

MAINE STATE LEGISLATURE

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**CONSTITUTION
of the
STATE OF MAINE**

1951

Constitution of the State of Maine, as amended.

(JANUARY 1, 1951)

PREAMBLE.

WE the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defence, 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 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.

Objects of government.

ARTICLE I.

DECLARATION OF RIGHTS.

SECTION 1. All men 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.

Natural rights.

SECTION 2. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and indefeasible right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

Power inherent in people.

SECTION 3. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, *provided* he 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.

Religious freedom.

Proviso.

Sects equal.

Religious tests prohibited.

Religious teachers.

SECTION 4. 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 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.

Freedom of speech and publication.

Libel.

Truth may be proved.

- Unreasonable searches prohibited.** SECTION 5. The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause—supported by oath or affirmation.
- Rights of persons accused.** SECTION 6. In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at his election;
To demand the nature and cause of the accusation, and have a copy thereof;
To be confronted by the witnesses against him;
To have compulsory process for obtaining witnesses in his favor;
To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers or the law of the land.
- No person to answer to certain crimes but on indictment.** SECTION 7. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offences, as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The legislature shall provide by law a suitable and impartial mode of selecting juries, and their usual number and unanimity, in indictments and convictions, shall be held indispensable.
- Exceptions.**
- Juries.**
- No double jeopardy.** SECTION 8. No person, for the same offence, shall be twice put in jeopardy of life or limb.
- Sanguinary laws prohibited.** SECTION 9. Sanguinary laws shall not be passed: all penalties and punishments shall be proportioned to the offence: excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.
- (Amended by Amendment ii.)**
- Bailable offences.** SECTION 10. No person before conviction shall be bailable for any of the crimes which now are, or have been denominated capital offences since the adoption of the constitution, when the proof is evident or the presumption great, whatever the punishment of the crimes may be. And the privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.
- Habeas corpus.**
- Bills of attainder, etc.** SECTION 11. The legislature shall pass no bill of attainder, *ex post facto* law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate.
- Treason.** SECTION 12. Treason against this state shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.
- Testimony of two witnesses.**
- Suspension of laws.** SECTION 13. The laws shall not be suspended but by the legislature or its authority.
- Corporal punishment under military law.** SECTION 14. No person shall be subject to corporal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger.

- SECTION 15. The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances. Right of petition.
- SECTION 16. Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned. To keep and bear arms.
- SECTION 17. No standing army shall be kept up in time of peace without the consent of the legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power. Standing armies shall not be kept.
- SECTION 18. No soldier shall in time of peace be quartered in any house without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law. No soldier to be quartered on citizens in time of peace.
- SECTION 19. Every person, for an injury done him in his person, 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. Right of redress for injuries.
- SECTION 20. 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 counsel, or either, at his election. Trial by jury.
- SECTION 21. Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it. Private property, when to be taken.
- SECTION 22. No tax or duty shall be imposed without the consent of the people or of their representatives in the legislature. Taxes.
- SECTION 23. No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behavior. Title of nobility prohibited.
Tenure of offices.
- SECTION 24. The enumeration of certain rights shall not impair nor deny others retained by the people. Other rights not impaired.

ARTICLE II.

ELECTORS.

- SECTION 1. Every citizen of the United States of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his or her residence established in this state for the term of six months next preceding any election, shall be an elector for governor, senators and representatives, in the city, town or plantation where his or her residence has been established for the term of three months next preceding such election, and he or she shall continue to be an elector in such city, town or plantation for the period of three months after his or her removal therefrom, if he or she continues to reside in this state during such period, 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 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 absence from the state in the military service of the United States, or of this state. (Amended by Amendments x, xxix, xliv, lvii, lxi.)
Qualifications of electors.

Written ballot.
Soldiers or seamen in U. S. service.
Students at colleges and academies.

Educational qualification.

No person shall have the right to vote or be eligible to office under the constitution of this state, who shall not be able to read the constitution in the English language, and write his name; *provided, however*, that this shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any person who had the right to vote on the fourth day of January in the year one thousand eight hundred and ninety-three.

Electors exempt from arrest on election days.

SECTION 2. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

Exemption from military duty.

SECTION 3. No elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

(Amended by Amendments x, xxiii.)**Time of State election.**

SECTION 4. The election of governor, senators and representatives, shall be on the second Monday of September biennially forever.

Soldiers allowed to vote.

But citizens of the state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for governor, senators and representatives on the second Monday of September biennially forever, in the manner herein provided.

Polls, where opened.

On the day of election a poll shall be opened at every place without this state where a regiment, battalion, battery, company or detachment of not less than twenty soldiers from the State of Maine, may be found or stationed, and every citizen of said state, of the age of twenty one years, in such military service, shall be entitled to vote as aforesaid; and he shall be considered as voting in the city, town, plantation, and county in this state where he resided when he entered the service. The vote shall be taken by regiments when it can conveniently be done; when not so convenient, any detachment or part of a regiment, not less than twenty in number, and any battery or part thereof numbering twenty or more, shall be entitled to vote wherever they may be. The three ranking officers of such regiment, battalion, battery, company, or part of either, as the case may be, acting as such on the day of election, shall be supervisors of elections. If no officers, then three non-commissioned officers according to their seniority, shall be such supervisors. If any officer or non-commissioned officer shall neglect, or refuse to act, the next in rank shall take his place. In case there are no officers or non-commissioned officers present, or if they or either of them refuse to act, the electors present, not less than twenty, may choose by written ballot enough of their own number, not exceeding three, to fill the vacancies, and the persons so chosen shall be supervisors of elections. All supervisors shall be first sworn to support the constitution of the United States and of this state and faithfully and impartially to perform the duties of supervisors of elections.

Vote, how taken.**Who shall act as supervisors.****Supervisors shall be sworn.****Their duties.****Proviso.****Certain officers, where they may vote.****Supervisors shall prepare ballot-boxes.**

Each is authorized to administer the necessary oath to the others; and certificates thereof shall be annexed to the lists of votes by them to be made and returned into the office of the secretary of state of this state as hereinafter provided. The polls shall be opened and closed at such hours as the supervisors, or a majority of them shall direct; *provided however*, that due notice and sufficient time shall be given for all voters in the regiment, battalion, battery, detachment, company, or part of either, as the case may be, to vote. Regimental and field officers shall be entitled to vote with their respective commands. When not in actual command, such officers and also all general and staff officers and all surgeons, assistant surgeons and chaplains shall be entitled to vote at any place where polls are opened.

The supervisors of elections shall prepare a ballotbox, or other suitable receptacle for the ballots. Upon one side of every ballot shall be printed

or written the name of the county, and also of the city, town or plantation of this state, in which is the residence of the person proposing to vote. Upon the other side shall be the name or names of the persons to be voted for, and the office or offices which he or they are intended to fill. And before receiving any vote, the supervisors, or a majority of them, must be satisfied of the age and citizenship of the person claiming to vote, and that he has in fact a residence in the county, city, town or plantation which is printed or written on the vote offered by him. If his right to vote is challenged, they may require him to make true answers, upon oath, to all interrogatories touching his age, citizenship, residence, and right to vote, and shall hear any other evidence offered by him, or by those who challenge his right. They shall keep correct poll-lists of the names of all persons allowed to vote, and of their respective places of residence in this state, and also the number of the regiment and company or battery to which they belong; which lists shall be certified by them, or by a majority of them, to be correct, and that such residence is in accordance with the indorsement of the residence of each voter on his vote

Ballots, how to be prepared.

