

# MAINE STATE LEGISLATURE

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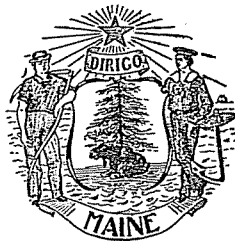
THE  
REVISED STATUTES

OF THE  
STATE OF MAINE,

PASSED SEPTEMBER 1, 1903, AND TAKING EFFECT JANUARY 1, 1904.

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BY THE AUTHORITY OF THE LEGISLATURE.



AUGUSTA :  
KENNEBEC JOURNAL PRINT,  
1904.

# CONSTITUTION

OF THE

## STATE OF MAINE,

FORMED IN

CONVENTION AT PORTLAND, OCTOBER 29, AND ADOPTED BY THE PEOPLE  
IN TOWN MEETINGS,  
DECEMBER 6, A. D. 1819, AND OF THE INDEPENDENCE OF THE UNITED  
STATES THE FORTY-FOURTH,

TOGETHER WITH THE

XXI AMENDMENTS. SUBSEQUENTLY MADE THERETO, ARRANGED, AS  
AMENDED, IN PURSUANCE OF A LEGISLATIVE RESOLVE OF FEBRUARY  
24, 1875, BY THE CHIEF JUSTICE OF THE SUPREME JUDICIAL  
COURT, THE HONORABLE JOHN APPLETON, WHOSE DRAFT AND  
ARRANGEMENT WAS, BY A RESOLVE OF FEBRUARY 23, 1876, APPROVED  
BY THE LEGISLATURE, AND ORDERED TO BE ENROLLED ON PARCH-  
MENT AND TO BE DEPOSITED IN THE OFFICE OF THE SECRETARY OF  
STATE AS

"THE SUPREME LAW OF THE STATE;"

AND

IX OTHER AMENDMENTS SUBSEQUENTLY ADOPTED.

### PREAMBLE.

WE, the people of Maine, in order to establish justice, insure tranquility, provide for our mutual defence, promote our common welfare, and secure to ourselves and our posterity the blessings of liberty, acknowledging with grateful hearts the goodness of the Sovereign Ruler of the Universe in affording us an opportunity, so favorable to the design; and, imploring His aid and direction in its accomplishment, do agree to form ourselves into a free and independent State, by the style and title of the STATE OF MAINE, and do ordain and establish the following Constitution for the government of the same.

Objects of  
government.  
33 Me., 283.  
58 Me., 607, 612.

## ARTICLE I.

## DECLARATION OF RIGHTS.

Natural  
rights.

(See Amend-  
ment xxii.)

All power is  
inherent in the  
people.

Religious  
freedom.  
38 Me., 379.

—proviso.

—all sects are  
equal.

—religious  
tests are pro-  
hibited.

—right to elect  
religious  
teachers.

Freedom of  
speech and  
publication.

—libel.

—truth may be  
given in  
evidence.  
62 Me., 510.  
89 Me., 293.

Unreasonable  
searches.

Rights of  
persons  
accused.  
58 Me., 580.  
59 Me., 140.

69 Me., 401, 403.

SECTION 1. All men are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness. (a)

SEC. 2. All power is inherent in the people; all free governments are founded in their authority and instituted for their benefit; they have therefore an unalienable and inalienable right to institute government, and to alter, reform, or totally change the same, when their safety and happiness require it.

SEC. 3. All men have a natural and unalienable right to worship Almighty God according to the dictates of their own consciences, and no one shall be hurt, molested or restrained in his person, liberty or estate for worshipping God in the manner and season most agreeable to the dictates of his own conscience, nor for his religious professions or sentiments, provided he does not disturb the public peace, nor obstruct others in their religious worship;—and all persons demeaning themselves peaceably, as good members of the State, shall be equally under the protection of the laws, and no subordination nor preference of any one sect or denomination to another shall ever be established by law, nor shall any religious test be required as a qualification for any office or trust, under this State; and all religious societies in this State, whether incorporate or unincorporate, shall at all times have the exclusive right of electing their public teachers, and contracting with them for their support and maintenance.

SEC. 4. Every citizen may freely speak, write and publish his sentiments on any subject, being responsible for the abuse of this liberty; no laws shall be passed regulating or restraining the freedom of the press; and in prosecutions for any publication respecting the official conduct of men in public capacity, or the qualifications of those who are candidates for the suffrages of the people, or where the matter published is proper for public information, the truth thereof may be given in evidence, and in all indictments for libels, the Jury, after having received the direction of the Court, shall have a right to determine, at their discretion, the law and the fact.

SEC. 5. The people shall be secure in their persons, houses, papers and possessions from all unreasonable searches and seizures; and no warrant to search any place, or seize any person or thing, shall issue without a special designation of the place to be searched, and the person or thing to be seized, nor without probable cause—supported by oath or affirmation. (b)

SEC. 6. In all criminal prosecutions, the accused shall have a right to be heard by himself and his counsel, or either, at his election; (c)

To demand the nature and cause of the accusation, and have a copy thereof;

To be confronted by the witnesses against him;

(a) 2 Me., 275; 6 Me., 412; 27 Me., 212; 33 Me., 283, 558; 58 Me., 594, 598, 613; 59 Me., 318, 545, 549, 553; 60 Me., 122, 133; 66 Me., 73; 86 Me., 498; 94 Me., 110; 97 Me., 70.

(b) 13 Mass., 286; 33 Me., 564; 34 Me., 126, 210; 42 Me., 299; 47 Me., 388; 62 Me., 421; 70 Me., 466; 72 Me., 435; 78 Me., 488; 79 Me., 103; 86 Me., 146; 90 Me., 451; 94 Me., 132; 96 Me., 124; 97 Me., 276.

(c) 11 Me., 210; 47 Me., 426; 58 Me., 572.

To have compulsory process for obtaining witnesses in his favor;

39 Me., 54.

To have a speedy, public and impartial trial, and, except in trials by martial law or impeachment, by a jury of the vicinity. He shall not be compelled to furnish or give evidence against himself, nor be deprived of his life, liberty, property or privileges, but by judgment of his peers, or by the law of the land. (a)

SEC. 7. No person shall be held to answer for a capital or infamous crime, unless on a presentment or indictment of a grand jury, except in cases of impeachment, or in such cases of offences as are usually cognizable by a justice of the peace, or in cases arising in the army or navy, or in the militia when in actual service in time of war or public danger. The Legislature shall provide by law a suitable and impartial mode of selecting juries and their usual number and unanimity, in indictments and convictions, shall be held indispensable. (b)

No person to answer to a capital or infamous crime but on indictment.

—exceptions.

—juries.

SEC. 8. No person, for the same offence, shall be twice put in jeopardy of life or limb. (c)

Not to be put in jeopardy twice for same offence.

SEC. 9. Sanguinary laws shall not be passed; all penalties and punishments shall be proportioned to the offence; excessive bail shall not be required, nor excessive fines imposed, nor cruel nor unusual punishments inflicted.

Sanguinary laws prohibited.

39 Me., 258.

93 Me., 420.

94 Me., 132.

SEC. 10. No person before conviction shall be bailable for any of the crimes, which now are, or have been denominated capital offences since the adoption of the Constitution, where the proof is evident or the presumption great, whatever the punishment of the crimes may be. And the privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

Bailable offences. (Resolve of Mar. 30, 1837: Amendment ii.)

—habeas corpus.

66 Me., 74.

SEC. 11. The Legislature shall pass no bill of attainder, ex post facto law, nor law impairing the obligation of contracts, and no attainder shall work corruption of blood nor forfeiture of estate. (d)

Bills of attainder, etc.

SEC. 12. Treason against this State shall consist only in levying war against it, adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or confession in open court.

Treason.

—testimony of two witnesses.

SEC. 13. The laws shall not be suspended but by the Legislature or its authority.

Suspension of laws.

SEC. 14. No person shall be subject to corporal punishment under military law, except such as are employed in the army or navy, or in the militia when in actual service in time of war or public danger.

Corporal punishment under military law.

SEC. 15. The people have a right at all times in an orderly and peaceable manner to assemble to consult upon the common good, to give instructions to their representatives, and to request, of either department of the government by petition or remonstrance, redress of their wrongs and grievances.

Right of petition.

(a) 1 Me., 230; 11 Me., 210; 37 Me., 156, 165; 39 Me., 258; 47 Me., 432; 55 Me., 200; 58 Me., 573, 594, 598; 59 Me., 318, 549, 553; 60 Me., 122, 138, 509-12; 62 Me., 37; 65 Me., 121, 242; 66 Me., 73; 70 Me., 157; 71 Me., 241; 76 Me., 326; 77 Me., 215; 78 Me., 492; 80 Me., 60; 86 Me., 501; 90 Me., 105; 96 Me., 565.

