

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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1988

**CONSTITUTIONAL
RESOLUTIONS**

OF THE

STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

CHAPTER 3

H.P. 1877 — L.D. 2571

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Make the Language of the Constitution Gender-Neutral.

Constitutional amendment. **RESOLVED:** Two thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of Maine be proposed:

Constitution, Preamble is amended to read:

We the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defense, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring His God's aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the State of Maine and do ordain and establish the following Constitution for the government of the same.

Constitution, Art. I, §§1, 3, 4, 6, 6-A, 19 and 20 are amended to read:

Section 1. Natural rights. All men people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.

Section 3. Religious freedom; sects equal; religious tests prohibited; religious teachers. All men individuals have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one person shall be hurt, molested or restrained in his person, that person's liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his that person's own conscience, nor for his that person's religious professions or sentiments, provided he that that person does not disturb the public peace, nor obstruct others in their religious worship; — and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

Section 4. Freedom of speech and publication; libel;

truth given in evidence; jury determines law and fact. Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of men people in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the jury, after having received the direction of the court, shall have a right to determine, at their discretion, the law and the fact.

Section 6. Rights of persons accused. In all criminal prosecutions, the accused shall have a right to be heard by himself the accused and his counsel to the accused, or either, at his the election of the accused;

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against him the accused;

To have compulsory process for obtaining witnesses in his favor of the accused;

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. He The accused shall not be compelled to furnish or give evidence against himself or herself, nor be deprived of his life, liberty, property or privileges, but by judgment of his that person's peers or the law of the land.

Section 6-A. Discrimination against persons prohibited. No person shall may be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of his that person's civil rights or be discriminated against in the exercise thereof.

Section 19. Right of redress for injuries. Every person, for an injury done him in his inflicted on the person; or the person's reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

Section 20. Trial by jury. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself and his or herself and with counsel, or either, at his the election of the party.

Constitution, Art. II, §1 is amended to read:

Section 1. Qualifications of electors; written ballot; military servicemen; students; Indians. Every citizen

of the United States of the age of 18 years and upwards, excepting persons under guardianship for reasons of mental illness, having his or her residence established in this State, shall be an elector for Governor, Senators and Representatives, in the city, town or plantation where his or her residence has been established, if he or she continues to reside in this State, unless barred by the provisions of the second paragraph of this section; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack or military place, in any city, town or plantation; nor shall the residence of a student at any seminary of learning entitle ~~him~~ the student to the right of suffrage in the city, town or plantation where such seminary is established. No person, however, shall be deemed to have lost ~~his~~ residence by reason of ~~his~~ the person's absence from the State in the military service of the United States, or of this State.

Every Indian, residing on tribal reservations and otherwise qualified, shall be an elector in all county, state and national elections.

Constitution, Art. IV, Part First, §4, as amended by CR 1987, c. 1, is further amended to read:

Section 4. Residency requirement. No person shall be a member of the House of Representatives, unless ~~he~~ the person shall, at the commencement of the period for which ~~he~~ the person is elected, have been 5 years a citizen of the United States, have arrived at the age of 21 years, have been a resident in this State one year; and for the 3 months next preceding the time of ~~his~~ this person's election shall have been, and, during the period for which ~~he~~ is elected, shall continue to be a resident in the district which ~~he~~ that person represents.

No person may be a candidate for election as a member of the House of Representatives unless, at the time of the nomination for placement on a primary, general or special election ballot, that person is a resident in the district which ~~he~~ the candidate seeks to represent.

Constitution, Art. IV, Part First, §5 is amended to read:

Section 5. Election of representatives; lists of votes delivered forthwith; lists of votes examined by Governor; summons of persons who appear to be elected; lists shall be laid before the House. The meetings within this State for the choice of Representatives shall be warned in due course of law by qualified officials of the several towns and cities 7 days at least before the election, and the election officials of the various towns and cities shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open meeting; and a list of the persons voted for shall be formed, with the number of votes for each person against ~~his~~ that person's name. Cities and towns belonging to any representative district shall hold their meet-

ings at the same time in the respective cities and towns; and such meetings shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. Fair copies of the lists of votes shall be attested by the municipal officers and the clerks of the cities and towns and the city and town clerks respectively shall cause the same to be delivered into the office of the Secretary of State forthwith. The Governor shall examine the returned copies of such lists and 7 days before the first Wednesday of December biennially, shall issue a summons to such persons as shall appear to have been elected by a plurality of all votes returned, to attend and take their seats. All such lists shall be laid before the House of Representatives on the first Wednesday of December biennially, and they shall finally determine who are elected.