Qualifications of voters.

Supervisors shall keep correct poll-lists.

They shall check the name of every person before he is allowed to vote, and the check-mark shall be plainly made against his name on the poll-lists. They shall sort, count and publicly declare the votes at the head of their respective commands, on the day of election, unless prevented by the public enemy, and, in that case, as soon thereafter as may be; and on the same day of said declaration they shall form a list of the persons voted for, with the number of votes for each person against his name and the office which he was intended to fill, and shall sign and seal up such list and cause the same, together with the poll-lists aforesaid, to be delivered into the office of the secretary of state aforesaid, on or before the fifteenth day of November biennially forever. The legislature of this state may pass any law additional to the foregoing provisions, if any shall, in practice, be found necessary, in order more fully to carry into effect the purpose thereof.

Shall check names of voters.

Sort, count and declare votes.

Make return to secretary of state.

SECTION 5. Voting machines, or other mechanical devices for voting, may be used at all elections under such regulations as may be prescribed by law; *provided, however,* the right of secret voting shall be preserved.

(Added by Amendment lix.)

Voting machines.

ARTICLE III.

DISTRIBUTION OF POWERS.

SECTION 1. The powers of this government shall be divided into three distinct departments, the legislative, executive and judicial.

Powers distributed.

SECTION 2. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted.

To be kept separate.

ARTICLE IV.

PART FIRST.

HOUSE OF REPRESENTATIVES.

SECTION 1. The legislative power shall be vested in two distinct branches, a House of Representatives, and a Senate, each to have a negative on the other, and both to be styled the Legislature of Maine, but the people reserve to themselves power to propose laws and to enact or reject the same at the polls independent of the legislature, and also reserve power at their own option to approve or reject at the polls any act, bill, resolve or resolution passed by the joint action of both branches of the legislature, and the style of their laws and acts shall be, "Be it enacted by the people of the state of Maine."

(Amended by Amendment xxxi.)

Legislative department.

Style of acts.

(Amended by
Amendments iv,
xxiii, xxv.)

Number of
representatives.

Biennial terms.

Legislature to
ascertain number of
inhabitants.

Apportionment.

SECTION 2. The house of representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the biennial meeting of the legislature. The legislature shall, within every period of at most ten years and at least five, cause the number of the inhabitants of the state to be ascertained, exclusive of foreigners not naturalized, and Indians not taxed. The number of representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties, as near as may be, according to the number of inhabitants, having regard to the relative increase of population.

(Amended by
Amendments xxxix,
lxix.)

Apportionment
among counties.

SECTION 3. Each county shall be entitled to that number of representatives which is in the same proportion to the total number as the number of inhabitants of the county bears to the number of inhabitants of the state, fractional excesses over whole numbers to be computed in favor of the smaller counties. No city or town shall ever be entitled to more than seven representatives, except that in the event of merger of towns or cities, the new town or city shall be allowed the combined representation of the former units, which number if exceeding seven shall thereupon and thereafter become the maximum number to which any city or town shall thereafter be entitled in later apportionments. Apportionment of representatives within each county shall be made by deducting from the number of inhabitants of the county the number of inhabitants of such cities and towns as may be entitled to the maximum number of representatives permitted to any city or town by reason of the numerical proportion of its inhabitants to the inhabitants of the county and by deducting from the total number of representatives to which the county is entitled the number to which such cities and towns of maximum representation are entitled, the remaining inhabitants being entitled to the remaining representatives; and in the allocation of the remainder within the county each city or town having a number of inhabitants greater than a unit base number obtained by dividing such remaining inhabitants by such remaining representatives shall be entitled to as many representatives as the number of times the number of its inhabitants fully contains the unit base number of representation; and the remaining cities, towns and plantations within the county which have inhabitants in number less than such unit base number shall be formed into representative class districts in number equal to the remainder of county representatives unallocated under the foregoing procedure by grouping whole cities, towns and plantations as equitably as possible with consideration for population and for geographical contiguity.

Qualifications.

SECTION 4. No person shall be a member of the house of representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty one years, have been a resident in this state one year; and for the three months next preceding the time of his election shall have been, and, during the period for which he is elected, shall continue to be a resident in the town or district which he represents.

(Amended by
Amendments i, v,
vii, viii, x, xxiii,
xlvi.)

Election.

Absent voting.

Meetings of classed
towns.

SECTION 5. The meetings within this state for the choice of representatives shall be warned in due course of law by the selectmen of the several towns seven days at least before the election, and the selectmen thereof shall preside impartially at such meetings, receive the votes of all the qualified electors, sort, count and declare them in open town meeting, and in the presence of the town clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the selectmen, and in open town meeting. And the towns and plantations organized by

law, belonging to any class herein provided, shall hold their meetings at the same time in the respective towns and plantations; and the town and plantation meetings in such towns and plantations shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. And the assessors and clerks of plantations shall have all the powers, and be subject to all the duties, which selectmen and town clerks have, and are subject to by this constitution. And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office thirty days at least before the first Wednesday of January biennially. And the governor and council shall examine the returned copies of such lists, and also all lists of votes of citizens in the military service, returned to the secretary's office as provided in article second, section four, of this constitution; and twenty days before the said first Wednesday of January biennially, shall issue a summons to such persons as shall appear to be elected by a plurality of all votes returned, to attend and take their seats. But all such lists shall be laid before the house of representatives on the first Wednesday of January biennially, and they shall finally determine who are elected.

Lists of votes shall be examined by governor and council.

Governor and council shall summon persons who appear to be elected.

Lists shall be laid before the house of representatives.

The electors resident in any city may at any meeting duly notified for the choice of representatives, vote for such representatives in their respective ward meetings and the warden in said wards shall preside impartially at such meetings, receive the votes of all qualified electors, sort, count and declare them in open ward meeting and in the presence of the ward clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the warden, and in open ward meeting: and a fair copy of this list shall be attested by the warden and ward clerk, sealed up in open ward meeting, and delivered to the city clerk within twenty four hours after the close of the polls. And the electors resident in any city may at any meetings duly notified and holden for the choice of any other civil officers, for whom they have been required heretofore to vote in town meeting, vote for such officers in their respective wards, and the same proceedings shall be had by the warden and the ward clerk in each ward as in the case of votes for representatives. And the aldermen of any city shall be in session within twenty four hours after the close of the polls in such meetings, and in the presence of the city clerk shall open, examine and compare the copies from the lists of votes given in the several wards, of which the city clerk shall make a record, and return thereof shall be made into the secretary of state's office in the same manner as selectmen of towns are required to do.

Manner of electing representatives and other civil officers in cities.

SECTION 6. Whenever the seat of a member shall be vacated by death, resignation, or otherwise the vacancy may be filled by a new election.

Vacancies.