(b) 110 U. S., 567; 4 Me., 439; 60 Me., 508, 509; 67 Me., 336; 84 Me., 28, 272.

(c) 37 Me., 165; 59 Me., 141; 70 Me., 457.

(d) U. S. Const. Art. I, § 10, ¶ 1; 2 Me., 275; 5 Me., 66; 6 Me., 112, 355; 7 Me., 474; 11 Me., 109, 118, 284; 14 Me., 344; 15 Me., 135; 18 Me., 109; 21 Me., 53; 23 Me., 360; 24 Me., 520; 27 Me., 212; 42 Me., 429; 45 Me., 507; 47 Me., 91; 48 Me., 34; 49 Me., 507; 50 Me., 114; 51 Me., 480; 57 Me., 394; 63 Me., 269, 285, 333; 65 Me., 129; 71 Me., 383; 74 Me., 139; 80 Me., 469, 561.

To keep and bear arms.

Standing armies shall not be kept.

No soldier to be quartered on citizens in time of peace.

Right of redress for injuries.  
68 Me., 236.  
74 Me., 27.  
76 Me., 41.  
90 Me., 105.

Trial by jury.

Private property, when to be taken.

Taxes.

Titles of nobility prohibited.  
—tenure of offices.

Other rights not impaired.

SEC. 16. Every citizen has a right to keep and bear arms for the common defence; and this right shall never be questioned.

SEC. 17. No standing army shall be kept up in time of peace without the consent of the Legislature, and the military shall, in all cases, and at all times, be in strict subordination to the civil power.

SEC. 18. No soldier shall, in time of peace, be quartered in any house without the consent of the owner or occupant, nor in time of war, but in a manner to be prescribed by law.

SEC. 19. Every person, for an injury done him in his person, reputation, property or immunities, shall have remedy by due course of law; and right and justice shall be administered freely and without sale, completely and without denial, promptly and without delay.

SEC. 20. In all civil suits, and in all controversies concerning property, the parties shall have a right to a trial by jury, except in cases where it has heretofore been otherwise practiced; the party claiming the right may be heard by himself and his counsel, or either, at his election. (a)

SEC. 21. Private property shall not be taken for public uses without just compensation; nor unless the public exigencies require it. (b)

SEC. 22. No tax or duty shall be imposed without the consent of the people or of their representatives in the Legislature. (c)

SEC. 23. No title of nobility or hereditary distinction, privilege, honor or emolument, shall ever be granted or confirmed, nor shall any office be created, the appointment to which shall be for a longer time than during good behavior.

SEC. 24. The enumeration of certain rights shall not impair nor deny others retained by the people.

## ARTICLE II.

### ELECTORS.

SEC. 1. Every male citizen of the United States of the age of twenty-one years and upwards, excepting paupers, persons under guardianship, and Indians not taxed, having his residence established in this State for the term of three months next preceding any election, shall be an elector for Governor, Senators and Representatives, in the town or plantation where his residence is so established; and the elections shall be by written ballot. But persons in the military, naval or marine service of the United States, or this State, shall not be considered as having obtained such established residence by being stationed in any garrison, barrack, or military place, in any town or plantation; nor shall the residence of a student at any seminary of learning entitle him to the right of suffrage in the town or plantation where such seminary is established. No person, however, shall be deemed to have lost his residence by reason of his absence from the State in the military service of the United States, or of this State. (d)

(a) 3 Me., 97; 25 Me., 488; 35 Me., 255; 37 Me., 156, 165; 39 Me., 413; 55 Me., 193, 361; 60 Me., 43; 62 Me., 37; 65 Me., 133; 80 Me., 60; 86 Me., 58; 96 Me., 247.

(b) 7 Me., 273; 8 Me., 365; 10 Me., 447; 12 Me., 222; 16 Me., 9; 18 Me., 109; 31 Me., 172; 34 Me., 247; 43 Me., 356, 359; 47 Me., 206; 55 Me., 191; 58 Me., 590, 593, 598, 616; 59 Me., 318, 549, 553; 60 Me., 122, 132, 134, 138, 295-6; 70 Me., 524; 86 Me., 498; 93 Me., 129; 95 Me., 575; 96 Me., 242, 246; 97 Me., 219.

(c) 57 Me., 394; 84 Me., 215.

(d) 7 Me., 497; 44 Me., 507; 54 Me., 602, 605; 68 Me., 592, 593; 76 Me., 165.

Qualifications of electors.  
(See Amendment xxix.)

—written ballot.  
7 Me., 492, 497.

—soldiers or seamen in U. S. service.

—students at colleges and academies.

(Resolve of Mar. 24, 1864; Amendment x.)

SEC. 2. Electors shall, in all cases, except treason, felony or breach of the peace, be privileged from arrest on the days of election, during their attendance at, going to, and returning therefrom.

Electors exempt from arrest on election days. 8 Me., 187.

SEC. 3. No elector shall be obliged to do duty in the militia on any day of election, except in time of war or public danger.

When exempt from military duty.

SEC. 4. The election of Governor, Senators and Representatives shall be on the second Monday of September *annually* 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 *on Tuesday next after the first Monday of November, in the year of our Lord one thousand eight hundred and sixty-four, for governor and senators, and their votes shall be counted and allowed in the same manner, and with the same effect, as if given on the second Monday of September in that year. And they shall be allowed to vote* for governor, senators and representatives on the second Monday of September *annually thereafter forever*, in the manner herein provided. On the day of election a poll shall be opened at every place without this State where a regiment, battalion, battery, company, or detachment of not less than twenty soldiers from the State of Maine, may be found or stationed, and every citizen of said State of the age of twenty-one years, in such military service, shall be entitled to vote as aforesaid; and he shall be considered as voting in the city, town, plantation and county in this State where he resided when he entered the service. The vote shall be taken by regiments when it can conveniently be done; when not so convenient, any detachment or part of a regiment, not less than twenty in number, and any battery or part thereof numbering twenty or more, shall be entitled to vote wherever they may be. The three ranking officers of such regiment, battalion, battery, company, or part of either, as the case may be, acting as such on the day of election, shall be supervisors of elections. If no officers, then three non-commissioned officers according to their seniority shall be such supervisors. If any officer or non-commissioned officer shall neglect or refuse to act, the next in rank shall take his place. In case there are no officers or non-commissioned officers present, or if they or either of them refuse to act, the electors present, not less than twenty, may choose, by written ballot enough of their own number, not exceeding three, to fill the vacancies, and the persons so chosen shall be supervisors of elections. All supervisors shall be first sworn to support the constitution of the United States and of this State, and faithfully and impartially to perform the duties of supervisors of elections. Each is authorized to administer the necessary oath to the others; and certificates thereof shall be annexed to the lists of votes by them to be made and returned into the office of the secretary of State of this State as hereinafter provided. The polls shall be opened and closed at such hours as the supervisors, or a majority of them, shall direct; *provided, however*, that due notice and sufficient time shall be given for all voters in the regiment, battalion, battery, detachment, company, or part of either, as the case may be, to vote. Regimental and field officers shall be entitled to vote with their respective commands. When not in actual command, such officers, and also all general and staff officers, and all surgeons, assistant surgeons, and chaplains, shall be entitled to vote at any place where polls are opened. The supervisors of elections shall prepare a ballot box or other suitable receptacle for the ballots. Upon one side of every ballot shall be printed or written the name of the county, and also of the city, town or plantation of this

Time of state election. (See Amendment xxiii.)

—soldiers allowed to vote for governor, &c.

(Resolve of Mar. 24, 1864; Amendment x.)

(See Amendment xxiii.)

—polls, where opened.

—vote, how taken.

—who shall act as supervisors.

—supervisors shall be sworn.

—their duties.

—proviso.

—certain officers, where they may vote.

—supervisors shall prepare ballot boxes. —ballots, how to be prepared.

—qualifications  
of voters.

—supervisors  
shall keep  
correct poll-  
lists.

—shall check  
names of  
voters.

—sort, count  
and declare  
votes.

—make return  
to the office of  
secretary of  
state.  
(See Amend-  
ment, xxiii.)

State, in which is the residence of the person proposing to vote. Upon the other side shall be the name or names of the persons to be voted for, and the office or offices which he or they are intended to fill. And before receiving any vote, the supervisors, or a majority of them, must be satisfied of the age and citizenship of the person claiming to vote, and that he has in fact a residence in the county, city, town or plantation which is printed or written on the vote offered by him. If his right to vote is challenged, they may require him to make true answers, upon oath, to all interrogatories touching his age, citizenship, residence, and right to vote, and shall hear any other evidence offered by him, or by those who challenge his right. They shall keep correct poll-lists of the names of all persons allowed to vote, and of their respective places of residence in this State, and also the number of the regiment and company or battery to which they belong; which lists shall be certified by them, or by a majority of them, to be correct, and that such residence is in accordance with the indorsement of the residence of each voter on his vote. They shall check the name of every person before he is allowed to vote, and the check-mark shall be plainly made against his name on the poll-lists. They shall sort, count and publicly declare the votes at the head of their respective commands on the day of election, unless prevented by the public enemy, and in that case as soon thereafter as may be; and on the same day of said declaration they shall form a list of the persons voted for, with the number of votes for each person against his name, and the office which he was intended to fill, and shall sign and seal up such list and cause the same, together with the poll-lists aforesaid, to be delivered into the office of the secretary of State aforesaid, *on or before the first day of December, in the year one thousand eight hundred and sixty-four, and on or before the fifteenth day of November annually thereafter forever.* The legislature of this State may pass any law additional to the foregoing provisions, if any shall, in practice, be found necessary in order more fully to carry into effect the purpose thereof.

