

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1999

6
7 H.P. 1415

House of Representatives, February 10, 1986

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 EDWIN H. PERT, Clerk

10 Presented by Representative Kane of So. Portland.

Cosponsored by Senator Carpenter of Aroostook, Representative Priest
of Brunswick and Representative Stetson of Damariscotta.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

17 RESOLUTION, Proposing an Amendment
18 to the Constitution of Maine
19 to Allow the Legislature to Shorten the Terms of
20 Office of Active Retired Judges.
21

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

26 Constitution, Article VI, §4 is amended to read:

27 Section 4. Tenure of judicial officers; 6-month
28 holdover period. All judicial officers appointed by
29 the Governor shall hold their offices for the term of
30 7 years from the time of their respective appoint-
31 ments (unless sooner removed by impeachment or by ad-
32 dress of both branches of the Legislature to the ex-
33 ecutive, provided further that justices of the peace
34 may be removed from office in such manner as the Leg-
35 islature may provide); provided that the Legislature
36 may provide that judicial officers appointed by the

1 Governor as active retired judges may be appointed to
2 hold their offices for a term of less than 7 years;
3 provided; however; further that a judicial officer
4 whose term of office has expired or who has reached
5 mandatory retirement age, as provided by statute, may
6 continue to hold office until the expiration of an
7 additional period not to exceed 6 months or until his
8 successor is appointed, whichever occurs first in
9 time.

10 Constitutional referendum procedure; form of
11 question; effective date. Resolved: That the city
12 aldermen, town selectmen and plantation assessors of
13 this State shall notify the inhabitants of their re-
14 spective cities, towns and plantations to meet, in
15 the manner prescribed by law for holding a statewide
16 election, at the next general election in the month
17 of November following the passage of this resolution,
18 to vote upon the ratification of the amendment pro-
19 posed in this resolution by voting upon the following
20 question:

21 "Shall the Constitution of Maine be amended
22 to allow the Legislature to shorten the terms of
23 office of active retired judges?"

24 The legal voters of each city, town and planta-
25 tion shall vote by ballot on this question, and shall
26 designate their choice by a cross or check mark
27 placed within the corresponding square below the word
28 "Yes" or "No." The ballots shall be received,
29 sorted, counted and declared in open ward, town and
30 plantation meetings and returns made to the Secretary
31 of State in the same manner as votes for members of
32 the Legislature. The Governor shall review the re-
33 turns and, if it appears that a majority of the legal
34 votes are in favor of the amendment, the Governor
35 shall proclaim that fact without delay and the amend-
36 ment shall become part of the Constitution on the
37 date of the proclamation.

38 Secretary of State shall prepare ballots. Re-
39 solved: That the Secretary of State shall prepare
40 and furnish to each city, town and plantation all
41 ballots, returns and copies of this resolution neces-
42 sary to carry out the purposes of this referendum.

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STATEMENT OF FACT

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This constitutional resolution proposes an amendment to the Constitution of Maine to allow the Legislature to shorten the terms of office of active retired judges.

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