Constitution, Art. IV, Part Third, §1-A, as amended by CR 1985, c. 3, is further amended to read:

Section 1-A. Legislature to Establish Apportionment Commission; number of quorum; compensation of commission members; commission's budget; division among political parties. A Legislature which is required to apportion the districts of the House of Representatives or the Senate, or both, under Article IV, Part First, Section 2, or Article IV, Part Second, Section 2, shall establish, within the first 3 calendar days after the convening of that Legislature, a commission to develop in accordance with the requirements of this Constitution, a plan for apportioning the House of Representatives, the Senate, or both.

The commission shall be composed of 3 members from the political party holding the largest number of seats in the House of Representatives, who shall be appointed by the Speaker; 3 members from the political party holding the majority of the remainder of the seats in the House of Representatives, who shall be appointed by the floor leader of that party in the House; 2 members of the party holding the largest number of seats in the Senate, who shall be appointed by the President of the Senate; 2 members of the political party holding the majority of the remainder of the seats in the Senate, to be appointed by the floor leader of that party in the Senate; the chairperson of each of the 2 major political parties in the State or their designated representatives; and 3 members from the public generally, one to be selected by each group of members of the commission representing the same political party, and the third to be selected by the other 2 public members. The Speaker of the House shall be responsible for organizing the commission and shall be ~~chairman~~ chairperson pro tempore thereof until a permanent ~~chairman~~ chairperson is selected by the commission members from among their own number. No action may be taken without a quorum of 8 being present. The commission shall hold public hearings on any plan for apportionment prior to submitting such plan to the Legislature.

Public members of the commission shall receive the same rate of per diem that is paid to Legislator's for

every day's attendance at special sessions of the Legislature as defined by law. All members of the commission shall be reimbursed for actual travel expenses incurred in carrying out the business of the commission. The Legislature which is required to apportion shall establish a budget for the apportioning commission within the state budget document in the fiscal year previous to the fiscal year during which the apportioning commission is required to convene and shall appropriate sufficient funds for the commission to satisfactorily perform its duties and responsibilities. The budget shall include sufficient funds to compensate the chairman chairperson of the commission and ~~his~~ the chairperson's staff. The remainder of the appropriation shall be made available equally among the political parties represented on the commission to provide travel expenses, incidental expenses and compensation for commission members and for partisan staff and operations.

Constitution, Art. IV, Part Third, §2 is amended to read:

Section 2. Bills to be signed by the Governor; proceedings, in case the Governor disapproves; allowing the Governor 10 days to act on legislation. Every bill or resolution, having the force of law, to which the concurrence of both Houses may be necessary, except on a question of adjournment, which shall have passed both Houses, shall be presented to the Governor, and if he the Governor approves, ~~he~~ the Governor shall sign it; if not, ~~he~~ the Governor shall return it with his objections to the House, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If after such reconsideration, 2/3 of that House shall agree to pass it, it shall be sent together with the objections, to the other House, by which it shall be reconsidered, and, if approved by 2/3 of that House, it shall have the same effect, as if it had been signed by the Governor; but in all such cases, the votes of both Houses shall be taken by yeas and nays, and the names of the persons, voting for and against the bill or resolution, shall be entered on the journals of both Houses respectively. If the bill or resolution shall not be returned by the Governor within 10 days (Sundays excepted) after it shall have been presented to him the Governor, it shall have the same force and effect as if ~~he~~ the Governor had signed it unless the Legislature by their adjournment prevent its return, in which case it shall have such force and effect, unless returned within 3 days after the next meeting of the same Legislature which enacted the bill or resolution; if there is no such next meeting of the Legislature which enacted the bill or resolution, the bill or resolution shall not be a law.

Constitution, Art. IV, Part Third, §§10 and 11 are amended to read:

Section 10. Members not to be appointed to certain offices. No Senator or Representative shall, during the term for which ~~he~~ the Senator or Representative shall have been elected, be appointed to any civil office of profit under this State, which requires the approval of

the Legislature for appointment or which shall have been created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people.