### ARTICLE III.

#### DISTRIBUTION OF POWERS.

Powers dis-  
tributed.

To be kept  
separate.  
(See Art. 9,  
§ 2.)

SEC. 1. The powers of this government shall be divided into three distinct departments, the Legislative, Executive and Judicial. (a)

SEC. 2. No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted. (b)

### ARTICLE IV.—PART FIRST.

#### LEGISLATIVE POWER—HOUSE OF REPRESENTATIVES.

Legislative  
department.

—style of acts.

SEC. 1. The legislative power shall be vested in two distinct branches, a House of Representatives, and a Senate, each to have a negative on the other, and both to be styled the Legislature of Maine and the style of their acts and laws, shall be, "BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES IN LEGISLATURE ASSEMBLED."

(a) 3 Me., 326; 4 Me., 140; 62 Me., 597; 70 Me., 609.

(b) 3 Me., 372, 484; 7 Me., 14; 32 Me., 525; 64 Me., 195; 70 Me., 609, 610; 86 Me., 530; 95 Me., 573.



SEC. 2. The House of Representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, for *one year* from the day next preceding the *annual* meeting of the Legislature. The Legislature, *which shall first be convened under this Constitution*, shall, *on or before the fifteenth day of August, in the year of our Lord, one thousand eight hundred and twenty-one, and the Legislature*, within every subsequent period of at most ten years, and at least five, cause the number of the inhabitants of the State to be ascertained, exclusive of foreigners not naturalized and Indians not taxed. The number of representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties as near as may be, according to the number of inhabitants, having regard to the relative increase of population. *The number of representatives shall, on said first apportionment, be not less than one hundred nor more than one hundred and fifty.*

Number of representatives fixed.  
(See Amendments xxiii, xxv.)

(Resolve of Apr. 16, 1841: Amendment iv.)  
3 Me., 477.  
33 Me., 587.

SEC. 3. Each town having fifteen hundred inhabitants may elect one representative; each town having three thousand seven hundred and fifty may elect two; each town having six thousand seven hundred and fifty may elect three; each town having ten thousand five hundred may elect four; each town having fifteen thousand may elect five; each town having twenty thousand two hundred and fifty may elect six; each town having twenty-six thousand two hundred and fifty may elect seven; but no town shall ever be entitled to more than seven representatives; and towns and plantations duly organized, not having fifteen hundred inhabitants, shall be classed, as conveniently as may be, into districts containing that number, and so as not to divide towns; and each such district may elect one representative; *and, when on this apportionment the number of representatives shall be two hundred, a different apportionment shall take place upon the above principle*; and, in case the fifteen hundred shall be too large or too small to apportion all the representatives to any county, it shall be so increased or diminished as to give the number of representatives according to the above rule and proportion; and whenever any town or towns, plantation or plantations not entitled to elect a representative shall determine against a classification with any other town or plantation, the Legislature may, at each apportionment of representatives, on the application of such town or plantation, authorize it to elect a representative for such portion of time and such periods, as shall be equal to its portion of representation; and the right of representation, so established, shall not be altered until the next general apportionment.

Apportionment among towns.  
6 Me., 486.

(Resolve of Apr. 16, 1841: Amendment iv.)

SEC. 4. No person shall be a member of the House of Representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty-one years, have been a resident of this State one year, *or from the adoption of this constitution*; and for the three months next preceding the time of his election shall have been; and, during the period for which he is elected, shall continue to be a resident in the town or district which he represents.

Qualifications of a representative.  
(Resolve of Mar. 24, 1864: Amendment x.)

SEC. 5. The meetings within this State for the choice of representatives shall be warned in due course of law by the selectmen of the several towns seven days at least before the election, and the selectmen thereof shall preside impartially at such meetings, receive the votes of all the qualified electors present, sort, count and declare them in open town meeting, and in the presence of the town clerk, who shall form a list of the persons voted for, with the number of votes for each person

Meetings for choice of representatives.  
(Resolve of Mar. 24, 1864: Amendment x.)  
7 Me., 497.  
25 Me., 567.  
64 Me., 592.  
70 Me., 561, 568.

—meetings of  
classed towns.  
(Resolve of  
Mar. 24, 1864:  
Amendment  
x.)

(Resolve of  
Mar. 24, 1864:  
Amendment  
x.)

70 Me., 564, 565.  
(See Amend-  
ments xxiii,  
xxv.)

—lists of  
votes shall be  
examined by  
governor and  
council.

—governor  
and council  
shall summon  
persons who  
appear to be  
elected.

(Resolve of  
Aug. 2, 1847:  
Amendment  
vii.)

lists shall  
be laid before  
the house of  
representa-  
tives.

64 Me., 539.

—manner of  
electing rep-  
resentatives  
and other  
civil officers  
in cities.

(Resolve of  
Mar. 7, 1834:  
Amendment i,  
amended by  
Resolve of  
Mar. 24, 1864:  
Amendment  
x.)

70 Me., 563.

Vacancies.

35 Me., 563.

70 Me., 597.

House to  
choose its own  
officers.

Power of im-  
peachment.

against his name, shall make a fair record thereof in the presence of the selectmen and in open town meeting. And the towns and plantations organized by law, belonging to any class herein provided, shall hold their meetings at the same time in the respective towns and plantations; and the town and plantation meetings in such towns and plantations shall be notified, held and regulated, the votes received, sorted, counted and declared in the same manner. And the assessors and clerks of plantations shall have all the powers, and be subject to all the duties, which selectmen and town clerks have, and are subject to by this Constitution. And fair copies of the lists of votes shall be attested by the selectmen and town clerks of towns, and the assessors of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office thirty days at least before the first Wednesday of January *annually*. And the governor and council shall examine the returned copies of such lists, and also all lists of votes of citizens in the military service, returned to the secretary's office, as provided in article second, section four, of this constitution; and twenty days before the said first Wednesday of January, *annually*, shall issue a summons to such persons as shall appear to be elected (a) by a plurality of all the votes returned, to attend and take their seats. But all such lists shall be laid before the house of representatives on the first Wednesday of January *annually*, and they shall finally determine who are elected. The electors resident in any city may, at any meeting duly notified for the choice of representatives, vote for such representatives in their respective ward meetings, and the wardens in said wards shall preside impartially at such meetings, receive the votes of all qualified electors present, sort, count and declare them in open ward meetings, and in the presence of the ward clerk, who shall form a list of the persons voted for, with the number of votes for each person against his name, shall make a fair record thereof in the presence of the warden, and in open ward meetings; and a fair copy of this list shall be attested by the warden and ward clerk, sealed up in open ward meeting, and delivered to the city clerk within twenty-four hours after the close of the polls. And the electors resident in any city may at any meetings duly notified and holden for the choice of any other civil officers for whom they have been required heretofore to vote in town meeting, vote for such officers in their respective wards, and the same proceedings shall be had by the warden and ward clerk in each ward, as in the case of votes for representatives. And the aldermen of any city shall be in session within twenty-four hours after the close of the polls in such meetings, and in the presence of the city clerk shall open, examine and compare the copies from the lists of votes given in the several wards, of which the city clerk shall make a record, and return thereof shall be made into the Secretary of State's office in the same manner as selectmen of towns are required to do.

SEC. 6. Whenever the seat of a member shall be vacated by death, resignation, or otherwise, the vacancy may be filled by a new election.

SEC. 7. The House of Representatives shall choose their speaker, clerk and other officers. (b)

SEC. 8. The House of Representatives shall have the sole power of impeachment.

(a) 70 Me., 561, 567, 568, 583, 585, 587, 594, 609, 610.

(b) 70 Me., 588, 594, 595, 596, 597, 609, 610.

## ARTICLE IV.—PART SECOND.

## SENATE.

SEC. 1. The Senate shall consist of *not less than twenty, nor more than thirty-one* members, elected at the same time, and for the same term, as the representatives, by the qualified electors of the districts into which the State shall from time to time be divided. (a)

Number of senators fixed. (See Amendments xxiii, xxv.)

