

# MAINE STATE LEGISLATURE

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# 131st MAINE LEGISLATURE

## FIRST REGULAR SESSION-2023

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Legislative Document

No. 1192

S.P. 488

In Senate, March 14, 2023

### An Act Regarding the Composition of the Judiciary

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Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT  
Secretary of the Senate

Presented by Senator BENNETT of Oxford.

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

2 **Sec. 1. 4 MRSA §1, first ¶**, as amended by PL 2009, c. 213, Pt. QQ, §1, is further  
3 amended to read:

4 The Supreme Judicial Court, as heretofore established, consists of a Chief Justice and  
5 ~~6~~ 4 associate justices and such Active Retired Justices as may be appointed and serving on  
6 said court, learned in the law and of sobriety of manners.

7 **Sec. 2. 4 MRSA §101**, as amended by PL 2005, c. 519, Pt. III §1, is further amended  
8 to read:

9 **§101. Constitution of court**

10 The Superior Court, as established, consists of ~~17~~ 18 justices and such Active Retired  
11 Justices as may be appointed and serving on the court, learned in the law and of sobriety of  
12 manners. The Chief Justice of the Superior Court shall assign the Justices of the Superior  
13 Court to preside at various locations of the court. Whenever it becomes necessary, the  
14 Chief Justice of the Supreme Judicial Court may designate a Justice of the Supreme Judicial  
15 Court or any Active Retired Justice of the Supreme Judicial Court to hold a term of Superior  
16 Court. The Chief Justice of the Superior Court may, when necessary, assign an Active  
17 Retired Justice of the Superior Court to hold a term of Superior Court. The Chief Justice  
18 of the Superior Court may designate any Justice of the Superior Court and the Chief Justice  
19 of the Supreme Judicial Court may designate any Justice of the Supreme Judicial Court to  
20 hold one or more sessions of the Superior Court, separate from the session presided over  
21 by the justice holding the regular trial term.

22 **Sec. 3. 4 MRSA §157, sub-§1, ¶A**, as amended by PL 2015, c. 460, §2, is further  
23 amended to read:

24 A. The Governor, subject to review by the joint standing committee of the Legislature  
25 having jurisdiction over judiciary matters and to confirmation by the Legislature, shall  
26 appoint to the District Court ~~39~~ 40 judges. At least one judge must be appointed from  
27 each district who is a resident of a county in which the district lies, except that in  
28 District 3 there must be 2 judges appointed who are residents of a county in which the  
29 district lies; in District 6 there must be 2 judges appointed who are residents of a county  
30 in which the district lies; and in District 9 there must be 2 judges appointed who are  
31 residents of a county in which the district lies. Each District Court Judge has a term of  
32 office of 7 years.

33 To be eligible for appointment as a District Judge, a person must be a member of the  
34 bar of the State. The term "District Judge" includes the Chief Judge and Deputy Chief  
35 Judge.

36 **Sec. 4. Transition.** Notwithstanding the Maine Revised Statutes, Title 4, sections 1,  
37 101 and 157, the following provisions govern the process for reducing by 2 the number of  
38 associate justices on the Supreme Judicial Court and for increasing by one both the number  
39 of Justices of the Superior Court and the number of Judges of the District Court.

40 1. Each associate justice of the Supreme Judicial Court appointed prior to the effective  
41 date of this Act may continue to serve as an associate justice of the Supreme Judicial Court  
42 until the expiration of the term to which the associate justice was appointed.