SECTION 7. The house of representatives shall choose their speaker, clerk and other officers.

To choose own officers.

SECTION 8. The house of representatives shall have the sole power of impeachment.

Power of impeachment.

ARTICLE IV.

PART SECOND.

SENATE.

(Amended by
Amendment liii.)

Number of senators.

SECTION 1. The senate shall consist of the members to which the several counties are entitled, on the following basis of representation according to the Federal Census: each county having a population of thirty thousand inhabitants or less shall have one senator; each county having a population of more than thirty thousand inhabitants and less than sixty thousand inhabitants shall have two senators; each county having a population of more than sixty thousand inhabitants and less than one hundred and twenty thousand inhabitants shall have three senators; each county having a population of more than one hundred twenty thousand and less than two hundred forty thousand inhabitants shall have four senators; and each county having a population of more than two hundred forty thousand inhabitants shall have five senators. For the purpose of representation, foreigners not naturalized and Indians not taxed shall not be counted as inhabitants. The members of the senate shall be elected at the same time and for the same term as the representatives by the qualified electors of the counties which they shall respectively represent.

(Originally Sec. 3)
(Amended by
Amendments v,
viii, x.)

Election.

SECTION 2. The meetings within this state for the election of senators shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded, in the same manner as those for representatives. And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors and clerks of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office thirty days at least before the first Wednesday of January. All other qualified electors, living in places unincorporated, who shall be assessed to the support of government by the assessors of an adjacent town, shall have the privilege of voting for senators, representatives and governor in such town; and shall be notified by the selectmen thereof for that purpose accordingly.

Electors in unincorporated places.

(Originally Sec. 4)
(Amended by
Amendments v, viii,
x, xiii.)

Examination of
returns.

SECTION 3. The governor and council shall, as soon as may be, examine the returned copies of such lists, and also the lists of votes of citizens in the military service, returned into the secretary's office, and, twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes in each district, to attend that day and take their seats.

(Originally Sec. 5)
(Amended by
Amendments v, viii,
xiii, xxiii, xxx, liii.)

Procedure when full
number not elected.

SECTION 4. The senate shall, on the said first Wednesday of January, biennially, determine who are elected by a plurality of votes to be senators in each county; and in case the full number of senators to be elected from each county shall not have been so elected, the members of the house of representatives and such senators, as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of senators deficient, in every county, if there be so many voted for, elect by joint ballot the number of senators required; 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 county. The governor shall issue his proclamation therefor and therein fix the time of such election.

(Originally Sec. 6)

Qualifications.

SECTION 5. The senators shall be twenty-five years of age at the commencement of the term, for which they are elected, and in all other respects their qualifications shall be the same, as those of the representatives.

SECTION 6. The senate shall have the sole power to try all impeachments, and when sitting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of two thirds of the members present. Their judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this state. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

(Originally Sec. 7)
To try impeachments.
Limitation of judgment.
Party liable to be tried and punished in court.

SECTION 7. The senate shall choose their president, secretary and other officers.

(Originally Sec. 8)
To choose own officers.

ARTICLE IV.

PART THIRD.

LEGISLATIVE POWER.

SECTION 1. The legislature shall convene on the first Wednesday of January biennially, and, with the exceptions hereinafter stated, shall have full power to make and establish all reasonable laws and regulations for the defense and benefit of the people of this state, not repugnant to this constitution, nor to that of the United States.

(Amended by Amendments v, viii, xxiii, xxxi.)
To meet biennially.

SECTION 2. 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 approve, he shall sign it; if not, he 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, two thirds 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 two thirds 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 five days (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect, as if he 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 three days after their next meeting.

Bills to be signed by the governor.
Proceedings, in case he disapproves.
Bills shall be returned by him within five days.

SECTION 3. Each house shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner and under such penalties as each house shall provide.

Each house to judge of its elections.
Majority, a quorum.

SECTION 4. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two thirds, expel a member, but not a second time for the same cause.

May punish and expel members.

SECTION 5. Each house shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one fifth of those present, be entered on the journals.

Shall keep a journal.
Yeas and nays.

SECTION 6. Each house, during its session, may punish by imprisonment any person, not a member, for disrespectful or disorderly behavior in its presence, for obstructing any of its proceedings, threatening, assault-

May punish for contempt.

- ing or abusing any of its members for anything said, done, or doing in either house: *provided*, that no imprisonment shall extend beyond the period of the same session.
- Proviso.**
- (Amended by Amendment lxiv.)
Compensation.
- Traveling expenses.**
- Members exempt from arrest.**
- Freedom of debate.**
- Either house may originate bills.**
- Revenue bills.**
- Proviso.**
- Members not to be appointed to certain offices.**
- Persons disqualified to be members.**
- Adjournments.**
- (Added by Amendment xiv.)
Special legislation.
- (Added by Amendment xiv.)
Corporations, formed under general laws.
- (Added by Amendment xix.)
Constitutional conventions.
- (Added by Amendment xxxi.)
- Acts become effective in ninety days after recess.**
- SECTION 7.** The senators and representatives shall receive such compensation, as shall be established by law; but no law increasing their compensation shall take effect during the existence of the legislature, which enacted it. The expenses of the members of the house of representatives in traveling to the legislature, and returning therefrom, once in each week of each session and no more, shall be paid by the state out of the public treasury to every member, who shall seasonably attend, in the judgment of the house, and does not depart therefrom without leave.
- SECTION 8.** The senators and representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from each session of the legislature, and no member shall be liable to answer for anything spoken in debate in either house, in any court or place elsewhere.
- SECTION 9.** Bills, orders or resolutions, may originate in either house, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the house of representatives, but the senate may propose amendments as in other cases: *provided*, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.
- SECTION 10.** No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this state, 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.** 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 member of Congress, or his continuing in such office.
- SECTION 12.** Neither house shall during the session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the houses shall be sitting.
- SECTION 13.** The legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation.
- SECTION 14.** Corporations shall be formed under general laws, and shall not be created by special acts of the legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be attained; and, however formed, they shall forever be subject to the general laws of the state.
- SECTION 15.** The legislature shall, by a two-thirds concurrent vote of both branches, have the power to call constitutional conventions, for the purpose of amending this constitution.
- SECTION 16.** No act or joint resolution of the legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the legislature passing it, unless in case of emergency, (which with the facts constituting the emergency shall be expressed in the preamble of the act),

the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct. An emergency bill shall include only such measures as are immediately necessary for the preservation of the public peace, health or safety; and shall not include (1) an infringement of the right of home rule for municipalities, (2) a franchise or a license to a corporation or an individual to extend longer than one year, or (3) provision for the sale or purchase or renting for more than five years of real estate.

Exception.
Emergency bill defined.

SECTION 17. Upon written petition of electors, the number of which shall not be less than ten per cent of the total vote for governor cast in the last gubernatorial election preceding the filing of such petition, and addressed to the governor and filed in the office of the secretary of state within ninety days after the recess of the legislature, requesting that one or more acts, bills, resolves or resolutions, or part or parts thereof, passed by the legislature, but not then in effect by reason of the provisions of the preceding section, be referred to the people, such acts, bills, resolves, or resolutions or part or parts thereof as are specified in such petition shall not take effect until thirty days after the governor shall have announced by public proclamation that the same have been ratified by a majority of the electors voting thereon at a general or special election. 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 general election not less than sixty days after such proclamation, or in case of no general election within six months thereafter the governor may, and if so requested in said written petition therefor, shall order such measure submitted to the people at a special election not less than four nor more than six months after his proclamation thereof.

