

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES (Filing No. H-376)  
109TH LEGISLATURE  
FIRST REGULAR SESSION

COMMITTEE AMENDMENT<sup>A</sup> to H.P. 1213, L.D. 1489,  
RESOLUTION, Proposing an Amendment to the Constitution of  
Maine to Provide for Five-year Terms for Judges Instead  
of Seven-year Terms and to Provide for Legislative Action  
upon Public Petition of Judicial Misconduct.

constitutional resolution  
Amend the / by striking out in the title everything  
after "Seven-year Terms" and before the period.

Further amend the constitutional resolution by striking  
out everything after the first paragraph and inserting in its  
place the following:

'Constitution, Art. VI, §4, as amended by CR 1975, c. 7,  
is further amended to read:

Section 4. Tenure of judicial officers. All judicial  
officers shall hold their offices for the term of ~~seven~~ five  
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 six months or until his  
successor is appointed, whichever occurs first in time.

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 special 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 provide for five-year terms for judges instead of seven-year terms?"

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 votes 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 purpose of this referendum.

Statement of Fact

This amendment removes the bill's provision that provides for legislative action on public petition of judicial misconduct. The amendment only includes the change in judicial terms for the present 7-year terms to 5-year terms.

Reported by the Minority of the Committee on Judiciary  
Reproduced and distributed under the direction of the  
Clerk of the House.  
5/10/79 (Filing No. H-376)