

MAINE STATE LEGISLATURE

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NINETY - SECOND LEGISLATURE

Legislative Document

No. 546

H. P. 960

House of Representatives, February 8, 1945.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Jalbert of Lewiston.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-FIVE

**RESOLVE, Proposing an Amendment to the Constitution Changing the
Date of the General Election.**

Constitutional amendment. Resolved: Two-thirds of the legislature concurring, that the following amendment to the constitution of this state be proposed :

Article II, § 4, constitution, amended. The first 2 sentences of section 4 of Article II of the constitution, as amended by Article XXIII, are hereby further amended to read as follows :

'The election of governor, senators and representatives shall be on the ~~second Monday of September~~ **Tuesday following the first Monday of November** biennially forever. But citizens of the state absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for governor, senators and representatives on the ~~second Monday of September~~ **Tuesday following the first Monday of November** biennially forever in the manner herein provided.'

Article VI, § 7, constitution, amended. Section 7 of Article VI of the constitution, as amended by Article XXIII, is hereby further amended to read as follows :

'Sec. 7. Judges and registers of probate, their election and tenure of office; vacancies. Judges and registers of probate shall be elected by the people of their respective counties, by a plurality of the votes given in at the biennial election, on the ~~second Monday of September~~ **Tuesday following the first Monday of November**, and shall hold their offices for four years, commencing on the first day of January next after their election. Vacancies occurring in said offices by death, resignation or otherwise, shall be filled by election in manner aforesaid, at the ~~September~~ **November** election next after their occurrence; and in the meantime, the governor, with the advice and consent of the council, may fill said vacancies by appointment, and the persons so appointed shall hold their offices until the first day of January.'

Article IX, § 12, constitution, amended. Section 12 of Article IX of the constitution, as amended by Article XXIII, is hereby further amended to read as follows:

'Sec. 12. Citizens who may be allowed to vote for county officers. But citizens of this state, absent therefrom in the military service of the United States or of this state, and not in the regular army of the United States, being otherwise qualified electors, shall be allowed to vote for judges and registers of probate, sheriffs, and all other county officers on the ~~second Monday in September~~ **Tuesday following the first Monday of November**. And the votes shall be given at the same time and in the same manner, and the names of the several candidates shall be printed or written on the same ballots with those for governor, senators and representatives, as provided in section four, article second of this constitution.'

Article IX, § 10, constitution, amended. Section 10 of Article IX of the constitution, as amended by Article XXXVIII, is hereby further amended so that the 1st paragraph of said Article XXXVIII shall read as follows:

'Sheriffs shall be elected by the people of their respective counties, by a plurality of the votes given in on the ~~second Monday of September~~ **Tuesday following the first Monday of November**, and shall hold their office for two years from the first day of January next after their election, unless sooner removed as hereinafter provided.'

Article X, § 2, constitution, amended. Section 2 of Article X of the constitution, as amended by Article XXIII, and by Article XXXII and by Article XXXVII, is hereby further amended to read as follows:

'Sec. 2. Constitution, how amended. The legislature, whenever two-thirds of both houses shall deem it necessary, may propose amendments to

this constitution; and, when any amendments shall be so agreed upon, a resolution shall be passed and sent to the selectmen of the several towns, and the assessors of the several plantations, empowering and directing them to notify the inhabitants of their respective towns and plantations in the manner prescribed by law at the next biennial meetings in the month of ~~September~~ **November** or to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives, on the ~~second Monday in September~~ **Tuesday following the first Monday of November** following the passage of said resolve, to give in their votes on the question, whether such amendments shall be made; and if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this constitution.'

Form of question and date when amendment shall be voted upon. Resolved: That the aldermen of cities, the selectmen of towns and the assessors of the several plantations of this state are hereby empowered and directed to notify the inhabitants of their respective cities, towns and plantations to meet in the manner prescribed by law for calling and holding biennial meetings of said inhabitants for the election of senators and representatives at the next general or special state-wide election, to give in their votes upon the amendment proposed in the foregoing resolution, and the question shall be: "Shall the constitution be amended as proposed by a resolution of the legislature to change the date of the general election?" And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the amendment voting "Yes" upon their ballots and those opposed to the amendment voting "No" upon their ballots, and the ballots shall be received, counted and declared in open ward, town and plantation meetings, and returns made to the office of the secretary of state in the same manner as votes for governor and members of the legislature, and the governor and council shall count the same, and if it shall appear that a majority of the inhabitants voting on the question are in favor of the amendment, the governor shall forthwith make known the fact by his proclamation, and the amendment shall thereupon as of the date of said proclamation become a part of the constitution.

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