(Added by Amendment xxxi.
Amended by Amendment lxiii.)
Proceedings for referendum.

Proclamation by governor.

SECTION 18. The electors may propose to the legislature for its consideration any bill, resolve or resolution, including bills to amend or repeal emergency legislation but not an amendment of the state constitution, by written petition addressed to the legislature or to either branch thereof and filed in the office of the secretary of state or presented to either branch of the legislature within forty-five days after the date of convening of the legislature in regular session. Any measure thus proposed by not less than twelve thousand electors, unless enacted without change by the legislature at the session at which it is presented, shall be submitted to the electors together with any amended form, substitute, or recommendation of the legislature, and in such manner that the people can choose between the competing measures or reject both. When there are competing bills and neither receives a majority of the votes given for or against both, the one receiving the most votes shall at the next general election to be held not less than sixty days after the first vote thereon be submitted by itself if it receives more than one-third of the votes given for and against both. If the measure initiated is enacted by the legislature without change, it shall not go to a referendum vote unless in pursuance of a demand made in accordance with the preceding section. The legislature may order a special election on any measure that is subject to a vote of the people. The governor may, and if so requested in the written petitions addressed to the legislature, shall, by proclamation, order any measure proposed to the legislature by at least twelve thousand electors as herein provided, and not enacted by the legislature without change, referred to the people at a special election to be held not less than four nor more than six months after such proclamation, otherwise said measure shall be voted upon at the next general election held not less than sixty days after the recess of the legislature, to which such measure was proposed.

(Added by Amendment xxxi.
Amended by Amendment lxvi.)
Direct initiative of legislation.

(Added by Amendment xxxi.)

Measures approved by people become effective thirty days after proclamation.

Veto power limited.

SECTION 19. 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 thirty days after the governor has made public proclamation of the result of the vote on said measure, which he shall do within ten days after the vote thereon has been canvassed and determined. 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 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.

(Added by Amendment xxxi.)

Meaning of words "electors", "people", "recess of legislature", "general election", "measure", and "written petition".

SECTION 20. As used in either of the three preceding sections 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; "general election" means the November election for choice of presidential electors or the September election for choice of governor and other state and county officers; "measure" means an act, bill, resolve or resolution proposed by the people, or two or more such, or part or parts of such, as the case may be; "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 one of the petitioners certified thereon, and accompanied by the certificate of the clerk of the city, town or plantation in which the petitioners reside that their names appear on the voting list of his city, town or plantation as qualified to vote for governor. The petitions shall set forth the full text of the measure requested or proposed. 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 ballots, 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.

(Added by Amendment xxxi.)

City council of any city may establish initiative and referendum.

SECTION 21. The city council of any city may establish the initiative and referendum for the electors of such city in regard to its municipal affairs, *provided* that the ordinance establishing and providing the method of exercising such initiative and referendum shall not take effect until ratified by vote of a majority of the electors of said city, voting thereon at a municipal election. *Provided, however*, that the legislature may at any time provide a uniform method for the exercise of the initiative and referendum in municipal affairs.

(Added by Amendment xxxi.)

Election officers and officials, how governed.

SECTION 22. Until the legislature shall enact further regulations not inconsistent with the constitution for applying the people's veto and direct initiative, the election officers and other officials shall be governed by the provisions of this constitution and of the general law, supplemented by such reasonable action as may be necessary to render the preceding sections self executing.

ARTICLE V.

PART FIRST.

EXECUTIVE POWER.

Governor.

SECTION 1. The supreme executive power of this state shall be vested in a Governor.

(Amended by Amendments v, viii, xxiii.)
Term of office.

SECTION 2. The governor shall be elected by the qualified electors, and shall hold his office for two years from the first Wednesday of January next following the election.

SECTION 3. The meetings for election of governor shall be notified, held and regulated, and votes shall be received, sorted, counted, declared and recorded, in the same manner as those for senators and representatives. They shall be sealed and returned into the secretary's office in the same manner, and at the same time as those for senators. And the secretary of state for the time being shall, on the first Wednesday of January, then next, lay the lists before the senate and house of representatives, and also the lists of votes of citizens in the military service, returned into the secretary's office, to be by them examined, and, in case of a choice by a plurality of all the votes returned, they shall declare and publish the same. But, if no person shall have a plurality of votes, the house of representatives shall, by ballot, from the persons having the four highest numbers of votes on the lists, if so many there be, elect two persons, and make return of their names to the senate, of whom the senate shall, by ballot, elect one, who shall be declared the governor.

(Amended by Amendments v, viii, x, xxiv.)
Election.
Votes to be returned to secretary of state.

Provision in case there is no choice.

SECTION 4. The governor shall, at the commencement of his term, be not less than thirty years of age; a natural born citizen of the United States, have been five 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.

Qualification.

SECTION 5. No person holding any office or place under the United States, this state, or any other power, shall exercise the office of governor.

Disqualifications.

SECTION 6. The governor shall, at stated times, receive for his services a compensation, which shall not be increased or diminished during his continuance in office.

Compensation.

SECTION 7. He shall be commander in chief of the army and navy of the state, and of the militia, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the state without their consent, or that of the legislature, unless it shall become necessary, in order to march or transport them from one part of the state to another for the defence thereof.

Commander in chief of the militia.
Not to march the militia out of the state.

SECTION 8. He shall nominate, and, with the advice and consent of the council, appoint all judicial officers (except judges of probate and municipal and police courts), coroners, and notaries public; and he shall also nominate, and with the advice and consent of the council, appoint all other civil and military officers, whose appointment is not by this constitution, or shall not by law be otherwise provided for, except the land agent; and every such nomination shall be made seven days, at least, prior to such appointment.

(Amended by Amendments ix, xvi.)
To nominate officers.

SECTION 9. He shall from time to time give the legislature information of the condition of the state, and recommend to their consideration such measures, as he may judge expedient.

To give information and recommend measures.

SECTION 10. He 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.

May require information of any officer.

SECTION 11. He shall have power, with the advice and consent of the council, 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. And he shall communicate to the legislature, at each session thereof, each case of reprieve, remission of penalty, commutation or pardon granted, stating

(Amended by Amendment xv.)
Power to pardon and remit penalties, etc.
Conditions.
Shall report to legislature.

the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation, or pardon, and the conditions, if any, upon which the same was granted.

Shall enforce the laws.

SECTION 12. He shall take care that the laws be faithfully executed.

(Amended by Amendment xxiii.)

Convene the legislature on extraordinary occasions, and adjourn it in case of disagreement.

SECTION 13. He may, on extraordinary occasions, convene the legislature; and in case of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time, as he shall think proper, not beyond the day of the next biennial meeting; 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.

May change the place of meeting.

Vacancy, how supplied.

