MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
http://legislature.maine.gov/lawlib

STATE OF MAINE
HOUSE OF REPRESENTATIVES   (Filing No. H-931)
109TH LEGISLATURE
SECOND REGULAR SESSION

HOUSE AMENDMENT"**A** to S.P. 804, L.D. 2007, RESOLUTION,

Proposing an Amendment to the Constitution Allowing Either the

Constitution or Statutes to Determine the Manner of Selection

of Judges of Probate and Justices of the Peace.

Amend the resolution by striking out all of the title and

inserting in its place the following:

'RESOLUTION, Proposing to Rescind a Resolve that Proposed

a Constitutional Amendment to Repeal the Office**S** of Judges and

Registers of Probate as Constitutional Officers.'

Further amend the resolution by striking out everthing after

the title and inserting in its place the following:

'RESOLVED: Two-thirds of each branch of the Legislature con-

curring, that the following resolution be proposed:

Resolve, 1967, c. 77 is repealed.

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 the next general election in the month of November following passage of this resolution, to vote upon the ratification of the repeal proposed in this resolution by voting upon the following question:

"Shall the resolve proposing a constitutional amendment to repeal the offices of judges/ and registers of probate as constitutional officers be rescinded?"

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 resolution, the Governor shall proclaim that fact without delay and the repeal shall become effective immediately.

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

Statement of Fact

In 1967, the Legislature enacted and the people ratified a constitutional amendment to repeal the Judges of Probate and Registers of Probate as constitutional officers. However, because of the conditional effective date on that constitutional resolution, the amendment has never become effective.

     amendment to LD 2007
This/   repeals the 1967 constitutional resolution so that it may never become effective. It requires the same voting requirements and ratification required by a constituional amendment.

In summary, this amendment will continue these constitutional requirements for judges and registers of probate, regardless of future legislative action.

Filed by Mr. Gray of Thomaston
Reproduced and distributed under the direction of the Clerk of the House
3/18/80   (Filing No. H-931)