

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 935

7 S.P. 344

In Senate, March 6, 1985

8 Reference to the Committee on Judiciary suggested and ordered printed.

9 JOY J. O'BRIEN, Secretary of the Senate

10 Presented by Senator Chalmers of Knox.

Cosponsored by Senator Sewall of Lincoln and Representative
Drinkwater of Belfast.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT to Establish an Advisory Committee on
18 the Recommendation and Nomination of
19 Judges.
20

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

23 Sec. 1. 2 MRSA c. 5 is enacted to read:

24 CHAPTER 5

25 SELECTION OF JUDICIAL NOMINEES

26 §101. Advisory committee established

27 There is established the Judicial Nomination Ad-
28 visory Committee. The committee shall consist of 7
29 members as follows: The Dean of the University of
30 Maine School of Law; the President of the Maine Trial
31 Lawyers Association, or his designee; the President
32 of the Maine Bar Association, or his designee; and 4
33 attorneys who have been admitted to the bar of this

1 State, appointed by the Governor. The committee
2 shall select from among its members a chairman.

3 §102. Term; meetings; compensation

4 1. Term. The 4 members appointed by the Gover-
5 nor shall serve for a term of 3 years; except that of
6 those first appointed, 2 shall be appointed for a
7 term of 2 years and 2 shall be appointed for a term
8 of 3 years. All other members shall serve during
9 their tenure in the position which they represent on
10 the committee. Vacancies on the committee shall be
11 filled in the same manner as the original appointment
12 for the remainder of the unexpired term.

13 2. Meetings. Meetings shall be held as neces-
14 sary to conduct the business of the committee and may
15 be convened at the call of the chairman or a majority
16 of the committee members. Four members of the com-
17 mittee shall constitute a quorum.

18 3. Compensation. Members shall be compensated
19 according to the provisions of Title 5, chapter 379.

20 §103. Duties

21 The committee shall have the following duties.

22 1. Selection of judicial nominees. When a va-
23 cancy occurs, a new position is created or a term ex-
24 pires for any Supreme Judicial Court Justice, Justice
25 of the Superior Court, District Court Judge, Adminis-
26 trative Court Judge or Associate Administrative Court
27 Judge, the committee shall select at least 3 individ-
28 uals who, in the opinion of the committee, are quali-
29 fied to fill that position.

30 2. Submission to Governor. The committee shall
31 submit a list of the names of individuals recommended
32 for each position pursuant to subsection 1 to the
33 Governor.

34 §104. Nomination by Governor

35 The Governor shall nominate an individual for a
36 judicial position from among those names submitted to
37 him by the committee pursuant to section 103. If the

1 Governor refuses to nominate any of the individuals
2 recommended by the committee for a position, he shall
3 notify the committee of that decision and the commit-
4 tee shall make further recommendations in accordance
5 with this chapter.

6 Sec. 2. 5 MRSA §12004, sub-§10, ¶A, sub-¶39-A is
7 enacted to read:

8 (39-A) Judiciary Judicial Nomination Expenses
9 4 MRSA, §101
10 Advisory Committee only

11 STATEMENT OF FACT

12 The purpose of this bill is to establish a Judi-
13 cial Nomination Advisory Committee to make recommen-
14 dations to the Governor for nominations of Supreme
15 Judicial Court Justices, Justices of the Superior
16 Court and District Court Judges and Administrative
17 Court Judges and Associate Administrative Court
18 Judges.

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