## MAINE STATE LEGISLATURE

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## 121st MAINE LEGISLATURE

## **FIRST REGULAR SESSION-2003**

**Legislative Document** 

No. 1012

H.P. 733

House of Representatives, February 25, 2003

RESOLUTION, Proposing Amendments to the Constitution of Maine To Require the Appointment of County Sheriffs, Judges and Registers of Probate

Reference to the Committee on State and Local Government suggested and ordered printed.

Millient M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative BULL of Freeport.

	Constitutional amendments. Resolved: Two thirds of each
2	branch of the Legislature concurring, that the following amendments to the Constitution of Maine be proposed:
4	The second secon
	Constitution, Art. VI, §6, as repealed and affected by Resolve
6	1967, c. 77, is repealed and the following enacted in its place:
8	Section 6. Judges and registers of probate, appointment and terms; vacancies. Judges and registers of probate are appointed
10	by the county commissioners of their respective counties and hold
12	their offices for 4 years. Vacancies occurring in said offices by death, resignation or otherwise are filled by appointment, and
14	the appointees hold office for the remainder of the term for which they were appointed.
16	Constitution, Art. IX, §10 is repealed and the following
18	enacted in its place:
	Section 10. Appointment of sheriffs; vacancies. Sheriffs
20	are appointed by the county commissioners of their respective counties and hold their offices for 4 years. Vacancies in the
22	office of sheriff are filled by appointment and appointees hold
	office for the remainder of the terms for which they were
24	appointed.
	; and be it further
26	Constitutional referendum procedures form of questions effective
28	Constitutional referendum procedure; form of question; effective
20	date. Resolved: That the municipal officers of this State shall notify the inhabitants of their respective cities, towns and
30	plantations
30	to meet, in the manner prescribed by law for holding a statewide
32	election, at a statewide election, on the Tuesday following the
2.4	first Monday of November following the passage of this
34	resolution, to vote upon the ratification of the amendment proposed in this resolution by voting upon the following question:
36	proposed in this resolution by voting upon the following question.
30	"Do you favor amending the Constitution of Maine to allow
38	for the appointment of judges of probate, registers of
	probate and sheriffs by the county commissioners of their
40	respective counties?"
42	The legal voters of each city, town and plantation shall
	vote by ballot on this question and designate their choice by a
44	cross or check mark placed within the corresponding square below
16	the word "Yes" or "No." The ballots must be received, sorted,
46	counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as
48	votes for members of the Legislature. The Governor shall review

the returns and, if it appears that a majority of the legal votes are cast in favor of the amendment, the Governor shall proclaim

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	that fact without delay and the amendment becomes part of the
2	Constitution on the date of the proclamation; and be it further
4	Secretary of State shall prepare ballots. Resolved: That the
	Secretary of State shall prepare and furnish to each city, town
6	and plantation all ballots, returns and copies of this resolution
	necessary to carry out the purposes of this referendum.
8	
10	
	SUMMARY
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	This constitutional resolution allows for the appointment of
14	judges of probate, registers of probate and sheriffs by the
	county commissioners of their respective counties.
16	
	Resolve 1967, chapter 77 repealed the Constitution of Maine,
18	Article VI, Section 6, regarding the election of judges and
	registers of probate, contingent upon the Legislature's enactment
20	of a different Probate Court system with full-time judges. That
	contingency has not occurred, allowing for this amendment.