SECTION 14. Whenever the office of governor shall become vacant by death, resignation, removal from office or otherwise, the president of the senate shall exercise the office of governor until another governor shall be duly qualified; and in case of the death, resignation, removal from office or other disqualification of the president of the senate, so exercising the office of governor, the speaker of the house of representatives shall exercise the office, until a president of the senate shall have been chosen; and when the office of 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. 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, but his duties as president or speaker shall be suspended; and the senate or house, shall fill the vacancy, until his duties as governor shall cease.

ARTICLE V.

PART SECOND.

COUNCIL.

Constitution of council.

SECTION 1. There shall be a council, to consist of seven persons, citizens of the United States, and residents of this state, to advise the governor in the executive part of government, whom the governor shall have full power, at his discretion, to assemble; and he with the counsellors, or a majority of them may from time to time, hold and keep a council, for ordering and directing the affairs of state according to law.

(Amended by Amendments v, viii, xxiii, l.)

Election.

Vacancies.

SECTION 2. The counsellors shall be chosen biennially, on the first Wednesday of January, by joint ballot of the senators and representatives in convention; and vacancies, which shall afterwards happen, shall be filled in the following manner: the governor with the advice and consent of the council shall appoint within thirty days from said vacancy a counsellor from the same district in which the vacancy occurred, and the oath of office shall be administered by the governor; said counsellor shall hold office until the next convening of the legislature; but not more than one counsellor shall be elected or appointed from any district prescribed for the election of senators; they shall be privileged from arrest in the same manner as senators and representatives.

Privileged from arrest.

Journal of proceedings.

SECTION 3. The resolutions and advice of council shall be recorded in a register, and signed by the members agreeing thereto, which may be called for by either house of the legislature; and any counsellor may enter his dissent to the resolution of the majority.

SECTION 4. No member of Congress, or of the legislature of this state, nor any person holding any office under the United States, (post officers excepted) nor any civil officers under this state (justices of the peace and notaries public excepted) shall be counsellors. And no counsellor shall be appointed to any office during the time, for which he shall have been elected.

Persons disqualified.

Not to be appointed to any office.

ARTICLE V.
PART THIRD.
SECRETARY.

SECTION 1. The secretary of state shall be chosen biennially at the first session of the legislature, by joint ballot of the senators and representatives in convention.

(Amended by Amendment xxiii.)
Election.

SECTION 2. The records of the state shall be kept in the office of the secretary, who may appoint his deputies, for whose conduct he shall be accountable.

Records of state.
Deputies.

SECTION 3. He shall attend the governor and council, senate and house of representatives, in person or by his deputies as they shall respectively require.

Attend the governor and council.

SECTION 4. He shall carefully keep and preserve the records of all the official acts and proceedings of the governor and council, 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.

Records of executive and legislative departments.

ARTICLE V.
PART FOURTH.
TREASURER.

SECTION 1. The treasurer shall be chosen biennially, at the first session of the legislature, by joint ballot of the senators, and representatives in convention, but shall not be eligible more than six years successively.

(Amended by Amendments xxiii, xxvii.)
Election.
Not eligible more than six years.

SECTION 2. The treasurer shall, before entering on the duties of his office, give bond to the state with sureties, to the satisfaction of the legislature, for the faithful discharge of his trust.

Bond.

SECTION 3. The treasurer shall not, during his 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.

Not to engage in trade.

SECTION 4. No money shall be drawn from the treasury, but by warrant from the governor and council, and in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published at the commencement of the biennial session of the legislature.

(Amended by Amendment xxiii.)
Not to draw money but by warrant.
Account of receipts and expenditures to be published.

ARTICLE VI.
JUDICIAL POWER.

SECTION 1. The judicial power of this state shall be vested in a Supreme Judicial Court, and such other courts as the legislature shall from time to time establish.

Courts.

SECTION 2. The justices of the supreme judicial court shall, at stated times receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward.

Compensation.

To give opinion when required by either branch of government.

(Amended by Amendment iii.)

Tenure of judicial offices.

Justices of the peace and notaries.

Justices of the S. J. C. can hold no other office.

(Added by Amendment ix.
Amended by Amendment xxiii.)

Judges and registers of probate, election and tenure.

Vacancies.

(Added by Amendment ix.
Amended by Amendment xvi.)
Judges of municipal and police courts.
Tenure.

(Amended by Amendment xl.)
Officers, how appointed.

(Amended by Amendment xl.)
Qualifications and selection.

(Amended by Amendments ix, xxiii, xxviii, xl.)
Adjutant general, appointment and duties.

(Amended by Amendment xl.)

Standard of organization, armament and discipline.

(Amended by Amendment xl.)

Persons exempt from military duty.

SECTION 3. They shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the governor, council, senate or house of representatives.

SECTION 4. All judicial officers shall hold their offices for the term of seven 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) and no longer, unless reappointed thereto.

SECTION 5. Justices of the peace and notaries public, shall hold their offices during seven years, if they so long behave themselves well, at the expiration of which term, they may be reappointed or others appointed, as the public interest may require.

SECTION 6. The justices of the supreme judicial court shall hold no office under the United States, nor any state, nor any other office under this state, except that of justice of the peace.

SECTION 7. Judges and registers of probate shall be elected by the people of their respective counties, by a plurality of the votes given in, at the biennial election on the second Monday of September, and shall hold their offices for four years, commencing on the first day of January next after their election. Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid at the September election, next after their occurrence; and in the meantime, the governor, with the advice and consent of the council, may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January next after the election aforesaid.

SECTION 8. Judges of municipal and police courts shall be appointed by the executive power, in the same manner as other judicial officers, and shall hold their offices for the term of four years.

ARTICLE VII.

MILITARY.

SECTION 1. All commissioned officers of the militia shall be appointed and commissioned by the governor, from such persons as are qualified by law to hold such offices.

SECTION 2. The legislature shall, by law, designate the qualifications necessary for holding a commission in the militia and shall prescribe the mode of selection of officers for the several grades.

SECTION 3. The adjutant general shall be appointed by the governor. But the adjutant general shall also perform the duties of quartermaster general and paymaster general until otherwise directed by law.

SECTION 4. The organization, armament and discipline of the militia and of the military and naval units thereof shall be the same as that which is now or may hereafter be prescribed by the laws and regulations of the United States; and it shall be the duty of the governor to issue from time to time such orders and regulations and to adopt such other means of administration, as shall maintain the prescribed standard of organization, armament and discipline; and such orders, regulations and means adopted shall have the full force and effect of the law.

SECTION 5. Persons of the denominations of quakers and shakers, justices of the supreme judicial court, ministers of the gospel and persons exempted by the laws of the United States may be exempted from military duty, but no other able-bodied person of the age of eighteen and under the age of forty-five years, excepting officers of the militia who have been honorably discharged, shall be so exempted unless he shall pay an equivalent to be fixed by law.

ARTICLE VIII.

LITERATURE.

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the state: *provided*, that no donation, grant or endowment shall at any time be made by the legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the legislature of the state shall have the right to grant any further powers to, alter, limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof.

Legislature shall require towns to support public schools.

Shall endow colleges and academies.

Proviso.

ARTICLE IX.