SEC. 2. The Legislature, *which shall be first convened under this Constitution*, shall, *on or before the fifteenth day of August in the year of our Lord, one thousand eight hundred and twenty-one, and the Legislature at every subsequent period of ten years*, cause the State to be divided into districts for the choice of senators. The districts shall conform, as near as may be, to county lines, and be apportioned according to the number of inhabitants. The number of senators shall *not exceed twenty at the first apportionment, and shall at each apportionment be increased, until they shall amount to thirty-one, according to the increase in the House of Representatives.*

State to be districted once in ten years.

—districts, how formed. 18 Me., 453.

SEC. 3. The meetings within this state for the election of senators shall be notified, held and regulated, and the votes received, sorted, counted, declared and recorded, in the same manner as those for representatives. And fair copies of the list of votes shall be attested by the selectmen and town clerks of towns, and the assessors and clerks of plantations, and sealed up in open town and plantation meetings; and the town and plantation clerks respectively shall cause the same to be delivered into the secretary's office thirty days at least before the first Wednesday of January. All other qualified electors, living in places unincorporated, who shall be assessed to the support of the government by the assessors of an adjacent town, shall have the privilege of voting for senators, representatives and governor in such town; and shall be notified by the selectmen thereof for that purpose accordingly.

Meetings for choice of senators. (Resolve of Mar. 24, 1864: Amendment x.)

25 Me., 563.  
64 Me., 592, 595, 598.

—electors in unincorporated places.

SEC. 4. The Governor and Council shall, as soon as may be, examine the returned copies of such lists, and also the lists of votes of citizens in the military service, returned into the secretary's office, and twenty days before the said first Wednesday of January, issue a summons to such persons, as shall appear to be elected by a plurality of the votes for each district, to attend that day and take their seats. (b)

Votes to be examined by the governor and council. 64 Me., 583. (Amendment x. Amended by Resolve of Feb. 24, 1875: Amendment xiii.)

SEC. 5. The Senate shall, on the said first Wednesday of January, *annually*, determine who are elected by a plurality of votes to be senators in each district; and in case the full number of senators to be elected from each district shall not have been so elected, the members of the house of representatives and such senators, as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of senators deficient, in every district, if there be so many voted for, elect by joint ballot the number of senators required; *and in this manner all vacancies in the senate shall be supplied as soon as may be, after such vacancies happen.* (c)

Senate to decide election of its members. (See Amendments xxiii, xxv.) (Resolve of Feb. 24, 1875: Amendment xiii.) (See Amendment xxx.)

SEC. 6. The senators shall be twenty-five years of age at the commencement of the term, for which they are elected, and in all other respects their qualifications shall be the same, as those of the representatives.

Qualifications of senators.

(a) 7 Me., 489.

(b) 70 Me., 567-9, 583, 585, 609-10.

(c) 6 Me., 514; 7 Me., 489; 35 Me., 563; 64 Me., 596; 70 Me., 589.

Senate shall try impeachment.

—limitation of judgment.

—party is liable to be tried and punished in court.

Senate to choose its officers.  
70 Me., 588, 593, 596, 597, 609, 610.

SEC. 7. The Senate shall have the sole power to try all impeachments, and when sitting for that purpose shall be on oath or affirmation, and no person shall be convicted without the concurrence of two-thirds of the members present. Their judgment, however, shall not extend farther than to removal from office, and disqualification to hold or enjoy any office of honor, trust or profit under this State. But the party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law.

SEC. 8. The Senate shall choose their president, secretary and other officers.

## ARTICLE IV.—PART THIRD.

### LEGISLATIVE POWER.

Legislature to meet annually.

—its powers. (See Amendments xxiii, xxv.)

Bills to be signed by the governor.

—proceedings, in case he disapproves.

—bills shall be returned by him within five days.

Each house to judge of its elections.

—majority, a quorum.

May punish and expel members.

SEC. 1. The Legislature shall convene on the first Wednesday of January, *annually*, and shall have full power to make and establish all reasonable laws and regulations for the defence and benefit of the people of this State, not repugnant to this Constitution, nor to that of the United States. (a)

SEC. 2. Every bill or resolution having the force of law, to which the concurrence of both houses may be necessary, except on a question of adjournment, which shall have passed both houses, shall be presented to the Governor, and if he approve, he shall sign it; if not, he shall return it with his objections to the house, in which it shall have originated, which shall enter the objections at large on its journals, and proceed to reconsider it. If after such reconsideration, two-thirds of that house shall agree to pass it, it shall be sent together with the objections, to the other house, by which it shall be reconsidered, and, if approved by two-thirds of that house, it shall have the same effect, as if it had been signed by the Governor; but in all such cases, the votes of both houses shall be taken by yeas and nays, and the names of the persons, voting for and against the bill or resolution, shall be entered on the journals of both houses respectively. If the bill or resolution shall not be returned by the Governor within five days, (Sundays excepted) after it shall have been presented to him, it shall have the same force and effect, as if he had signed it, unless the Legislature, by their adjournment prevent its return, in which case it shall have such force and effect, unless returned within three days after their next meeting.

SEC. 3. Each house shall be the judge of the elections and qualifications of its own members, and a majority shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may compel the attendance of absent members, in such manner, and under such penalties as each house shall provide. (b)

SEC. 4. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member, but not a second time for the same cause.

(a) 3 Me., 326; 4 Me., 140; 6 Me., 412; 7 Me., 273; 9 Me., 54; 11 Me., 208; 12 Me., 354; 16 Me., 479; 31 Me., 172, 360; 32 Me., 343, 526; 33 Me., 558, 587; 35 Me., 319; 37 Me., 156; 39 Me., 258; 42 Me., 150, 299, 429; 43 Me., 202; 45 Me., 507; 49 Me., 346, 507; 55 Me., 190, 200; 58 Me., 594, 601; 59 Me., 85, 318, 549, 553; 60 Me., 122; 68 Me., 582; 74 Me., 137-140; 95 Me., 98, 575.

(b) 35 Me., 563; 70 Me., 563, 585, 588, 593, 594, 595, 596, 597, 609, 610; 71 Me., 370; 95 Me., 588.

SEC. 5. Each house shall keep a journal, and from time to time publish its proceedings, except such parts as in their judgment may require secrecy; and the yeas and nays of the members of either house on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Shall keep a journal.  
1880, c. 185.  
—yeas and nays.

SEC. 6. Each house, during its session, may punish by imprisonment any person, not a member, for disrespectful or disorderly behavior in its presence, for obstructing any of its proceedings, threatening, assaulting or abusing any of its members for anything said, done, or doing in either house; *provided*, that no imprisonment shall extend beyond the period of the same session.

May punish for contempt.

—proviso.

SEC. 7. The senators and representatives shall receive such compensation, as shall be established by law; but no law increasing their compensation shall take effect during the existence of the Legislature which enacted it. The expenses of the House of Representatives in travelling to the Legislature and returning therefrom, once in each session and no more, shall be paid by the State out of the public treasury to every member, who shall seasonably attend, in the judgment of the house, and does not depart therefrom without leave.

Compensation of members.

—travelling expenses.  
69 Me., 596.

SEC. 8. The senators and representatives shall, in all cases except treason, felony or breach of the peace, be privileged from arrest during their attendance at, going to, and returning from each session of the Legislature; and no member shall be liable to answer for anything spoken in debate in either house, in any court or place elsewhere.

Members are exempt from arrest.  
16 Me., 132.

—freedom of debate.

SEC. 9. Bills, orders or resolutions, may originate in either house, and may be altered, amended or rejected in the other; but all bills for raising a revenue shall originate in the House of Representatives, but the Senate may propose amendments as in other cases; *provided*, that they shall not, under color of amendment, introduce any new matter, which does not relate to raising a revenue.

Either house may originate bills.

—revenue bills.

—proviso.

SEC. 10. No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which increased during such term except such offices as may be filled by elections by the people, *provided*, that this prohibition shall not extend to the members of the first Legislature.

Members not to be appointed to certain offices.  
3 Me., 481.  
32 Me., 526.  
95 Me., 588.  
(Proviso.)  
(Obsolete.)

SEC. 11. No member of Congress, nor person holding any office under the United States (post-officers excepted) nor office of profit under this State, justices of the peace, notaries public, coroners and officers of the militia excepted, shall have a seat in either house during his being such member of congress, or his continuing in such office.

Persons disqualified to be members.  
95 Me., 585, 586.

SEC. 12. Neither house shall, during the session, without the consent of the other, adjourn for more than two days, nor to any other place than that in which the houses shall be sitting.

Adjournments.

SEC. 13. The Legislature shall, from time to time, provide, as far as practicable, by general laws, for all matters usually appertaining to special or private legislation.

Special legislation.  
(Resolve of Feb. 24, 1875: Amendment xiv.)

