

# MAINE STATE LEGISLATURE

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NEW DRAFT OF S. P. 296—L. D. 793

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Legislative Document

No. 1552

S. P. 556

In Senate, May 2, 1957

Reported by Minority from the Committee on Constitutional Amendments and printed under Joint Rules No. 10.

CHESTER T. WINSLOW, Secretary

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-SEVEN

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**RESOLVE, Proposing an Amendment to the Constitution Providing for the Appointment of Judges of Probate by the Governor, with the Advice and Consent of the Council.**

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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 V, Part First, Section 8, amended.** Section 8 of Part First of Article V of the Constitution is hereby amended to read as follows:

'**Sec. 8. Nomination and appointment of officers.** He shall nominate, and, with the advice and consent of the Council, appoint all judicial officers (~~except judges of probate~~), coroners, and notaries public; and he shall also nominate, and with the advice and consent of the Council, appoint all other civil and military officers, whose appointment is not by this Constitution, or shall not by law be otherwise provided for, except the land agent; and every such nomination shall be made seven days, at least, prior to such appointment.'

**Constitution, Article V, Part First, Section 8-A, additional.** Part First of Article V of the Constitution is hereby amended by adding thereto a new section to be numbered 8-A, to read as follows:

'**Sec. 8-A. Appointment of judges of probate.** The Governor shall appoint, with the advice and consent of the Council, all judges of probate who shall hold their office for the term of four years or during the pleasure of the Governor. All judges of probate holding office on the effective date of this amendment shall continue in office for the remainder of their unexpired terms. Vacancies occur-

ring in the offices of judges of probate by death, resignation or otherwise, shall be filled by the Governor, with the advice and consent of the Council, and the persons so appointed shall hold their office for the remainder of the unexpired term.'

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

**'Sec. 7. Election and tenure of registers of probate; vacancies.** ~~Judges and registers~~ 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, and shall hold their offices for four years, commencing on the first day of January next after their election. Vacancies occurring in said ~~offices~~ **office** by death, resignation or otherwise, shall be filled by election in manner aforesaid at the September 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.'

**Form of question and date when amendments 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 amendments proposed in the foregoing resolution, and the question shall be:

"Shall the Constitution which now provides for popular election of the Judges of the Probate Court be amended, as proposed by a resolution of the Legislature to provide for their appointment by the Governor with the advice and consent of the Council?"

And the inhabitants of said cities, towns and plantations shall vote by ballot on said question, those in favor of the amendments voting "Yes" upon their ballots and those opposed to the amendments voting "No" upon their ballots, and the ballots shall be received, sorted, counted and declared in open ward, town and plantations 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 amendments, the Governor shall forthwith make known the fact by his proclamation, and the amendments 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.