find that a  
8 sheriff is not faithfully or efficiently performing any duty  
9 imposed upon him by law, the Governor may remove such  
10 sheriff from office and with the advice and consent of the  
11 Council appoint another sheriff in his place for the remainder  
12 of the term for which such removed sheriff was elected. All  
13 vacancies in the office of sheriff, other than those caused by  
14 removal in the manner aforesaid, shall be filled in the same  
15 manner aforesaid, shall be filled in the same manner as is  
16 provided in the case of Judges and Registers of Probate,' so  
17 that said section as amended shall read as follows :

‘Sect. 10. Sheriffs shall be elected by the people of their  
2 respective counties, by a plurality of the votes given in on the  
3 second Monday of September, and shall hold their office for  
4 two years from the first day of January next after their  
5 election, unless sooner removed as hereinafter provided.  
6 Whenever the Governor and Council upon complaint, due  
7 notice and hearing shall find that a sheriff is not faithfully  
8 or efficiently performing any duty imposed upon him by law,  
9 the Governor may remove such sheriff from office and with  
10 the advice and consent of the Council appoint another  
11 sheriff in his place for the remainder of the term for which  
12 such removed sheriff was elected. All vacancies in the office  
13 of sheriff, other than those caused by removal in the manner  
14 aforesaid shall be filled in the same manner as is provided in  
15 the case of Judges and Registers of Probate.’

*Resolved*, that the aldermen of cities, the selectmen of

2 towns, and the assessors of the several plantations in this  
3 state are hereby empowered and directed to notify the inhab-  
4 itants of their respective cities, towns and plantations to  
5 meet in the manner prescribed by law for calling and holding  
6 biennial meetings of said inhabitants for the election of  
7 senators and representatives, on the second Monday in  
8 September following the passage of this resolve, to give in  
9 their votes upon the amendment proposed in the foregoing  
10 resolution, and the question shall be: "Shall the Constitu-  
11 tion be amended as proposed by a resolution of the Legis-  
12 lature granting to the Governor, by the consent and advice of  
13 the Council, the power to remove sheriffs who do not faith-  
14 fully and efficiently perform the duties imposed upon them  
15 by law, and to appoint another sheriff in his place for the  
16 remainder of the term for which such removed sheriff was  
17 elected?"

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  
4 ballots and those opposed to the amendment by the word  
5 "No" upon their ballots, and the ballots shall be received,  
6 sorted, counted, and declared in open ward, town and planta-  
7 tion meetings, and returns made to the office of Secretary of  
8 State in the same manner as votes for 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 the

12 amendment, the same shall thereupon become a part of the  
13 Constitution, and the Governor shall forthwith make known  
14 the fact by his proclamation.

*Resolved*, that the Secretary of State shall prepare and fur-  
2 nish to the several cities, towns and plantations ballots and  
3 blank returns in conformity with the foregoing resolves  
4 accompanied by a copy thereof.