Section 11. Persons disqualified to be members. No member of Congress, nor person holding any office under the United States (post officers excepted) nor office of profit under this State, justices of the peace, notaries public, coroners and officers of the militia excepted, shall have a seat in either House during his being such while a member of Congress, or his continuing in such office.

Constitution, Art. IV, Part Third, §17, sub-§3 is amended to read:

3. Referral to electors; proclamation by Governor. As soon as it appears that the effect of any Act, bill, resolve, or resolution or part or parts thereof has been suspended by petition in manner aforesaid, the Governor by public proclamation shall give notice thereof and of the time when such measure is to be voted on by the people, which shall be at the next statewide election not less than 60 days after such proclamation, or in case of no statewide election within 6 months thereafter the Governor may order such measure submitted to the people at a special election not less than 60 days nor more than 6 months after ~~his~~ proclamation thereof. If the Governor fails to order such measure to be submitted to the people at the next statewide election, the Secretary of State shall, by proclamation, order such measure to be submitted to the people at such an election and such order shall be sufficient to enable the people to vote.

Constitution, Art. IV, Part Third, §§19 and 20 are amended to read:

Section 19. Effective date of measures approved by people; veto power limited. Any measure referred to the people and approved by a majority of the votes given thereon shall, unless a later date is specified in said measure, take effect and become a law in 30 days after the Governor has made public proclamation of the result of the vote on said measure, which ~~he~~ the Governor shall do within 10 days after the vote thereon has been canvassed and determined; provided, however, that any such measure which entails expenditure in an amount in excess of available and unappropriated state funds shall remain inoperative until 45 days after the next convening of the Legislature in regular session, unless the measure provides for raising new revenues adequate for its operation. The veto power of the Governor shall not extend to any measure approved by vote of the people, and any measure initiated by the people and passed by the Legislature without change, if vetoed by the Governor and if ~~his~~ the veto is sustained by the Legislature shall be referred to the people to be voted on at the next general election. The Legislature may enact measures expressly conditioned upon the people's ratification by a referendum vote.

Section 20. Meaning of words "electors," "people,"

“recess of Legislature,” “statewide election,” “measure,” “circulator,” and “written petition;” written petitions for people’s veto; written petitions for direct initiative. As used in any of the 3 preceding sections or in this section the words “electors” and “people” mean the electors of the State qualified to vote for Governor; “recess of the Legislature” means the adjournment without day of a session of the Legislature; “statewide election” means any election held throughout the State on a particular day; “measure” means an Act, bill, resolve or resolution proposed by the people, or 2 or more such, or part or parts of such, as the case may be; “circulator” means a person who solicits signatures for written petitions, and who must be a resident of this State and whose name must appear on the voting list of his the city, town or plantation of the circulator’s residence as qualified to vote for Governor; “written petition” means one or more petitions written or printed, or partly written and partly printed, with the original signatures of the petitioners attached, verified as to the authenticity of the signatures by the oath of the circulator that all of the signatures to the petition were made in his the presence of the circulator and that to the best of his the circulator’s knowledge and belief each signature is the signature of the person whose name it purports to be, and accompanied by the certificate of the official authorized by law to maintain the voting list of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his the city, town or plantation of the official as qualified to vote for Governor. The oath of the circulator must be sworn to in the presence of a person authorized by law to administer oaths. Written petitions for a people’s veto pursuant to Article IV, Part Third, Section 17 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 5th day before the petition must be filed in the office of the Secretary of State, or, if such 5th day is a Saturday, a Sunday or a legal holiday, by 5:00 p.m., on the next day which is not a Saturday, a Sunday or a legal holiday. Written petitions for a direct initiative pursuant to Article IV, Part Third, Section 18 must be submitted to the appropriate officials of cities, towns or plantations for determination of whether the petitioners are qualified voters by the hour of 5:00 p.m., on the 3rd day before the petition must be filed in the office of the Secretary of State, or, if such 3rd day is a legal holiday, by 5:00 p.m., on the next day which is not a legal holiday. Such officials must complete the certification of such petitions and must return them to the circulators or their agents within 2 days, Saturdays, Sunday and legal holidays excepted, of the date on which such petitions were submitted to them. The petition shall set forth the full text of the measure requested or proposed. Petition forms shall be furnished or approved by the Secretary of State upon written application signed in the office of the Secretary of State by a resident of this State whose name must appear on the voting list of his the city, town or plantation of that resident as qualified to vote for Governor. The full text of a measure submitted to a vote of the people under the provisions of the Constitution need not be printed on the official bal-

lots, but, until otherwise provided by the Legislature, the Secretary of State shall prepare the ballots in such form as to present the question or questions concisely and intelligibly.

