

MAINE STATE LEGISLATURE

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SEVENTY-SIXTH LEGISLATURE

HOUSE NO. 581

House of Representatives, March 20, 1913.

*Tabled pending reference to a committee, by Mr. Quinn of
Millinocket, and ordered printed.*

W. R. ROIX, Clerk.

STATE OF MAINE

RESOLVE proposing an amendment to the Constitution of
Maine providing for the recall of public officers.

Resolved, two-thirds of both houses concurring, that the
2 following amendment to the constitution of the state be
3 proposed, viz:

ARTICLE XXXII.

RECALL OF PUBLIC OFFICERS.

'Section 1. Every public officer in the state of Maine hold-
7 ing any office, either by election of appointment, is subject
8 to recall from such office by the qualified electors of the
9 electoral district within which such officer has power. Such

10 electoral district may include the whole state. Such num-
11 ber of said electors as shall equal twenty-five per centum
12 of the number of votes cast in such district at the last pre-
13 ceding general election for all of the candidates for gov-
14 ernor, may by petition, which shall be known as a Recall
15 Petition, demand his recall.

‘Sect. 2. Every Recall Petition must contain a general
17 statement, in not more than two hundred words, of the
18 grounds of such demand, and must be filed in the office
19 in which petitions for nominations in that electoral district
20 are required to be filed. The signatures to such Recall
21 Petition need not all be on one sheet of paper, but each
22 signers must add to his signature the date of his signing
23 said petition, and his place of residence. One of the sign-
24 ers of each sheet of such petition, or the person circulating
25 such sheet, must make and subscribe an oath on said sheet,
26 that the signatures thereon are genuine.

‘Sect. 3. If said officer shall offer his resignation it shall
28 be accepted, and the vacancy shall be filled as may be pro-
29 vided by law. If he shall not resign within five days after
30 a Recall Petition is filed, a special election shall be ordered
31 to be held, not less than twenty, nor more than thirty days
32 after such order, to determine whether such officer shall be
33 recalled. On the ballots at said election shall be printed
34 the reasons as set forth in the petition for demanding his
35 recall, and, in not more than two hundred words, the offi-
36 cer's justification of his course in office. He shall con-

37 tinue to perform the duties of his office until the result of
38 said election shall have been officially declared.

‘Sect. 4. Unless he otherwise request, in writing, if the
40 office be elective, his name shall be placed as a candidate
41 on the official ballot without nomination. Other candidates
42 for the office may be nominated to be voted for at said
43 election. The candidate who shall receive the highest num-
44 ber of votes shall be declared elected for the remainder of
45 the term. Unless the incumbent receive the highest num-
46 ber of votes, he shall be deemed to be removed from office,
47 upon qualification of his successor. In the event that his
48 successor shall not qualify within five days after the result
49 of said election shall have been declared, the said office shall
49 be vacant, and may be filled as provided by law.

‘Sect. 5. But should the office be appointive, then the
52 question to be proposed to the electors at such special elec-
53 tion will be, shall the officer in question be recalled, and if
54 the majority of votes cast at such election be in the affirm-
55 ative, such officer shall be deemed to be recalled, and his
56 office shall be vacant, and he shall not be eligible for re-
57 appointment to such office until the term for which he was
58 originally appointed shall have fully expired.

‘Sect. 6. No Recall Petition shall be circulated against
60 any officer until he shall have held his office for a period
61 of six months, except that it may be filed against a mem-
62 ber of the legislature at any time after five days from the
63 beginning of the first session after his election. After one

64 Recall Petition and election, no further Recall Petition shall
65 be filed against the same officer during the term for which
66 he was elected, or appointed, unless petitioners signing such
67 petition shall first pay into the public treasury which has
68 paid such election expenses, all expenses of the preceding
69 election.

‘Sect. 7. The general election laws shall apply to recall
71 elections in so far as applicable. Laws necessary to facili-
72 tate the operation of the provisions of this article shall be
73 enacted, including provision for payment by the public
74 treasury of the reasonable special election campaign ex-
75 penses of such officer.’

Resolved, That the aldermen of cities, selectmen of towns,
77 and assessors of plantations, are hereby empowered and di-
78 rected to notify the inhabitants of their respective cities,
79 towns and plantations, to meet in the manner prescribed by
80 law for calling and holding biennial meetings of said in-
81 habitants for the election of senators and representatives,
82 on the second Monday in September following the passage
83 of said resolve, to give in their votes on the question wheth-
84 er the amendment of the constitution proposed by the fore-
85 going resolve shall be made; and the question proposed in
86 the resolve shall be:

Shall the constitution be amended so as to provide for the
88 recall of all public officers of the State of Maine?

And the inhabitants of said cities, towns and plantations
90 shall vote by ballot on said question, those in favor of said

91 amendment expressing it by the word “yes” upon their bal-
92 lots, and those opposed to said amendment expressing it by
93 the word “no” upon their ballots, and the ballots shall be
94 received, sorted, counted and declared in open ward, town
95 and plantation meeting, and lists of the votes so received
96 shall be made and returned to the secretary of state in the
97 same manner as votes for governor and members of the
98 legislature, and the governor and council shall count the
99 same and make return to the legislature and if a majority
100 of the votes are in favor of said amendment, the con-
101 stitution shall be amended accordingly.

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