

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 118**

H. P. 109

House of Representatives, January 18, 1979

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Ms. Brown of Gorham.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT Concerning Appointments of Justices of the Peace.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, at the present time there is no provision under Maine law for the original appointment of justices of the peace; and

Whereas, the following legislation is vitally necessary to provide a method of making such appointments as the result of the passage of Constitutional Resolution, chapter 1 of 1977; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1.** 5 MRSA § 82, first ¶, as last repealed and replaced by PL 1975, c. 771, § 31-A, is repealed as follows:

~~The Governor shall appoint justices of the peace for an initial term only~~

**Sec. 2. 5 MRSA § 82, 2nd ¶**, as last repealed and replaced by PL 1975, c. 771, § 31-A, is amended to read:

The Secretary of State shall have the authority to appoint all notaries public **and justices of the peace** and shall have the authority to renew commissions of all notaries public and justices of the peace. The Secretary of State shall promulgate rules and regulations relating to the appointments of notaries public **and justices of the peace** and to the issuance of renewals of commissions of notaries public and justices of the peace.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall become effective when approved.

#### STATEMENT OF FACT

The purpose of this bill is to provide a provision under Maine law for the original appointment of justices of the peace.