Constitution, Art. V, Part First, §§2, 4, 6, 7, 8, 9, 10, 11, 12, 13, 14 and 15 are amended to read:

Section 2. Term of office; reelection eligibility. The Governor shall be elected by the qualified electors, and shall hold his the office for 4 years from the first Wednesday after the first Tuesday of January next following the election and until his the successor to the Governor has been duly elected and qualified. The person who has served 2 consecutive popular elective 4-year terms of office as Governor shall be ineligible to succeed himself himself or herself.

Section 4. Qualifications. The Governor shall, at the commencement of his the Governor’s term, be not less than 30 years of age; a citizen of the United States for at least 15 years, have been 5 years a resident of the State; and at the time of his election and during the term for which he is elected, be a resident of said State.

Section 6. Compensation. The Governor shall, at stated times, receive for his services a compensation, which shall not be increased or diminished during his the Governor’s continuance in office.

Section 7. Commander in chief. He The Governor shall be commander in chief of the army and navy of the State, and of the militia, except when the same are called into the actual service of the United States.

Section 8. To appoint officers; procedure for confirmation; affirmative votes of 2/3 of members required; Governor or President of Senate may call Senate into session; nomination by Governor made 7 days prior to appointment of nominee. He The Governor shall nominate, and, subject to confirmation as provided herein, appoint all judicial officers, except judges of probate and justices of the peace if their manner of selection is otherwise provided for by this Constitution or by law, and all other civil and military officers whose appointment is not by this Constitution, or shall not by law be otherwise provided for.

The procedure for confirmation shall be as follows: an appropriate legislative committee comprised of members of both houses in reasonable proportion to their membership as provided by law shall recommend confirmation or denial by majority vote of committee members present and voting. The committee recommendation shall be reviewed by the Senate and upon review shall become final action of confirmation or denial unless the Senate by vote of 2/3 of those members present and voting overrides the committee recommendation. The Senate vote shall be by the yeas and nays.

All statutes enacted to carry out the purposes of the second paragraph of this section shall require the affirm-

ative vote of 2/3 of the members of each House present and voting.

Either the Governor or the President of the Senate shall have the power to call the Senate into session for the purpose of voting upon confirmation of appointments.

Every nomination by the Governor shall be made 7 days at least prior to appointment of the nominee.

Section 9. To give information and recommend measures. He The Governor shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he the Governor may judge expedient.

Section 10. May require information of any officer. He The Governor may require information from any military officer, or any officer in the executive department, upon any subject relating to the duties of their respective offices.

Section 11. Power to pardon and remit penalties, etc.; conditions. He The Governor shall have power to remit after conviction all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. Such power to grant reprieves, commutations and pardons shall include offenses of juvenile delinquency.

Section 12. Shall enforce the laws. He The Governor shall take care that the laws be faithfully executed.

Section 13. Convene the Legislature on extraordinary occasions, and adjourn it in case of disagreement; may change the place of meeting. He The Governor may, on extraordinary occasions, convene the Legislature; and in case of disagreement between the 2 Houses with respect to the time of adjournment, adjourn them to such time, as he the Governor shall think proper, not beyond the day of the next regular session; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

Section 14. Vacancy, how supplied, mental or physical disability of the Governor continuously for more than 6 months. Whenever the office of Governor shall become vacant because of the death, resignation or removal of a Governor in office, or any other cause, the President of the Senate shall assume the office of Governor until another Governor shall be duly qualified. When the vacancy occurs more than 90 days preceding the date of the primary election for nominating candidates to be voted for at the biennial election next succeeding, the President of the Senate shall assume the office of Governor until the first Wednesday after the first Tuesday of Janu-

ary following the biennial election. At the biennial election, a Governor shall be elected to fill the unexpired term created by the vacancy. When the vacancy occurs less than 90 days preceding the date of a primary election the President of the Senate shall fill the unexpired term.

