

# MAINE STATE LEGISLATURE

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# NINETY-SEVENTH LEGISLATURE

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**Legislative Document**

**No. 400**

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H. P. 362

House of Representatives, February 2, 1955

Referred to the Committee on Judiciary, sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. McDonald of Rumford.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-FIVE

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

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

**Constitution, Article II, § 4, amended.** The 1st sentence of section 4 of Article II of the constitution is hereby 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.'

**Constitution, Article VI, § 7, amended.** Section 7 of Article VI of the constitution is hereby amended to read as follows:

'Section 7. **Election and tenure of judges and registers of probate; 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 next after the election aforesaid.'

**Constitution, Article IX, § 10, amended.** The 1st paragraph of section 10 of Article IX of the constitution is hereby amended to 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 offices for two years from the first day of January next after their election, unless sooner removed as hereinafter provided.’

**Constitution, Article IX, § 12, amended.** Section 12 of Article IX of the constitution is hereby amended to read as follows:

‘Section 12. **Voting by persons in military service 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** biennially forever. 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 of article second of this constitution.’

**Constitution, Article X, § 4, amended.** Section 4 of Article X of the constitution is hereby amended to read as follows:

‘Section 4. **Amendments to constitution.** 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 amendment 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.’

**Effective date. Resolved:** That the first election under the amendments herein proposed, if adopted, shall be in the year 1958.

**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, sorted, 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.