

# MAINE STATE LEGISLATURE

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NEW DRAFT

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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

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**Legislative Document**

**No. 906**

S. P. 586

In Senate, March 13, 1933.

Reported by Senator Holman of Franklin from Committee on Judiciary and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

New Draft of S. P. 330, L. D. 536.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED THIRTY-THREE

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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.

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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, any 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 3 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.