GENERAL PROVISIONS.

SECTION 1. 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 on the discharge of the duties of his 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."

Oaths and subscriptions.

"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 the 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.

Proviso.

The oaths or affirmations shall be taken and subscribed by the governor and counsellors 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 council, and by the residue of said officers before such persons as shall be prescribed by the legislature; and whenever the governor or any counsellor 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.

Before whom to be taken.

SECTION 2. No person holding the office of justice of the supreme judicial court, or of any inferior court, attorney general, county attorney, treasurer of the state, adjutant general, judge of probate, register of probate, register of deeds, sheriffs or their deputies, clerks of the judicial courts, shall be a member of the legislature; and any person holding either of the foregoing offices, elected to, and accepting a seat in the Congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising at the same time within this state, more than one of the offices before mentioned.

Offices incompatible with each other.

Election to congress disqualifies.

SECTION 3. All commissions shall be in the name of the state, signed by the governor, attested by the secretary or his deputy and have the seal of the state thereto affixed.

Commissions.

(Amended by Amendments v, viii, xxiii.)
Elections on the first Wednesday of January may be adjourned from day to day.

SECTION 4. And in case the elections, required by this constitution on the first Wednesday of January biennially, by the two houses of the legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order: the vacancies in the senate shall first be filled; the governor shall then be elected, if there be no choice by the people; and afterwards the two houses shall elect the council.

Removal by impeachment or address.

SECTION 5. 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 with the advice of the council, 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 may be admitted to a hearing in his defence.

Tenure of office.

SECTION 6. The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the governor and council.

Valuation.

SECTION 7. While the public expenses shall be assessed on polls and estates, a general valuation shall be taken at least once in ten years.

(Amended by Amendments xvii, xxxvi.)

Taxation.

SECTION 8. All taxes upon real and personal estate, assessed by authority of this state, shall be apportioned and assessed equally, according to the just value thereof; but the legislature shall have power to levy a tax upon intangible personal property at such rate as it deems wise and equitable without regard to the rate applied to other classes of property.

Intangible property.

(Added by Amendment xvii.)
Power of taxation.

SECTION 9. The legislature shall never, in any manner, suspend or surrender the power of taxation.

(Added by Amendment ix as Sec. 9.
Amended by Amendment xxxviii.)
Tenure of sheriffs.

SECTION 10. Sheriffs shall be elected by the people of their respective counties, by a plurality of the votes given in on the second Monday of September, and shall hold their offices for two years from the first day of January next after their election, unless sooner removed as hereinafter provided.

Whenever the governor and council upon complaint, due notice and hearing shall find that a sheriff is not faithfully or efficiently performing any duty imposed upon him by law, the governor may remove such sheriff from office and with the advice and consent of the council appoint another sheriff in his place 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.

(Added by Amendment ix as Sec. 10.
Amended by Amendments xviii, xxiii.)
Attorney General.

SECTION 11. The attorney general shall be chosen biennially by joint ballot of the senators and representatives in convention. Vacancy in said office occurring when the legislature is not in session, may be filled by appointment by the governor, with the advice and consent of the council.

(Added by Amendment x as Sec. 11.
Amended by Amendment xxiii.)
Citizens who may be allowed to vote for county officers.

SECTION 12. But citizens of this state, absent therefrom in the military service of the United States, or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for judges and registers of probate, sheriffs, and all other county officers, on the second Monday in September biennially forever. And the votes shall be given at the same time and in the same manner, and the names of the several candidates shall be printed or written on the same ballots with those for governor, senators, and representatives, as provided in section four of article second of this constitution.

SECTION 13. The legislature may enact laws excluding from the right of suffrage, for a term not exceeding ten years, all persons convicted of bribery at any election, or of voting at any election, under the influence of a bribe.

(Added by Amendment xx.)
Bribery at elections.

SECTION 14. The credit of the state shall not be directly or indirectly loaned in any case. The legislature shall not create any debt or debts, liability or liabilities, on behalf of the state, which shall singly, or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed two million dollars, except that the legislature, whenever two thirds of both houses shall deem it necessary, may, by proper enactment ratified by a majority of the electors voting thereon at a general or special election, authorize the issuance of bonds on behalf of the state at such times and in such amounts as it may determine for the purposes of building state highways, intrastate, interstate and international bridges; to suppress insurrection, to repel invasion or for the purposes of war; or for the purposes of building and maintaining public wharves and for the establishment of adequate port facilities in the State of Maine; but this shall not be construed to refer to any money that has been, or may be deposited with this state by the government of the United States, or to any fund which the state shall hold in trust for any Indian tribe.

(Added by Amendment vi.
Amended by Amendments xxxv, xli, xlii, xliii, xlv, lv, lxvii.)

Credit of state not to be loaned.

State debt limited.

Exceptions.

SECTION 15. No city or town having less than forty thousand inhabitants, according to the last census taken by the United States, shall hereafter create any debt or liability, which singly, or in the aggregate with previous debts or liabilities, shall exceed five per cent of the last regular valuation of said city or town; *provided, however*, that cities having a population of forty thousand or more, according to the last census taken by the United States, may create a debt or liability which singly or in the aggregate, with previous debts or liabilities, shall equal seven and one-half per cent of the last regular valuation of said city, that cities of forty thousand inhabitants, or over, may, by a majority vote of their city government, increase the present rate of five per cent by one-fourth of one per cent in any one municipal year, until, in not less than ten years, the maximum rate of seven and one-half per cent is reached, that any city failing to take the increase in any one municipal year then the increase for that year is lost and no increase can be made until the next year as provided above, and *provided further*, that this shall not be construed as applying to any fund received in trust by said city or town, nor to any loan for the purpose of renewing existing loans or for war, or to temporary loans to be paid out of money raised by taxation, during the year in which they are made.

(Added by Amendment xxii.
Amended by Amendment xxxiv.)

Municipal indebtedness limited.

SECTION 16. The legislature may by law authorize the dividing of towns into voting districts for all state and national elections, and prescribe the manner in which the votes shall be received, counted, and the result of the election declared.

(Added by Amendment xii.
Amended by Amendment xlv.)
Voting districts.

SECTION 17. The state, under proper enactment of the legislature, may issue its bonds not exceeding in the aggregate thirty-six million dollars in amount at any one time, and all bonds issued after the year one thousand nine hundred and thirty-five shall be payable serially within fifteen years from date of issue, at a rate of interest not exceeding four per cent per year, payable semi-annually.

(Added by Amendment xxxv.
Amended by Amendments xliii, xlviii, xlix, li, lii, lviii, lxviii.)

The proceeds of bonds hereafter issued and outstanding under authority of this section to the extent of five million dollars shall be devoted solely to the construction of the system of state highways heretofore designated or to such as may hereafter be designated. Said bonds, when paid at maturity or otherwise retired, shall not be reissued. All bonds issued

Highway and bridge bonds.

Bath-Woolwich
bridge.

Waldo-Hancock
bridge.

