

MAINE STATE LEGISLATURE

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SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 285

MAJORITY REPORT.

STATE OF MAINE.

RESOLVES providing for an amendment to the Constitution,
empowering the Governor to remove Sheriffs.

Resolved, two-thirds of both houses of the Legislature
2 concurring, that the following amendment to the Consti-
3 tution of this State be proposed, viz:

Section 10 of Article IX of the Constitution is amended
5 by inserting after the word "elections" in the fourth line
6 of said section the words, 'unless their terms of office are
7 sooner terminated in the manner following, viz: Upon peti-
8 tion of not less than fifty adult citizens in a county, charg-
9 ing that the sheriff of such county has persistently failed to
10 perform his legal duties, and specifying wherein he has so
11 failed, the governor, upon hearing and satisfactory proof
12 of such persistent failure, may remove such sheriff and fill
13 the vacancy from the same political party to which such

14 sheriff belongs, first giving to such sheriff, at least ten days
15 before the date of hearing, a copy of the charges and spe-
16 cifications against him, and a notice of the time and place
17 of hearing thereon. The legislature may enact laws to carry
18 these provisions into effect;’ also by inserting after the word
19 “vacancies” in said fourth line, the words ‘occurring in any
20 other manner,’ so that said section as amended shall read
21 as follows:

‘Sect. 10. Sheriffs shall be elected by the people of their
23 respective counties, by a plurality of the votes given in on
24 the second Monday of September, and shall hold their offices
25 for two years from the first day of January next after their
26 elections, unless their terms of office are sooner terminated
27 in the manner following, viz: Upon petition of not less than
28 fifty adult citizens in a county, charging that the sheriff of
29 said county has persistently failed to perform his legal du-
30 ties, and specifying wherein he has so failed, the governor,
31 upon hearing and satisfactory proof of such persistent fail-
32 ure, may remove such sheriff and fill the vacancy from the
33 same political party to which such sheriff belongs, first giv-
34 ing to such sheriff, at least ten days before the date of hear-
35 ing, a copy of the charges and specifications against him,
36 and a notice of the time and place of hearing thereon. The
37 legislature may enact laws to carry these provisions into
38 effect. Vacancies occurring in any other manner shall be
39 filled in the same manner as is provided in the case of judges
40 and registers of probate.’

Resolved, That the aldermen of cities, the selectmen of
42 towns, and assessors of plantations, in the State, are hereby
43 empowered and directed to notify the inhabitants of their
44 respective cities, towns and plantations, in the manner pre-
45 scribed by law, on the second Monday of September fol-
46 lowing the passage of this resolve, to give in their votes on
47 the question whether the amendment to the constitution pro-
48 posed in the foregoing resolve shall be made; and the ques-
49 tion so submitted shall be "Shall the constitution be amend-
50 ed so as to empower the governor to remove sheriffs, as
51 provided by said amendment?" And the inhabitants of said
52 cities, towns and plantations, shall vote by ballot on said
53 question—those in favor of the amendment expressing it
54 by the word "Yes" upon their ballots, and those opposed to
55 the amendment by the word "No" upon their ballots; and
56 the ballots shall be received, sorted, counted, declared and
57 recorded in open ward, town and plantation meeting, and
58 lists of the votes so received shall be made and returned
59 to the secretary of state in the same manner as votes for
60 governor. And the governor and council shall open, ex-
61 amine and count the same, and if it shall appear that a
62 majority of the votes is in favor of said amendment, the
63 constitution shall thereupon be amended accordingly, and
64 the governor shall, by his proclamation, declare such amend-
65 ment to be adopted.

Resolved, That the secretary of state shall prepare and
67 furnish to the several cities, towns and plantations, ballots
68 and blank returns in conformity to the foregoing resolves
69 accompanied by a copy thereof.

NEW DRAFT.

AN ACT conditionally repealing Chapter 92 of the Public Laws of 1905, relating to the better enforcement of the laws against the manufacture and sale of Intoxicating Liquors.

Whereas, there is pending before this Legislature the following resolve:

Resolves providing for an amendment of the constitution, empowering the governor to remove sheriffs.

Resolved, two-thirds of both houses of the legislature concurring, that the following amendment to the Constitution of this State be proposed, viz:

Section 10 of Article IX of the Constitution is amended by inserting after the word "elections" in the fourth line of said section the words, 'unless their terms of office are sooner terminated in the manner following, viz: Upon petition of not less than fifty adult citizens in a county, charging that the sheriff of such county has persistently failed to perform his legal duties, and specifying wherein he has so failed, the Governor, upon hearing and satisfactory proof of such persistent failure, may remove such sheriff and fill the vacancy from the same political party to which such sheriff belongs, first giving to such sheriff, at least ten days before the date of hearing, a copy of the charges and specifications against him, and a notice of the time and place of hearing thereon. The legislature may enact laws to carry these provisions into effect;' also by inserting after the word "vacancies" in said fourth line, the words,

‘occurring in any other manner,’ so that said section as amended shall read as follows:

‘Section 10. Sheriffs shall be elected by the people of their respective counties, by plurality of the votes given in on the second Monday of September, and shall hold their offices for two years from the first day of January next after their elections, unless their terms of office are sooner terminated in the manner following, viz: Upon petition of not less than fifty adult citizens in a county, charging that the sheriff of said county has persistently failed to perform his legal duties, and specifying wherein he has so failed, the governor, upon hearing and satisfactory proof of such persistent failure, may remove such sheriff and fill the vacancy from the same political party to which such sheriff belongs, first giving to such sheriff, at least ten days before the date of hearing, a copy of the charges and specifications against him, and a notice of the time and place of hearing thereon. The legislature may enact laws to carry these provisions into effect. Vacancies occurring in any other manner shall be filled in the same manner as is provided in the case of judges and registers of probate.’

