

MAINE STATE LEGISLATURE

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E I G H T Y - S I X T H L E G I S L A T U R E

Legislative Document

No. 536

S. P. 330

In Senate, Feb. 8, 1933.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Murchie of Washington.

S T A T E O F M A I N E

I N T H E Y E A R O F O U R L O R D N I N E T E E N H U N D R E D T H I R T Y -
T H R E E

AN ACT to Provide for the Appointment of Additional Justices of the Supreme Judicial or Superior Courts in Cases Where Any Justice thereof is Totally and Permanently Disabled.

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

Sec. 1. Appointment of additional justices provided for. Whenever the chief justice of the supreme judicial court, or, in the event of his disability, the senior associate justice thereof, has reason to believe that any justice of the supreme judicial or superior court is totally and permanently disabled by reason of physical or mental incapacity, and because thereof is unable to perform the duties of his office, he shall cause a commission of three competent disinterested members of the medical profession to make due inquiry and examination into the facts and report thereon to the supreme judicial court. Upon receiving said report, he shall thereupon call a meeting of said court and submit to them the report of said medical commission. The court shall thereupon, upon said report and such other evidence as they may deem necessary, if any, determine the facts in relation thereto. If said court find that said justice of the supreme judicial or superior court is permanently and totally disabled, by reason of physical or mental incapacity, and because thereof is unable to perform the duties of his office, the chief justice shall certify said fact to the governor

and council. Upon receipt of such certificate from the court, the governor and council shall make due inquiry into the matter and, if they confirm the finding of said court, the governor, with the advice and consent of the council, shall appoint an additional justice of the supreme judicial or superior court, as the case may be.

Sec. 2. When vacancies shall not be filled. No vacancy in the supreme judicial or superior court caused by the death or expiration of the term of said incapacitated justice shall be filled, if thereby the number of justices qualified and capable of acting would be in excess of that otherwise provided by law as constituting said court.