Fore river bridge.

under the authority of this section shall be in addition to the bonds heretofore issued in the amount of three million dollars, the proceeds of which were devoted to the building of a combination highway and railroad bridge across the Kennebec river between the city of Bath and the town of Woolwich, and in addition to the bonds heretofore issued in the amount of nine hundred thousand dollars, the proceeds of which were devoted to the building of a highway bridge across the Penobscot river between the towns of Prospect, Verona and Bucksport.

The legislature may authorize, in addition to the bonds hereinbefore mentioned, the issuance of bonds not exceeding seven million dollars in amount at any one time payable within fifteen years at a rate of interest not exceeding two per cent per year, payable semi-annually, which bonds or their proceeds shall be devoted solely to provide in whole, or in connection with other funds, for the construction of a combination highway and railroad bridge, including highway approaches thereto, across Fore river between the cities of Portland and South Portland in Cumberland county, as authorized by the legislature and in accordance with the terms of such authorization.

(Added by Amend-
ment lx as Sec. 21.)

Deer Isle-Sedgwick
bridge.

SECTION 18. The state under authority of proper enactment of the legislature may issue its bonds not to exceed the amount of five hundred thousand dollars, payable within thirty years, at a rate of interest not exceeding five per cent per annum, payable semi-annually, the proceeds to be disbursed for maintenance of a bridge between the towns of Deer Isle and Sedgwick, and for interest charges on, and retirement of bonds issued by the Deer Isle-Sedgwick Bridge District; said bonds to be issued only at such times and in such amounts as may be required to furnish funds additional to the receipts of the Deer Isle-Sedgwick bridge for maintenance, interest and the retirement of bonds issued by the Deer Isle-Sedgwick Bridge District.

(Added by Amend-
ment lxii as Sec. 22.)

Limitation on
expenditure of
motor vehicle and
motor vehicle fuel
revenues.

SECTION 19. All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways, and to fuels used for the propulsion of such vehicles shall be expended solely for cost of administration, statutory refunds and adjustments, payment of debts and liabilities incurred in construction and reconstruction of highways and bridges, the cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of a state department having jurisdiction over such highways and bridges and expense for state enforcement of traffic laws and shall not be diverted for any purpose, *provided* that these limitations shall not apply to revenue from an excise tax on motor vehicles imposed in lieu of personal property tax.

(Added by Amend-
ment xxxiii.)
Seat of government.

SECTION 20. Augusta is hereby declared to be the seat of government of this state.

ARTICLE X.

ADDITIONAL PROVISIONS.

SECTION 1. (See Section 7 and Note).

SECTION 2. (See Section 7 and Note).

Laws now in force
continue until
repealed.

SECTION 3. All laws now in force in this state, and not repugnant to this constitution, shall remain, and be in force, until altered or repealed by the legislature, or shall expire by their own limitation.

(Amended by
Amendments xxiii,
xxxii, xxxvii.)

Amendments to
constitution.

SECTION 4. The legislature, whenever two thirds of both houses shall deem it necessary, may propose amendments to this constitution; and when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the

inhabitants of their respective towns and plantations, in the manner prescribed by law, at the next biennial meetings in the month of September, or 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 second Monday in September following the passage of said resolve, to give in their votes on the question, whether such amendment shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this constitution.

SECTION 5. (See Section 7 and Note).

SECTION 6. The chief justice of the supreme judicial court shall arrange the constitution, as amended, under appropriate titles and in proper articles, parts and sections, omitting all sections, clauses and words not in force and making no other changes in the provisions or language thereof, and shall submit the same to the legislature; and such arrangement of the constitution shall be made and submitted whenever a new revision of the public laws of the state is authorized; and the draft and arrangement, when approved by the legislature, shall be enrolled on parchment and deposited in the office of the secretary of state; and printed copies thereof shall be prefixed to the books containing the revised statutes of the state. And the constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the state.

(Amended by Amendments xxi, lxxv.)

Constitution to be arranged by chief justice of S. J. C.

Constitution to be enrolled and printed with laws.

Supreme law of the state.

SECTION 7. Sections one, two and five, of article ten of the constitution, shall hereafter be omitted in any printed copies thereof prefixed to the laws of the state; but this shall not impair the validity of acts under those sections; and said section five shall remain in full force, as part of the constitution, according to the stipulations of said section, with the same effect as if contained in said printed copies.

(Added by Amendment xxi.)

Original sections 1, 2, 5, of art. x, not to be printed.

Section 5 in full force.

NOTE: The omitted sections may be found in the text of the constitution prefixed to the official publication of the laws passed by the first legislature of the state, which convened May 31, 1820, pages xxiv-xxvii, and pages xxviii-xxxi; in the text of the constitution prefixed to the publication of the Laws of Maine, authorized by Resolve of March 8, 1821, Volume 1, pages 41-50, and in such text prefixed to the Revised Statutes of 1840, 1857 and 1871.

Amendments

NOTE: Each article of the amendments is identified by the date on which the legislative resolve proposing its submission for adoption was approved and by the chapter number of such resolve. The placement of each in the Constitution identifies it in the arrangement made pursuant to Article LXV of the Amendments, new sections being identified by an asterisk. Parentheses are used to indicate that the section identified has been repealed, or omitted as not in force.

It should be noted that the repeal of Article IV, Part Second, Section 2, by Article LIII of the Amendments has required the renumbering of all sections therein except Section 1, and that all sections in Article IX after Section 17 have been renumbered because Sections 18, 19 and 20 of said Article as originally adopted have been omitted as not in force. To preserve the numbering of sections once adopted, the provisions of Article XXII of the Amendments, as amended, have been inserted as Section 15 of Article IX, replacing the provision authorizing the issue of bonds adopted by Article XI of the Amendments.

I	March	7, 1834	43	Article IV, Part First,	Section 5.
II	March	30, 1837	74	Article I,	Section 10.
III	March	14, 1839	69	Article VI,	Section 4.
IV	April	16, 1841	181	Article IV, Part First,	Section 2.
V	March	19, 1844	281	Article IV, Part First, Article IV, Part Second, Article IV, Part Second, Article IV, Part Second, Article IV, Part Third, Article V, Part First, Article V, Part First, Article V, Part Second, Article IX,	Section 5, Section 2, Section 3, Section 4, Section 1, Section 2, Section 3, Section 2, Section 4.
VI	July	26, 1847	29	Article IX,	Section 14*.
VII	August	2, 1847	45	Article IV, Part First,	Section 5.
VIII	August	2, 1850	274	Amends each section amended by Article V of the Amendments by restoring the original language.	
IX	March	17, 1855	273	Article V, Part First, Article VI, Article VI, Article VII, Article IX, Article IX,	Section 8, Section 7*, Section 8*, Section 3, Section 10*, Section 11*.
X	March	24, 1864	344	Article II, Article II, Article IV, Part First, Article IV, Part Second, Article IV, Part Second, Article V, Part First, Article IX,	Section 1, Section 4, Section 5, Section 2, Section 3, Section 3, Section 12*.

