

MAINE STATE LEGISLATURE

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NEW DRAFT.

SEVENTY-FOURTH LEGISLATURE

SENATE.

No. 324

STATE OF MAINE.

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND NINE.

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 Consti-
tution, empowering the Governor to remove Sheriffs.

RESOLVED, two-thirds of both houses of the Legislature
concurring, 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 resolve 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.

IN SENATE,

March 3, 1909.

Reported by a majority of the Committee on Judiciary and laid on table to be printed under the joint rules.

F. G. FARRINGTON, *Secretary*.