Whenever the offices of Governor and President of the Senate are vacant at the same time, the Speaker of the House of Representatives shall assume the office of Governor for the same term and under the same conditions as the President of the Senate.

Whenever the offices of Governor, President of the Senate and Speaker of the House of Representatives are vacant at the same time, the person acting as Secretary of State for the time being shall exercise the office of Governor and shall forthwith by proclamation convene the Senate and the House of Representatives which shall fill respectively the vacancies in the office of the President of the Senate and the Speaker of the House, and by joint ballot of the Senators and Representatives in convention choose a person who shall assume the office of Governor for the same term and under the same conditions as the President of the Senate.

Whenever for 6 months a Governor in office shall have been continuously unable to discharge the powers and duties of his that office because of mental or physical disability such office shall be deemed vacant. Such vacancy shall be declared by the Supreme Judicial Court upon presentment to it of a joint resolution declaring the ground of the vacancy, adopted by a vote of 2/3 of the Senators and Representatives in convention, and upon notice, hearing before the court and a decision by a majority of the court that ground exists for declaring the office to be vacant.

Section 15. Temporary mental or physical disability of Governor. Whenever the Governor is unable to discharge the powers and duties of his that office because of mental or physical disability, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until the Governor is again able to discharge the powers and duties of his that office, or until the office of Governor is declared to be vacant or until another Governor shall be duly qualified.

Whenever the Governor is unable to discharge the powers and duties of his that office, he the Governor may so certify to the Chief Justice of the Supreme Judicial Court, in which case and upon notice from the Chief Justice, the President of the Senate, or if that office is vacant, the Speaker of the House of Representatives, shall exercise the powers and duties of the office of Governor until such time as the Governor shall certify to the Chief Justice that he the Governor is able to discharge such powers and duties and the Chief Justice shall so notify the officer who is exercising the powers and duties of the office of Governor.

When the Secretary of State shall have reason to believe that the Governor is unable to discharge the duties of ~~his~~ that office, ~~he~~ the Secretary of State may so certify to the Supreme Judicial Court, declaring ~~his~~ the reason for such belief. After notice to the Governor, a hearing before the court and a decision by a majority of the court that the Governor is unable to discharge the duties of ~~his~~ the office of Governor, the court shall notify the President of the Senate, or if that office is vacant the Speaker of the House of Representatives, of such inability and ~~he~~ that officer shall exercise the functions, powers and duties of the office of Governor until such time as the Secretary of State or the Governor shall certify to the court that the Governor is able to discharge the duties of ~~his~~ the office of Governor and the court, after notice to the Governor and a hearing before the court, decides that the Governor is able to discharge the duties of ~~his~~ that office and so notifies the officer who is exercising the powers and duties of the office of Governor.

Whenever either the President of the Senate or Speaker of the House of Representatives shall exercise the office of Governor, ~~he~~ the officer shall receive only the compensation of Governor, but ~~his~~ the officer's duties as President or Speaker shall be suspended; and the Senate or House shall fill the vacancy resulting from such suspension, until ~~he~~ the officer shall cease to exercise the office of Governor.

Constitution, Art. V, Part Second, §§2, 3 and 4 are amended to read:

Section 2. Records of State; deputies. The records of the State shall be kept in the office of the secretary, who may appoint ~~his~~ deputies to that office, for whose conduct ~~he~~ the secretary shall be accountable.

Section 3. Attend the Governor, Senate, and House. ~~He~~ The Secretary of State shall attend the Governor, Senate and House of Representatives, in person or by ~~his~~ the deputies of the Secretary of State as they shall respectively require.

Section 4. Records of executive and legislative departments. ~~He~~ The Secretary of State shall carefully keep and preserve the records of all the official acts and proceedings of the Governor, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

Constitution, Art. V, Part Third, §§2 and 3 are amended to read:

Section 2. Bond. The Treasurer shall, before entering on the duties of ~~his~~ that office, give bond to the State with sureties, to the satisfaction of the Legislature, for the faithful discharge of ~~his~~ that trust.