XI	March	7, 1868	276	Article IX,	Section (15*).
XII	March	13, 1869	91	Article IX,	Section 16*.
XIII	February	24, 1875	98	Article IV, Part Second, Article IV, Part Second,	Section 3, Section 4.
XIV	February	24, 1875	98	Article IV, Part Third, Article IV, Part Third,	Section 13*, Section 14*.
XV	February	24, 1875	98	Article V, Part First,	Section 11.
XVI	February	24, 1875	98	Article V, Part First, Article VI,	Section 8, Section 8.
XVII	February	24, 1875	98	Article IX, Article IX,	Section 8, Section 9*.
XVIII	February	24, 1875	98	Article IX,	Section 11.
XIX	February	24, 1875	98	Article IV, Part Third,	Section 15*.
XX	February	24, 1875	98	Article IX,	Section 13*.
XXI	February	24, 1875	98	Article X, Article X,	Section 6, Section 7*.
XXII	February	9, 1877	279	Article IX,	Section 15*.
XXIII	March	4, 1879	151	Article II, Article IV, Part First, Article IV, Part First, Article IV, Part Second, Article IV, Part Third, Article V, Part First, Article V, Part First, Article V, Part Second, Article V, Part Third, Article V, Part Fourth, Article V, Part Fourth, Article VI, Article VII, Article IX, Article IX, Article IX, Article X,	Section 4, Section 2, Section 5, Section 4, Section 1, Section 2, Section 13, Section 2, Section 1, Section 1, Section 4, Section 7, Section 3, Section 4, Section 11, Section 12, Section 4.
XXIV	January	27, 1880	159	Article V, Part First,	Section 3.
XXV	March	18, 1880	217	Article IV, Part First,	Section 2.
XXVI	February	21, 1883	93	Adopted an Amendment (Prohibition), repealed by Amendment LIV.	
XXVII	March	10, 1887	80	Article V, Part Fourth,	Section 1.
XXVIII	March	31, 1891	100	Article VII,	Section 3.
XXIX	April	3, 1891	109	Article II,	Section 1.
XXX	March	27, 1897	259	Article IV, Part Second,	Section 4.
XXXI	March	20, 1907	121	Article IV, Part First, Article IV, Part Third, Article IV, Part Third, Article IV, Part Third, Article IV, Part Third, Article IV, Part Third, Article IV, Part Third, Article IV, Part Third,	Section 1, Section 1, Section 16*, Section 17*, Section 18*, Section 19*, Section 20*, Section 21*, Section 22*.
XXXII	March	28, 1907	238	Article X,	Section 4.
XXXIII	March	31, 1911	210	Article IX,	Section 20*.
XXXIV	March	31, 1911	221	Article IX,	Section 15.

XXXV	March	25, 1912	1	Article IX, Article IX,	Section 14, Section 17*.
XXXVI	April	4, 1913	264	Article IX,	Section 8.
XXXVII	April	12, 1913	354	Article X,	Section 4.
XXXVIII	March	19, 1917	30	Article IX,	Section 10.
XXXIX	April	7, 1917	116	Article IV, Part First,	Section 3.
XL	March	8, 1919	24	Article VII, Article VII, Article VII, Article VII, Article VII,	Section 1, Section 2, Section 3, Section 4, Section 5.
XLI	March	28, 1919	110	Article IX, Article IX,	Section 14. Section (18).
XLII	April	4, 1919	155	Article IX,	Section 14.
XLIII	April	4, 1919	168	Article IX, Article IX,	Section 14, Section 17.
XLIV	March	28, 1919	108	Article II,	Section 1.
XLV	November	7, 1919	173	Article IX, Article IX,	Section 14, Section (19).
XLVI	March	8, 1919	22	Article IX,	Section 16.
XLVII	April	6, 1921	87	Article IV, Part First,	Section 5.
XLVIII	April	3, 1925	71	Article IX,	Section 17.
XLIX	April	11, 1925	118	Article IX,	Section 17.
L	April	10, 1929	141	Article V, Part Second,	Section 2.
LI	April	13, 1929	147	Article IX,	Section 17.
LII	April	13, 1929	177	Article IX,	Section 17.
LIII	April	3, 1931	133	Article IV, Part Second, Article IV, Part Second, Article IV, Part Second,	Section 1, Section (2), Section 4.
LIV	December	16, 1933	219	Repealed (Prohibition) Amendment XXXVI.	
LV	December	16, 1933	222	Article IX,	Section 14.
LVI	December	16, 1933	223	Article IX,	Section (20).
LVII	March	30, 1935	81	Article II,	Section 1.
LVIII	March	30, 1935	96	Article IX,	Section 17.
LIX	April	6, 1935	110	Article II,	Section 5*.
LX	April	6, 1935	133	Article IX,	Section 18*.
LXI	February	25, 1937	4	Article II,	Section 1.
LXII	April	9, 1943	53	Article IX,	Section 19*.
LXIII	March	13, 1947	37	Article IV, Part Third,	Section 17.
LXIV	May	13, 1947	153	Article IV, Part Third,	Section 7.
LXV	March	18, 1949	29	Article X,	Section 6.
LXVI	April	4, 1949	61	Article IV, Part Third,	Section 18.
LXVII	April	25, 1949	99	Article IX,	Section 14.
LXVIII	May	7, 1949	184	Article IX,	Section 17.
LXIX	May	7, 1949	211	Article IV, Part First,	Section 3.

Sections 15, 18, 19 and 20 of Article IX of the Constitution as adopted by Amendments XI, XLI, XLV and LVI have been omitted from the codified text because all bonds therein authorized, having been duly issued, have been paid or otherwise retired.

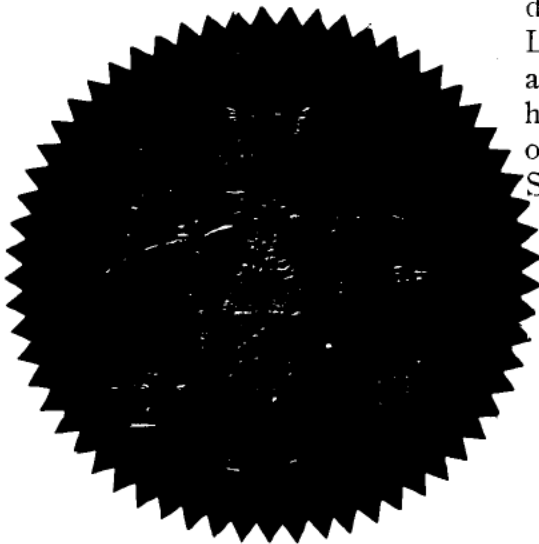
The provisions of Amendment XXII, as amended by Amendment XXXIV, have been placed in the codified text as Section 15 of Article IX to retain the Section numbers as heretofore in effect as far as reasonably possible.

STATE OF MAINE

Office of Secretary of State

I hereby certify that the foregoing Constitution, as amended and arranged by the Chief Justice of the Supreme Judicial Court, in pursuance of a resolve of the Legislature, approved March eighteenth, one thousand nine hundred and forty-nine, is correctly enrolled, in accordance with the provisions of a resolve of the Legislature, approved May fourth, one thousand nine hundred and fifty-one.

In testimony whereof, I have caused the seal of the State to be hereto affixed. Given under my hand at Augusta this fifteenth day of April, in the year of our Lord one thousand nine hundred and fifty-four, and in the one hundred and seventy-eighth year of the Independence of the United States of America.



Harold J. Gore

Secretary of State