

# MAINE STATE LEGISLATURE

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SECOND REGULAR SESSION

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ONE HUNDRED AND EIGHTH LEGISLATURE

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Legislative Document

No. 1943

H. P. 1886

Office of the Clerk of the House

EDWIN H. PERT, Clerk

Filed by the Joint Standing Committee on Judiciary under Joint Rule 17, pursuant to H.P. 1730.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-EIGHT

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**RESOLUTION, Proposing an Amendment to the Constitution to Grant to the Supreme Judicial Court the Power to Remove a Judicial Officer from Office.**

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**Constitutional amendment. RESOLVED:** Two-thirds of each branch of the Legislature concurring, that the following amendment to the Constitution of this State be proposed:

**Constitution, Art. VI, § 4,** as amended by CR 1975, c. 7, is further amended to read:

**Section 4. Tenure of judicial officers.** All judicial officers shall 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 or by the Supreme Judicial Court, and provided further that justices of the peace may be removed from office in such manner as the Legislature may provide); provided, however, that a judicial officer whose term of office has expired or who has reached mandatory retirement age, as provided by statute, may continue to hold office until the expiration of an additional period not to exceed six months or until his successor is appointed, whichever occurs first in time.

**Constitution, Art. VI § 7** is enacted to read:

**Section 7. Removal of judicial officers.** The Supreme Judicial Court shall have the power and authority to remove from office any judicial officer, including a judge of probate, under such terms as are provided by statute or by rule of court.

**Constitutional referendum procedure; form of question; effective date. Resolved:** That the city aldermen, town selectmen and plantation assessors of this State shall notify the

inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, at the next general election in the month of November or special statewide election on the Tuesday following the first Monday of November following the passage of this resolution, to vote upon the ratification of the amendments proposed in this resolution by voting upon the following question:

“Shall the Constitution be amended as proposed by a resolution of the Legislature to grant the Supreme Judicial Court the power to remove judicial officers from office under terms that would be provided by statute or by rule of court, a power of judicial discipline that would be in addition to the existing powers of impeachment or address of the Legislature?”

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within the corresponding square below the words “Yes” or “No.” The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns, and, if it appears that a majority of the legal votes are in favor of the amendments, the Governor shall proclaim that fact without delay and the amendments shall become part of the Constitution on the date of the proclamation.

**Secretary of State shall prepare ballots. Resolved:** That the Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this resolution necessary to carry out the purpose of this referendum.

#### STATEMENT OF FACT

This proposed constitutional amendment is one of the results of a study, authorized by the Legislature, of procedures for the nomination of judicial officers and for review of their conduct. The study was carried out by the Judicial Council in consultation with the Joint Standing Committee on Judiciary.

The amendments would grant to the Supreme Judicial Court the power to remove judicial officers from office under terms authorized by statute or rule of court. A related bill resulting from the study would authorize the court to establish a committee to investigate and make recommendations to the court in these matters.

The power granted would be in addition to, and would not replace, the power of the Legislature to remove judicial officers by impeachment or by address of both branches to the Governor.