SEC. 14. Corporations shall be formed under general laws, and shall not be created by special acts of the Legislature, except for municipal purposes, and in cases where the objects of the corporation cannot otherwise be attained; and, however formed, they shall forever be subject to the general laws of the State. (a)

Corporations, to be formed under general laws.  
(Resolve of Feb. 24, 1875: Amendment xiv.)

(a) 83 Me., 440; 91 Me., 194.

Constitutional  
conventions.  
(Resolve of  
Feb. 24, 1875:  
Amendment  
xix.)

SEC. 15. The Legislature shall, by a two-thirds concurrent vote of both branches, have the power to call constitutional conventions, for the purpose of amending this constitution.

## ARTICLE V.—PART FIRST.

### EXECUTIVE POWERS.

Governor.  
72 Me., 546, 563.

SEC. 1. The supreme executive power of this State shall be vested in a Governor.

Election.  
70 Me., 591.  
(See Amend-  
ment xxiii.)

SEC. 2. The Governor shall be elected by the qualified electors, and shall hold his office *one year* from the first Wednesday of January in *each year*.

Meetings for  
choice of  
governor.

SEC. 3. The meetings for election of governor shall be notified, held, and regulated, and votes shall be received, sorted, counted, declared and recorded, in the same manner as those for senators and representatives. They shall be sealed and returned into the Secretary's office in the same manner, and at the same time as those for senators. And the secretary of state for the time being shall, on the first Wednesday of January, then next, lay the lists before the Senate and House of Representatives, and also the lists of votes of citizens in the military service returned into the secretary's office, to be by them examined, and, in case of a choice by a *majority* of all the votes returned, they shall declare and publish the same. But if no person shall have a *majority* of votes, the House of Representatives shall, by ballot, from the persons having the four highest numbers of votes on the lists, if so many there be, elect two persons and make return of their names to the Senate, of whom the Senate shall, by ballot, elect one, who shall be declared the Governor.

—votes to be  
returned to  
secretary of  
state.

70 Me., 598.  
(Resolve of  
Mar. 24, 1864:  
Amendment  
x.)  
(See Amend-  
ment xxiv.)

—provision,  
in case there  
is no choice.  
7 Me., 489.

Qualification  
of governor.

SEC. 4. The Governor shall, at the commencement of his term, be not less than thirty years of age; a natural born citizen of the United States, have been five years, *or from the adoption of this Constitution*, a resident of the State; and at the time of his election and during the term for which he is elected, be a resident of said State.

Disqualifica-  
tions.

SEC. 5. No person holding any office or place under the United States, this State, or any other power, shall exercise the office of Governor.

Compensation.

SEC. 6. The Governor shall at stated times, receive for his services a compensation, which shall not be increased or diminished during his continuance in office.

Commander-  
in-chief of the  
militia.

SEC. 7. He shall be commander-in-chief of the army and navy of the State and of the militia, except when called into the actual service of the United States; but he shall not march nor convey any of the citizens out of the State, without their consent or that of the Legislature, unless it shall become necessary, in order to march or transport them from one part of the State to another for the defence thereof.

To nominate  
officers.  
(Resolve of  
Mar. 17, 1855:  
Amendment ix,  
Amended by  
Resolve of  
Feb. 24, 1875:  
Amendment  
xvi.)

SEC. 8. He shall nominate, and, with the advice and consent of the council, appoint all judicial officers, 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; and every such nomination shall be made seven days, at least, prior to such appointment. (a)

To give infor-  
mation and  
recommend  
measures.

SEC. 9. He shall from time to time give the Legislature information of the condition of the State, and recommend to their consideration such measures, as he may judge expedient.

(a) 32 Me., 526; 72 Me., 547.

SEC. 10. He may require information from any military officer or any officer in the executive department, upon any subject relating to the duties of their respective offices.

May require information of any officer.

SEC. 11. He shall have power, with the advice and consent of the council, to remit, after conviction, all forfeitures and penalties, and to grant reprieves, commutations and pardons, except in cases of impeachment, upon such conditions, and with such restrictions and limitations, as may be deemed proper, subject to such regulations as may be provided by law, relative to the manner of applying for pardons. And he shall communicate to the Legislature at each session thereof, each case of reprieve, remission of penalty, commutation or pardon granted, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation or pardon, and the conditions, if any, upon which the same was granted.

Power of governor to pardon and remit penalties, &c.

—conditions.  
(Resolve of Feb. 24, 1875: Amendment xv.)

—shall report to legislature at each session.

SEC. 12. He shall take care that the laws be faithfully executed.

Shall enforce the laws.

SEC. 13. He may, on extraordinary occasions, convene the Legislature; and in cases of disagreement between the two houses with respect to the time of adjournment, adjourn them to such time as he shall think proper, not beyond the day of the next *annual* meeting; and if, since the last adjournment, the place where the Legislature were next to convene shall have become dangerous from an enemy or contagious sickness, may direct the session to be held at some other convenient place within the State.

Convene the legislature on extraordinary occasions, and adjourn it in case of disagreement. (See Amendment xxiii.) —may change the place of meeting.

SEC. 14. Whenever the office of Governor shall become vacant by death, resignation, removal from office or otherwise, the president of the Senate shall exercise the office of Governor until another Governor shall be duly qualified; and in case of the death, resignation, removal from office or disqualification of the president of the Senate so exercising the office of Governor, the speaker of the House of Representatives shall exercise the office, until a president of the Senate shall have been chosen; and when the office of Governor, president of the Senate, and speaker of the House shall become vacant, in the recess of the Senate, the person, acting as Secretary of State for the time being, shall by proclamation convene the Senate, that a president may be chosen to exercise the office of Governor. And whenever either the president of the Senate or speaker of the House shall so exercise said office, he shall receive only the compensation of Governor, but his duties as president or speaker shall be suspended; and the Senate or House shall fill the vacancy until his duties as Governor shall cease.

Vacancy, how supplied.  
6 Me., 506.  
70 Me., 593.

7 Me., 489.

## ARTICLE V.—PART SECOND.

### COUNCIL.

SEC. 1. There shall be a Council, to consist of seven persons, citizens of the United States, and residents of this State, to advise the Governor in the executive part of government, whom the Governor shall have full power, at his discretion, to assemble; and he with the Councillors, or a majority of them, may from time to time, hold and keep a council, for ordering and directing the affairs of State, according to law.

Council shall consist of seven.  
72 Me., 548, 549.

SEC. 2. The Councillors shall be chosen *annually*, on the first Wednesday of January, by joint ballot of the senators and representatives in convention; and vacancies, which shall afterwards happen, shall be filled in the same manner; but not more than one Councillor shall be elected from any district, prescribed for the election of senators; and they shall

Councillors, how chosen. (See Amendment xxiii.)  
70 Me., 591.

—privileged from arrest.

be privileged from arrest in the same manner as senators and representatives.

Journal of  
their proceed-  
ings.

SEC. 3. The resolutions and advice of Council, shall be recorded in a register, and signed by the members agreeing thereto, which may be called for by either house of the Legislature; and any Councillor may enter his dissent to the resolution of the majority.

Persons dis-  
qualified to be  
councillors.

SEC. 4. No member of Congress, or of the Legislature of this State, nor any person holding any office under the United States, (post-officers excepted), nor any civil officers under this State (justices of the peace and notaries public excepted), shall be Councillors. And no Councillor shall be appointed to any office during the time for which he shall have been elected.

—not to be  
appointed to  
any office.

## ARTICLE V.—PART THIRD.

### SECRETARY.

Secretary,  
how chosen.  
(See amend-  
ment xxiii.)  
70 Me., 591.

SEC. 1. The Secretary of State shall be chosen *annually* at the first session of the Legislature, by joint ballot of the senators and representatives in convention.

—to keep the  
records of  
state, and  
may appoint  
deputies.

SEC. 2. The records of the State shall be kept in the office of the Secretary, who may appoint his deputies, for whose conduct he shall be accountable.

—to attend  
the governor  
and council.

SEC. 3. He shall attend the Governor and Council, Senate and House of Representatives, in person or by his deputies, as they shall respectively require.

—to preserve  
the records of  
the executive  
and legislative  
departments.  
81 Me., 546.

SEC. 4. He shall carefully keep and preserve the records of all the official acts and proceedings of the Governor and Council, Senate and House of Representatives, and, when required, lay the same before either branch of the Legislature, and perform such other duties as are enjoined by this Constitution, or shall be required by law.

## ARTICLE V.—PART FOURTH.

### TREASURER.

Treasurer,  
how chosen.  
70 Me., 590.  
(See Amend-  
ments xxiii,  
xxvii.)  
Must give  
bond.

SEC. 1. The Treasurer shall be chosen *annually*, at the first session of the Legislature, by joint ballot of the senators and representatives in convention, but shall not be eligible more than *five* years successively.

SEC. 2. The Treasurer shall, before entering on the duties of his office, give bond to the State, with sureties, to the satisfaction of the Legislature, for the faithful discharge of his trust.

