

MAINE STATE LEGISLATURE

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March 12, 1953

To Honorable Burton M. Cross, Governor of Maine
Re: Appointment of the Chief Justice

This office has been asked for an opinion as to the method in which the Chief Justice of the Supreme Judicial Court is chosen.

The Supreme Judicial Court is composed, not of six Associates, one of whom shall be Chief, but rather of a Chief Justice and five Associates. This would indicate that the Chief Justice should be nominated by the Governor and appointed with the advice and consent of the Executive Council.

An examination of the records of the Secretary of State shows that this is in fact the method which has been used in the past. The late Harold H. Murchie had not completed his term of Associate Justice when the position of Chief Justice had to be filled because of the vacancy occasioned by the resignation of the late Chief Justice Sturgis. Mr. Murchie was then nominated Chief Justice and appointed as such with the advice and consent of the Council for a seven-year term.

We believe that this is the proper method in selecting a Chief Justice.

Alexander A. LaFleur
Attorney General

jgf/c