

# MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1280**

H. P. 1026

House of Representatives, March 16, 1979

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

EDWIN H. PERT, Clerk

Presented by Mrs. Nelson of Portland.

Cosponsor: Mr. Tarbell of Bangor.

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Establish a Judicial Selection Advisory Committee.**

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Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 4 MRSA c. 8 is enacted to read:

**CHAPTER 8**

**JUDICIAL SELECTION ADVISORY COMMITTEE**

§ 421. Purpose

This chapter provides for merit selection of candidates for nomination and appointment to judicial offices. The Judicial Selection Advisory Committee is advisory only. The Governor is not bound to accept committee recommendations.

§ 422. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms shall have the following meanings.

1. Candidate. "Candidate" means a citizen who meets the constitutional and statutory requirements for nomination and appointment to judicial office and who has practiced law in this State.

2. **Judicial office.** “Judicial office” means the Office of the Chief Justice of the Supreme Judicial Court, Justice of the Supreme Judicial Court, Justice of the Superior Court, Judge of the District Court and Judge of the Administrative Court.

3. **Named candidate.** “Named candidate” means one of 3 candidates recommended by the committee to the Governor for nomination.

#### § 423. Establishment and composition

There is established a Judicial Selection Advisory Committee to recommend candidates to the Governor for nomination and appointment to judicial office.

1. **Membership.** The Governor shall appoint the following members to the committee, subject to review by the Joint Standing Committee on Judiciary and confirmation by the Legislature: Two members of the Maine Bar Association who have practiced law in this State for at least 5 years; 2 persons who are not and have never been attorneys and one inactive retired judge.

2. **Term.** The Governor shall make appointments between January 1st and February 1st of the year, except to fill an interrupted term. Members shall serve for a term of 3 years. Upon death or resignation of a member, the Governor shall appoint a person of the same category to complete the term.

3. **Restrictions on membership.** The following are restrictions on membership.

A. No member of the committee may hold an office in a political party while serving on the committee.

B. No member of the committee may be eligible for reappointment to succeed himself.

C. No more than 3 members of the committee may be of the same political party.

D. No member of the committee may be eligible for judicial office for 2 years following membership on the committee.

#### § 424. Compensation

Members of the committee are not entitled to compensation, but are entitled to reimbursement for traveling expenses at the same rate as state employees.

#### § 425. Candidate selection

The committee shall make recommendations for judicial office to the Governor by exercising the following procedures.

1. **Annual meeting.** The committee shall meet within 90 days of appointment to adopt bylaws governing its operation. The bylaws shall include, but not be limited to, rules on the following:

- A. **Calling of meetings;**
- B. **Method of balloting;**
- C. **Procedures for recruiting, screening and evaluating candidates;**
- D. **Criteria for evaluating candidates; and**
- E. **Conflict of interest.**

**2. Interim meetings.**

A. **The committee shall meet to consider candidates at least 90 days prior to the expiration of the term or the retirement of a judicial officer. At least 30 days prior to the expiration of the term or the retirement, the committee shall submit to the Governor the names of the 3 most qualified candidates and a written evaluation of each named candidate's qualifications.**

B. **The committee shall meet to consider candidates within 10 days after a sudden vacancy occurs in a judicial office. Within 30 days after this meeting the committee shall submit to the Governor the names of the 3 most qualified candidates and a written evaluation of each candidate's qualifications.**

**3. Recruiting and referral.**

A. **The committee shall publish notice of vacancy or impending vacancy in appropriate newspapers and periodicals. This notice shall be published at least 120 days prior to expiration of the term or the retirement of a judicial officer or within 30 days after a sudden vacancy occurs in a judicial office.**

B. **The committee or its members shall actively recruit candidates.**

C. **The Governor may submit names of candidates for screening.**

**4. Evaluation. A questionnaire shall be completed by candidates including professional information, willingness to serve in judicial office and permission for investigation by the committee.**

**The committee shall not consider the political affiliation of the candidate. The committee shall personally interview those candidates who are recommended to the Governor. The committee may interview candidates at its discretion. Any name submitted to the Governor shall be approved by at least 3 members of the committee.**

**§ 426. Confidentiality**

**All records and proceedings of the committee shall be confidential, except that the Governor shall receive all information gathered by the committee concerning the named candidates. The committee shall not make public the list of named candidates recommended to the Governor.**

**Sec. 2. First appointments.** Of the members first appointed, one lawyer member and one nonlawyer member shall be appointed to a 3-year term, one

nonlawyer member and the inactive retired judge shall be appointed to a 2-year term and one lawyer member shall be appointed to a one-year term. Thereafter, all appointments to fill expired terms shall be for 3 years.

**Sec. 3. First meeting.** Within 60 days of appointment of members to the committee, the chairman shall call a meeting of the committee. The committee shall, within 90 days of the first meeting, adopt rules specified under the Revised Statutes, Title 4, section 425, subsection 1.

#### STATEMENT OF FACT

This bill creates a Judicial Selection Advisory Committee to aid the Governor in choosing qualified persons to fill vacant judicial offices.