Must not en-  
gage in trade.

SEC. 3. The treasurer shall not, during his continuance in office, engage in any business of trade or commerce, or as a broker, nor as an agent or factor for any merchant or trader.

Nor draw  
money but by  
warrant.

SEC. 4. No money shall be drawn from the treasury, but by warrant from the Governor and Council, and in consequence of appropriations made by law; and a regular statement and account of the receipts and expenditures of all public money, shall be published at the commencement of the *annual* session of the Legislature.

—account of  
receipts and  
expenditures  
to be pub-  
lished.  
(See Amend-  
ment xxiii.)

## ARTICLE VI.

### JUDICIAL POWER.

Supreme and  
other courts.  
3 Me., 326.  
4 Me., 140.  
86 Me., 530.

SEC. 1. The judicial power of this State shall be vested in a Supreme Judicial Court, and such other courts as the Legislature shall from time to time establish.



SEC. 2. The justices of the Supreme Judicial Court shall, at stated times receive a compensation, which shall not be diminished during their continuance in office, but they shall receive no other fee or reward.

Compensation of justices of S. J. court.

SEC. 3. They shall be obliged to give their opinion upon important questions of law, and upon solemn occasions, when required by the Governor, Council, Senate, or House of Representatives. (a)

To give opinion when required by either branch of government.

SEC. 4. All judicial officers *now in office or who may be hereafter appointed* shall, *from and after the first day of March in the year eighteen hundred and forty*, hold their offices for the term of seven years from the time of their respective appointments, (unless sooner removed by impeachment or by address of both branches of the Legislature to the Executive) and no longer unless re-appointed thereto.

Tenure of judicial offices. (Resolve of Mar. 14, 1839: Amendment iii.)  
21 Me., 550.  
62 Me., 597.  
79 Me., 439.

SEC. 5. Justices of the peace and notaries public, shall hold their offices during seven years, if they so long behave themselves well, at the expiration of which term, they may be re-appointed or others appointed, as the public interest may require.

Justices of the peace and notaries.  
32 Me., 528.  
62 Me., 596.  
68 Me., 594.  
79 Me., 439.

SEC. 6. The justices of the Supreme Judicial Court shall hold no office under the United States, nor any State, nor any other office under this State, except that of justice of the peace.

Justices of the S. J. C. can hold no other office.

SEC. 7. 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 annual 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. (b) Vacancies occurring in said offices 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 thereafter.

Judges and registers of probate, their election and tenure of office. (See Amendment xxiii.)—vacancies. (Resolve of Mar. 17, 1855: Amendment ix.) (See Amendment xxiii.)

SEC. 8. Judges of municipal and police courts shall be appointed by the executive power, in the same manner as other judicial officers, and shall hold their offices for the term of four years; *provided, however, that the present incumbents shall hold their offices for the term for which they were elected.* (c)

Judges of municipal and police courts, their tenure. (Resolve of Feb. 24, 1875: Amendment xvi.)

## ARTICLE VII.

### MILITARY.

SEC. 1. The captains and subalterns of the militia shall be elected by the written votes of the members of their respective companies. The field officers of regiments by the written votes of the captains and subalterns of their respective regiments. The brigadier generals in like manner, by the field officers of their respective brigades.

Officers, how elected.  
25 Me., 157.

SEC. 2. The Legislature shall, by law, direct the manner of notifying the electors, conducting the elections, and making returns to the Governor of the officers elected; and, if the electors shall neglect or refuse to make such elections, after being duly notified according to law, the Governor shall appoint suitable persons to fill such offices.

Manner of conducting elections.

SEC. 3. The major generals shall be elected by the Senate and House of Representatives, each having a negative on the other. The adjutant general and quartermaster general shall be *chosen annually by joint ballot*

Major generals and adjutant generals, how elected.

(a) 58 Me., 572, 573, 574; 70 Me., 583, 608, 610, 611, 612; 72 Me., 544, 560; 81 Me., 602; 85 Me., 545; 95 Me., 565, 572.

(b) 44 Me., 388; 61 Me., 602; 64 Me., 596; 68 Me., 587; 79 Me., 439.

(c) 62 Me., 299; 72 Me., 563; 79 Me., 439.

(Resolve of  
Mar. 17, 1855:  
Amendment  
ix.)  
(See Amend-  
ments xxiii,  
xxviii.)  
—staff officers,  
how ap-  
pointed.

Organization  
of the militia.

Who may be  
exempted from  
military duty.

*of the senators and representatives in convention.* But the adjutant general shall perform the duties of quartermaster general, until otherwise directed by law. The major generals and brigadier generals, and the commanding officers of regiments and battalions, shall appoint their respective staff officers; and all military officers shall be commissioned by the Governor. (a)

SEC. 4. The militia, as divided into divisions, brigades, regiments, battalions and companies pursuant to the laws now in force, shall remain so organized, until the same shall be altered by the Legislature.

SEC. 5. Persons of the denominations of quakers and shakers, justices of the Supreme Judicial Court and ministers of the gospel may be exempted from military duty, but no other person of the age of eighteen and under the age of forty-five years, excepting officers of the militia who have been honorably discharged, shall be so exempted, unless he shall pay an equivalent to be fixed by law.

## ARTICLE VIII.

### LITERATURE.

Legislature  
shall require  
towns to sup-  
port public  
schools.  
31 Me., 272.  
68 Me., 582.  
1872, c. 56.

—shall endow  
colleges and  
academies.

—proviso.

A general diffusion of the advantages of education being essential to the preservation of the rights and liberties of the people; to promote this important object, the Legislature are authorized, and it shall be their duty to require, the several towns to make suitable provision, at their own expense, for the support and maintenance of public schools; and it shall further be their duty to encourage and suitably endow, from time to time, as the circumstances of the people may authorize, all academies, colleges and seminaries of learning within the State; provided, that no donation, grant or endowment shall at any time be made by the Legislature to any literary institution now established, or which may hereafter be established, unless, at the time of making such endowment, the Legislature of the State shall have the right to grant any further powers to alter, limit or restrain any of the powers vested in, any such literary institution, as shall be judged necessary to promote the best interests thereof.

## ARTICLE IX.

### GENERAL PROVISIONS.

Oaths and  
subscriptions.  
3 Me., 372.

SEC. 1. Every person elected or appointed to either of the places or offices provided in this Constitution, and every person elected, appointed, or commissioned to any judicial, executive, military or other office under this State, shall, before he enter on the discharge of the duties of his place or office, take and subscribe the following oath or affirmation: "I ——— do swear, that I will support the Constitution of the United States, and of this State, so long as I shall continue a citizen thereof. So help me God."

"I ——— do swear, that I will faithfully discharge, to the best of my abilities, the duties incumbent on me as ——— according to the Constitution and laws of the State. So help me God." Provided, that an affirmation in the above forms may be substituted, when the person shall be conscientiously scrupulous of taking and subscribing an oath.

The oaths or affirmations shall be taken and subscribed by the Governor and councillors before the presiding officer of the Senate, in the presence of both houses of the Legislature, and by the senators and repre-

(a) 44 Me., 388; 70 Me., 591.

Before whom  
to be taken.  
70 Me., 590, 592,  
593.

—proviso.

sentatives before the Governor and Council, and by the residue of said officers, before such persons as shall be prescribed by the Legislature; and whenever the Governor or any councillor shall not be able to attend during the session of the Legislature to take and subscribe said oaths or affirmations, said oaths or affirmations may be taken and subscribed in the recess of the Legislature before any justice of the Supreme Judicial Court; *provided, that the senators and representatives, first elected under this Constitution, shall take and subscribe such oaths or affirmations before the president of the convention.*

(Proviso.)  
(Obsolete.)

SEC. 2. No person holding the office of justice of the Supreme Judicial Court, or of any inferior court, attorney general, county attorney, treasurer of the State, adjutant general, judge of probate, register of probate, register of deeds, sheriffs or their deputies, clerks of the judicial courts, shall be a member of the Legislature; and any person holding either of the foregoing offices, elected to, and accepting a seat in the Congress of the United States, shall thereby vacate said office; and no person shall be capable of holding or exercising at the same time within this State, more than one of the offices before mentioned.

Offices incompatible with each other.  
7 Me., 14.  
64 Me., 195.  
68 Me., 594.  
71 Me., 209.  
95 Me., 575.  
(See Art. iii, § 2.  
Art. iv, Part 3, § 11.  
Art. v, Part 1, § 5.)

SEC. 3. All commissions shall be in the name of the State, signed by the Governor, attested by the secretary or his deputy, and have the seal of the State thereto affixed.

Commissions.

SEC. 4. And in case the elections required by this Constitution on the first Wednesday of January *annually*, by the two houses of the Legislature, shall not be completed on that day, the same may be adjourned from day to day, until completed, in the following order; the vacancies in the Senate shall first be filled; the Governor shall then be elected, if there be no choice by the people; and afterwards the two houses shall elect the council.