Section 3. Not to engage in trade. The Treasurer shall not, during ~~his~~ the treasurer's continuance in office,

engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.

Constitution, Art. VI, §4 is amended to read:

Section 4. Tenure of judicial officers; 6-month hold-over period. All judicial officers appointed by the Governor shall hold their offices for the term of 7 years from the time of their respective appointments (unless sooner removed by impeachment or by address of both branches of the Legislature to the executive, provided further that justices of the peace may be removed from office in such manner as the Legislature may provide); provided, however, that a judicial officer whose term of office has expired or who has reached mandatory retirement age, as provided by statute, may continue to hold office until the expiration of an additional period not to exceed 6 months or until ~~his~~ the successor to the judicial officer is appointed, whichever occurs first in time.

Constitution, Art. IX, §§1, 3 and 5 are amended to read:

Section 1. Oaths and subscriptions; alternative affirmation; oaths of Governor; oaths of Senators and Representatives; oaths of other officers; before whom taken. Every person elected or appointed to either of the places or offices provided in this Constitution, and every person elected, appointed, or commissioned to any judicial, executive, military or other office under this State, shall, before ~~he~~ enter entering on the discharge of the duties of ~~his~~ that place or office, take and subscribe the following oath or affirmation: "I, _____ do swear, that I will support the Constitution of the United States and of this State, so long as I shall continue a citizen thereof. So help me God."

"I _____ do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as _____ according to the Constitution and laws of the State. So help me God." Provided, that an affirmation in the above forms may be substituted, when the person shall be conscientiously scrupulous of taking and subscribing an oath.

The oaths or affirmations shall be taken and subscribed by the Governor before the presiding officer of the Senate, in the presence of both Houses of the Legislature, and by the Senators and Representatives before the Governor, and by the residue of said officers before such persons as shall be prescribed by the Legislature; and whenever the Governor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, such oaths or affirmations may be taken and subscribed in the recess of the Legislature before any Justice of the Supreme Judicial Court and provided further that, if the Governor shall be unable to appear and administer the oath to the Senators and Representatives, such oaths shall be administered by the Chief Justice of the Supreme Judicial

Court or in ~~his~~ the absence of the Chief Justice, by the senior Associate Justice of said Supreme Judicial Court present at the State Capitol on the first day of the term for which said Senators and Representatives shall have been elected.

Section 3. Commissions. All commissions shall be in the name of the State, signed by the Governor, attested by the Secretary or ~~his~~ a deputy of the Secretary and have the seal of the State thereto affixed.

Section 5. Removal by impeachment or address. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor on the address of both branches of the Legislature. But before such address shall pass either House, the causes of removal shall be stated and entered on the journal of the House in which it originated, and a copy thereof served on the person in office, ~~that he~~ the person may be admitted to a hearing in ~~his~~ that person's own defense.

Constitution, Art. IX, §10, as amended by CR 1985, c. 1, is further amended to read:

Section 10. Tenure of sheriffs; extend the Term of Office to 4 years; removal of sheriff from office and replacement. Sheriffs shall be elected by the people of their respective counties, by a plurality of the votes given in on the Tuesday following the first Monday of November, and shall hold their offices for 4 years from the first day of January next after their election, unless sooner removed as hereinafter provided.

Whenever the Governor upon complaint, due notice and hearing shall find that a sheriff is not faithfully or efficiently performing any duty imposed upon ~~him~~ the sheriff by law, the Governor may remove such ~~sheriff~~ sheriff from office and appoint another sheriff ~~in his place~~ to serve for the remainder of the term for which such removed sheriff was elected. All vacancies in the office of sheriff, other than those caused by removal in the manner aforesaid, shall be filled in the same manner as is provided in the case of judges and registers of probate.

Constitutional referendum procedure; form of question; effective date. Resolved: That the city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at a statewide election, on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:

“Shall the Constitution of Maine be amended to remove gender-biased language in order to clarify that the Constitution applies to all individuals?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the word “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the amendment, the Governor shall proclaim that fact without delay and the amendment shall become part of the Constitution on the date of the proclamation.

Secretary of State shall prepare ballots. Resolved: That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purposes of this referendum.

Effective pending referendum.