

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

NO. 1232

H.P. 920 House of Representatives, April 10, 1987  
Reference to the Committee on Judiciary suggested and  
ordered printed.

EDWIN H. PERT, Clerk  
Presented by Representative FOSS of Yarmouth.  
Cosponsored by Representative MacBRIDE of Presque Isle.

STATE OF MAINE

IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SEVEN

RESOLUTION, Proposing an Amendment  
to the Constitution of Maine Relating to  
Salaries Received by Judges Who have been  
Relieved of Their Duties.

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

Constitution Art. VI, §2 is amended to read:

Section 2. Compensation. The Justices of the Su-  
preme Judicial Court and the Judges of other courts  
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  
for their services as Justices or Judges. If a Jus-

1 tice or Judge is relieved of his duties pending any  
2 investigation for possible misconduct, that Justice  
3 or Judge shall not receive compensation for the peri-  
4 od of time that he is relieved of his duties, but, if  
5 it is determined that no misconduct occurred, he may  
6 be paid that compensation for that period of time.

7 Constitutional referendum procedure; form of  
8 question; effective date. Resolved: That the city  
9 aldermen, town selectmen and plantation assessors of  
10 this State shall notify the inhabitants of their re-  
11 spective cities, towns and plantations to meet, in  
12 the manner prescribed by law for holding a statewide  
13 election; at a statewide election, on the Tuesday  
14 following the first Monday of November following the  
15 passage of this resolution, to vote upon the ratifi-  
16 cation of the amendment proposed in this resolution  
17 by voting upon the following question:

18 "Shall the Constitution of Maine be amended to  
19 provide that Judges relieved of their duties  
20 pending investigation of possible misconduct not  
21 be paid during that period of time?"

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

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

STATEMENT OF FACT

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The purpose of this constitutional resolution is to require that, if a Judge is relieved of his duties pending an investigation of possible misconduct, he shall not be paid during that time. If it is determined that no misconduct occurred, he may be repaid for the compensation lost.

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