Elections on the first Wednesday of January may be adjourned from day to day.  
(See Amendment xxiii.)

SEC. 5. Every person holding any civil office under this State, may be removed by impeachment, for misdemeanor in office; and every person holding any office, may be removed by the Governor, with the advice of the Council, on the address of both branches of the Legislature. But before such address shall pass either house, the causes of removal shall be stated and entered on the journal of the house in which it originated, and a copy thereof served on the person in office, that he may be admitted to a hearing in his defence.

Every civil officer may be removed by impeachment or address.  
60 Me., 66, 67.  
72 Me., 549.

SEC. 6. The tenure of all offices, which are not or shall not be otherwise provided for, shall be during the pleasure of the Governor and Council.

Tenure of office.  
21 Me., 555.  
72 Me., 549, 563.

SEC. 7. While the public expenses shall be assessed on polls and estates, a general valuation shall be taken at least once in ten years. (a)

Valuation.

SEC. 8. All taxes upon real and personal estate, assessed by authority of this State, shall be apportioned and assessed equally, according to the just value thereof. (b)

Taxation.  
(Resolve of Feb. 24, 1875: Am'd't xvii.)

SEC. 9. The Legislature shall never, in any manner, suspend or surrender the power of taxation. (c)

Power of taxation.  
(Am'd't xvii.)

SEC. 10. 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, and shall hold their offices for two years from the first day of

Sheriffs, how elected, and tenure of office.

(a) 62 Me., 73, 451; 63 Me., 277, 285; 84 Me., 215; 86 Me., 502.

(b) 62 Me., 73, 451; 63 Me., 277, 285; 67 Me., 136; 70 Me., 522, 607; 72 Me., 518, 525; 73 Me., 526; 84 Me., 215; 86 Me., 498, 502; 88 Me., 180; 93 Me., 594; 96 Me., 522; 97 Me., 597.

(c) 62 Me., 62, 451; 84 Me., 215.

(Resolve of  
Mar. 17, 1855:  
Amendment  
ix.)

Att'y gen'l.  
(Resolve of  
Mar. 17, 1855:  
Amendment  
ix; See Amend-  
ment xxiii.)

Citizens who  
may be al-  
lowed to vote  
for county  
officers.  
(Resolve of  
Mar. 24, 1864:  
Amendment  
x.)

(See Amend-  
ment xxiii.)

Bribery at  
elections.  
(Resolve of  
Feb. 24, 1875:  
Amendment  
xx.)

Credit of  
state not to  
be loaned.

—state debt  
limited to  
\$300,000.  
53 Me., 587.  
(Resolve of  
July 26, 1847:  
Amendment  
vi.)

—exceptions.  
81 Me., 603.

State to issue  
bonds in pay-  
ment of  
municipal  
war debt.  
(Resolve of  
Mar. 7, 1868:  
Amendment  
xi.)

—basis of pay-  
ment.  
53 Me., 587.

60 Me., 158.  
69 Me., 595.  
81 Me., 604.  
(Obsolete.)

—commission  
appointed to  
determine  
amount due  
cities, towns  
and planta-  
tions.

—limited to  
\$3,500,000.

January next after their election. Vacancies shall be filled in the same manner as is provided in the case of judges and registers of probate.

SEC. 11. The attorney general shall be chosen *annually* by joint ballot of the senators and representatives in the convention. Vacancy in said office, occurring when the Legislature is not in session, may be filled by the appointment of the Governor with the advice and consent of the Council. (a)

SEC. 12. 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 Tuesday next after the first Monday in November, in the year one thousand eight hundred and sixty-four, and their votes shall be counted and allowed in the same manner and with the same effect as if given on the second Monday of September in that year. And they shall be allowed to vote for all such officers on the second Monday in September annually thereafter 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, article second of this Constitution.

SEC. 13. The Legislature may enact laws excluding from the right of suffrage, for a term not exceeding ten years, all persons convicted of bribery at any election, or of voting at any election, under the influence of a bribe.

SEC. 14. The credit of the State shall not be directly or indirectly loaned in any case. The Legislature shall not create any debt or debts, liability or liabilities, on behalf of the State, which shall singly or in the aggregate, with previous debts and liabilities hereafter incurred at any one time, exceed three hundred thousand dollars, except to suppress insurrection, to repel invasion, or for purposes of war; but this amendment shall not be construed to refer to any money that has been, or may be deposited with this State by the government of the United States, or to any fund which the State shall hold in trust for any Indian tribe.

SEC. 15. *The State is authorized to issue bonds payable within twenty-one years, at a rate of interest not exceeding six per cent. a year, payable semi-annually, which bonds or their proceeds shall be devoted solely towards the reimbursement of the expenditures incurred by the cities, towns and plantations of the State for war purposes during the rebellion, upon the following basis: Each city, town and plantation shall receive from the State one hundred dollars for every man furnished for the military service of the United States under and after the call of July second, eighteen hundred and sixty-two, and accepted by the United States towards its quota for the term of three years, and in the same proportion for every man so furnished and accepted for any shorter period; and the same shall be in full payment for any claim upon the State on account of its war debts by any such municipality. A commission appointed by the Governor and Council shall determine the amount to which each city, town and plantation is entitled; to be devoted to such reimbursement, the surplus, if any, to be appropriated to the soldiers who enlisted or were drafted and went at any time during the war, or if deceased, to their legal representatives. The issue of bonds hereby authorized shall not exceed in the aggregate three million five hundred thousand dollars, and this amendment*

(a) 70 Me., 591.

*shall not be construed to permit the credit of the State to be directly or indirectly loaned in any other case or for any other purpose.*

SEC. 16. The Legislature may by law authorize the dividing of towns having not less than four thousand inhabitants, or having voters residing on any island within the limits thereof, into voting districts for the election of representatives to the Legislature, and prescribe the manner in which the votes shall be received, counted, and the result of the election declared.

Towns of 4,000 inhabitants, or having inhabited islands, may be divided into voting districts. (Resolve of Mar. 15, 1869: Amendment xii.)

## ARTICLE X.

### SCHEDULE.

SEC. 1. All laws now in force in this State, and not repugnant to this Constitution, shall remain, and be in force, until altered or repealed by the Legislature; or shall expire by their own limitation.

Laws now in force continue until repealed. 92 Me., 244.

SEC. 2. 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 their next *annual* meetings in the month of September, 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.

Constitution, how amended. (See art. 4, part 3, § 15.)

(See Amendment xxii.) 1880, c. 248.

SEC. 3. *After the amendments proposed herewith shall have been submitted to popular vote, the chief justice of the Supreme Judicial Court shall arrange the Constitution, as amended, under appropriate titles, and in proper articles, parts and sections, omitting all sections, clauses and words not in force, and making no other changes in the provisions or language thereof, and shall submit the same to the Legislature at its next session.* And the draft, and arrangement, when approved by the Legislature, shall be enrolled on parchment and deposited in the office of the Secretary of State; and printed copies thereof shall be prefixed to the books containing the laws of the State. And the Constitution, with the amendments made thereto, in accordance with the provisions thereof, shall be the supreme law of the State.

Constitution to be arranged by chief justice of S. J. C. (Resolve of Feb. 24, 1875: Amendment xxi.)

—constitution to be enrolled and printed with laws.

—supreme law of the state.

SEC. 4. Sections one, two and five, of article ten of the existing Constitution, shall hereafter be omitted in any printed copies thereof prefixed to the laws of the State; but this shall not impair the validity of acts under those sections; and section five shall remain in full force, as part of the Constitution, according to the stipulations of said section, with the same effect as if contained in said printed copies.

§§ 1, 2, 5, of art. x. not to be printed. § 5 in full force. (Resolve of Feb. 24, 1875: Amendment xxi.) 84 Me., 5.

## AMENDMENTS

*To the Amended Constitution of Maine, adopted in pursuance of the second section of the tenth article of the Amended Constitution.*

## ARTICLE XXII.

## LIMITATION OF MUNICIPAL INDEBTEDNESS.

Municipal indebtedness never to exceed 5 per cent. of valuation. —exceptions. (See Art. i, §§ 1, 21.)  
85 Me., 518.  
91 Me., 367.  
92 Me., 292.  
95 Me., 242.  
96 Me., 239, 254.

No city or town shall hereafter create any debt or liability, which singly, or in the aggregate with previous debts or liabilities, shall exceed five per centum of the last regular valuation of said city or town; *provided, however*, that the adoption of this article shall not be construed as applying to any fund received in trust by said city or town, nor to any loan for the purpose of renewing existing loans or for war, or to temporary loans to be paid out of money raised by taxation, during the year in which they are made.