Resolved, That the aldermen of cities, selectmen of towns, and assessors of plantations, in the State, are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations, in the manner prescribed by law, on the second Monday of September following the passage of this resolve, to give in their votes on the question whether the amendment to the Constitution proposed in the foregoing re-

solve shall be made; and the question so submitted shall be “Shall the Constitution be amended so as to empower the Governor to remove sheriffs, as provided by said amendment?” And the inhabitants of said cities, towns and plantations, shall vote by ballot on said question—those in favor of the amendment expressing it by the word “Yes” upon their ballots, and those opposed to the amendment by the word “No” upon their ballots; and the ballots shall be received, sorted, counted, declared and recorded in open ward, town and plantation meeting, and lists of the votes so received shall be made and returned to the secretary of state in the same manner as votes for Governor. And the Governor and Council shall open, examine and count the same, and if it shall appear that a majority of the votes is in favor of said amendment, the Constitution shall thereupon be amended accordingly, and the Governor shall, by his proclamation, declare such amendment to be adopted.

Resolved, That the secretary of state shall prepare and furnish to the several cities, towns and plantations, ballots and blank returns in conformity to the foregoing resolves accompanied by a copy thereof.

Now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Section 1. Chapter ninety-two of the public laws of nineteen hundred and five is hereby repealed in case of the adoption of the said constitutional amendment.

Sect. 2. This act shall take effect when said amendment is adopted.

STATE OF MAINE.

Majority Report of the Committee on Judiciary, to which was referred the bill, entitled "An Act to repeal Chapter 92 of the Public Laws of 1905, entitled 'An Act to provide for the better enforcement of the laws against the manufacture and sale of intoxicating liquors,'" have had the same under consideration and ask leave to report a Resolve, and an Act in new draft, as follows, to wit: "A Resolve providing for an amendment of the Constitution, empowering the Governor to remove Sheriffs," and "An Act conditionally repealing Chapter 92 of the Public Laws of 1905, relating to the better enforcement of the laws against the manufacture and sale of Intoxicating Liquors," and asked leave to report that the same ought to pass.

HASTINGS,
LOONEY,
BAXTER,
DAVIES,
WING,
PETERS,
HERSEY,
ANDREWS,
BURLEIGH.

NEW DRAFT.

STATE OF MAINE.

MINORITY REPORT.

AN ACT to repeal Chapter 92 of the Public Laws of 1905,
relating to the better enforcement of the laws against the
manufacture and sale of Intoxicating Liquors.

Be it enacted by the People of the State of Maine, as follows:

Section 1. Chapter ninety-two of the public laws of nine-
2 teen hundred and five is hereby repealed.

STATE OF MAINE.

Minority Report of the Committee on Judiciary, to which was referred an Act entitled "An Act to repeal Chapter 92 of the Public Laws of 1905, entitled 'An Act to provide for the better enforcement of the laws against the manufacture and sale of Intoxicating Liquors,'" have had the same under consideration, and ask leave to report a bill in a new draft for the following reasons:

The purposes of this legislation is to get rid of the Sturgis Bill, so called, and to the annoyances its attempted enforcement produces on the public mind, alike upon the members of every political party, and its expense to the State. This annoyance has become such that all well meaning and honest temperance people deem its longer existence a menace to the due respect of all law; and certainly to a due regard for the provisions of the Constitution of the State.

Heretofore it has been the policy of the Legislature to promptly repeal such unpopular laws, and all such that seem to be unconstitutional.

To return to the enforcement of the laws by the duly elected officers of the people is a wise and safe course.

Under the title of "An Act to repeal Chapter 92 of the Public Laws of 1905, relating to the better enforcement of the laws against the manufacture and sale of intoxicating liquors," and that it ought to pass.

J. H. MONTGOMERY.





STATE OF MAINE.

IN SENATE,

February 25, 1909.

Majority report, Committee on Judiciary, on Bill "An Act to repeal Chapter 92 of the Public Laws of 1905 entitled 'An Act to provide for the better enforcement of the laws against the sale and manufacture of intoxicating liquors,'" submitting the same in new draft, also submitting "Resolve providing for an amendment of the Constitution empowering the Governor to remove sheriffs," also minority report of same committee on same bill submitting the same in new draft, tabled for printing pending acceptance of either report, on motion by Mr. EATON of Washington, and 1000 copies ordered printed; assigned for Wednesday, March 3rd.

F. G. FARRINGTON, *Secretary*