[The twenty-second amendment to the (amended) Constitution of Maine was proposed to the people by a Resolve of the fifty-sixth Legislature passed February 9, 1877, and having been adopted by the people at the ensuing annual election, September 10, 1877, took effect as a part of the constitution January 2, 1878, according to the provisions of the Resolve and the proclamation of Governor Connor issued December 20, 1877.]

## ARTICLE XXIII.

## BIENNIAL ELECTIONS AND BIENNIAL SESSIONS.

Biennial elections and sessions.

—suitable provision to be made for tenure of offices, &c. (See Art. iv, Part 1, § 2; part 2, §§ 1, 5.)

—elections to be held each even year.

—'biennial' substituted for 'annual', in twelve places.

The governor, senators and representatives in the legislature, shall be elected biennially, and hold office two years from the first Wednesday in January next succeeding their election; and the legislature, at the first session next after the adoption of this article, shall make all needful provisions by law concerning the tenure of office of all county officers, and concerning the annual or biennial reports of the state treasurer and other state officers and institutions; and shall make all such provisions by law as may be required in consequence of the change from annual to biennial elections, and from annual to biennial sessions of the legislature. *The first election under this Article shall be in the year one thousand eight hundred and eighty; and the first meeting of the legislature under this article shall be on the first Wednesday of January, eighteen hundred and eighty-one.*

Section four, article two; section five, part one, article four; section four, part two, article four; section one, part three, article four; section thirteen, part one, article five; section two, part two, article five; section one, part three, article five; section one, part four, article five; section four, part four, article five; section three, article seven; section four, article nine, and section eleven, article nine, are amended, by substituting the word 'biennial' for the word "annual" wherever it occurs.

§ 2, part 1. art. 5, of constitution, amended.

Section two, part one, article five, is amended, by striking out all after the word "office" and substituting therefor the following words: 'for two years from the first Wednesday of January next following the election.' Section seven, article six, and section two, article ten, are hereby amended by striking out the word "annual" and insert in place thereof the word 'biennial.'

[The twenty-third amendment was proposed to the people by a Resolve of the fifty-eighth Legislature passed March 4, 1879, and having been adopted September 8, was declared to have become a part of the Constitution by a Resolve of March 18, 1880.]

ARTICLE XXIV.

ELECTION OF GOVERNOR BY PLURALITY VOTE.

The constitution of this State shall be amended, in the third section of the first part of article five, by striking out the word "majority," wherever it occurs therein, and inserting in the place thereof the word 'plurality.'

Governor to be elected by plurality. (See Art. v, part 1, § 3.)

[The twenty-fourth amendment was proposed to the people by a Resolve of the fifty-ninth Legislature passed January 27, 1880, and having been adopted September 13, was proclaimed by Governor Davis to be a part of the Constitution, Nov. 9, 1880.]

ARTICLE XXV.

BIENNIAL LEGISLATIVE TERMS.

Section two, article four, part first, of the constitution of this state, as amended under the "resolutions concerning an amendment of the constitution of Maine," approved the fourth day of March, in the year eighteen hundred and seventy-nine, shall be further amended by striking out the words "first Wednesday in January next succeeding their election," and inserting in place thereof the words 'day next preceding the biennial meeting of the legislature, and the amendment herein proposed, if adopted, shall determine the term of office of senators and representatives to be elected at the annual meeting in September, in the year eighteen hundred and eighty, as well as the term of senators and representatives thereafter to be elected,' so that said section, as amended, shall read as follows:

Amendment to § 2, art. 4, part 1, of amended constitution. (See Art. iv, part 1, §§ 2, 3; part 2, §§ 1, 3; part 3, § 1.)

'Sec. 2. The house of representatives shall consist of one hundred and fifty-one members, to be elected by the qualified electors, and hold their office two years from the day next preceding the biennial meeting of the legislature, and the amendment herein proposed, if adopted, shall determine the term of office of senators and representatives to be elected at the annual meeting in September, in the year eighteen hundred and eighty, as well as the term of senators and representatives thereafter to be elected. The legislature, which shall first be convened under this constitution, shall on or before the fifteenth day of August, in the year of our Lord one thousand eight hundred and twenty-one, and the legislature, within every subsequent period of at most ten years, and at least five, cause the number of the inhabitants of the state to be ascertained, exclusive of foreigners not naturalized and Indians not taxed. The number of representatives shall, at the several periods of making such enumeration, be fixed and apportioned among the several counties, as near as may be, according to the number of inhabitants, having regard to the relative increase of population. The number of representatives shall, on said first apportionment, be not less than one hundred and not more than one hundred and fifty.'

Biennial terms of senators and representatives.

(Obsolete.)

—legislature to ascertain number of inhabitants once every five or ten years.

—apportionment of representatives.

[The twenty-fifth amendment was proposed to the people by a Resolve of the fifty-ninth Legislature passed March 18, 1880, and was adopted September 13, as appears from the transactions of the governor and council, preserved in the office of the secretary of state, wherein it is recorded that the report of the committee on elections to that effect was accepted by the council and approved by the governor, October 20, 1880. The amendment was never proclaimed by the governor nor declared by the Legislature, and it is not known that any public evidence of its adoption is in existence.]

## ARTICLE XXVI.

## PROHIBITION OF THE MANUFACTURE AND SALE OF INTOXICATING LIQUORS.

Manufacture and sale of intoxicating liquors prohibited.

—exception.

—legislature shall enact laws to carry this article into effect.  
32 Me., 213.

The manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors, are and shall be forever prohibited. Except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the sale and keeping for sale of cider may be permitted under such regulations as the Legislature may provide. The Legislature shall enact laws with suitable penalties for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors, with the exceptions herein specified.

[The twenty-sixth amendment was proposed to the people by a resolve of the sixty-first legislature approved February 21, 1883, and having been adopted September 8, 1884, was proclaimed by Governor Robie to be a part of the Constitution, December 3, 1884, and took effect on the first Wednesday of January, 1885.]

## ARTICLE XXVII.

## ELIGIBILITY OF THE TREASURER OF STATE.

Treasurer not eligible for more than six years.  
(See Art. v, Part 4, § 1.)

The treasurer shall be chosen biennially, at the first session of the legislature, by joint ballot of the Senators and Representatives in convention, but shall not be eligible more than six years successively.

[The twenty-seventh amendment was proposed to the people by a resolve of the sixty-third legislature, approved March 10, 1887, and having been adopted September 10, 1888, was proclaimed by Governor Marble to be a part of the Constitution, December 14, 1888, and took effect on the first Wednesday of January, 1889.]

## ARTICLE XXVIII.

## APPOINTMENT OF ADJUTANT GENERAL.

Major generals, how elected.

Adjutant general and quartermaster general appointed by governor.  
(See Art. vii, § 3.)

The major generals shall be elected by the senate and house of representatives each having a negative on the other. The adjutant general and quarter-master general shall be appointed by the governor. But the adjutant general shall perform the duties of quarter-master general until otherwise directed by law. The major generals and brigadier generals and the commanding officers of regiments and battalions, shall appoint their respective staff officers; and all military officers shall be commissioned by the governor.

[The twenty-eighth amendment was proposed to the people by a resolve of the sixty-fourth legislature, approved March 31, 1891, and having been adopted September 12, 1892, was proclaimed by Governor Burleigh to be a part of the Constitution, December 13, 1892, and took effect on the first Wednesday of January, 1893.]

## ARTICLE XXIX.

## EDUCATIONAL QUALIFICATION OF VOTERS.

Elector must be able to read constitution in English and write his name.

No person shall have the right to vote or be eligible to office, under the constitution of this state, who shall not be able to read the constitution in the English language and write his name; provided, however, that the provisions of this amendment shall not apply to any person prevented by a physical disability from complying with its requisitions, nor to any per-



son who now has the right to vote, nor to any person who shall be sixty years of age or upwards at the time this amendment shall take effect. —exceptions. (See Art. ii, § 1.)

[The twenty-ninth amendment was proposed to the people by a resolve of the sixty-fourth legislature, approved April 2, 1891, and having been adopted September 12, 1892, was proclaimed by Governor Burleigh to be a part of the Constitution, December 13, 1892, and took effect on the first Wednesday of January, 1893.]

### ARTICLE XXX.

#### VACANCIES IN THE SENATE.

Section five, in article four, part two, is hereby amended by striking out the words "and in this manner all vacancies in the senate shall be supplied as soon as may be after such vacancies happen," and substituting therefor the following:

Amendment to Art. iv, Part 2, § 5.

'But all vacancies in the senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented district. The governor shall issue his proclamation therefor and therein fix the time of such election.'

Vacancies in Senate, how filled.

[The thirtieth amendment was proposed to the people by a resolve of the sixty-eighth legislature, approved March 27, 1897, and having been adopted September 12, 1898, was proclaimed by Governor Powers to be a part of the constitution, October 25, 1898, and took effect on the first Wednesday of January, 1899.]