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JUDICIARY

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
132ND LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT “ ” to H.P. 1211, L.D. 1810, “An Act to Formalize a Process for Reviewing the Conduct of Judges and Justices”

Amend the bill by striking out the title and substituting the following:

'Resolve, to Establish the Commission to Study the Judicial Disciplinary Process'

Amend the bill by striking out everything after the title and inserting the following:

'Sec. 1. Commission established. Resolved: That the Commission to Study the Judicial Disciplinary Process, referred to in this resolve as "the commission," is established.

Sec. 2. Commission membership. Resolved: That, notwithstanding Joint Rule 353, the commission consists of 13 members appointed as follows:

1. Two members of the Senate appointed by the President of the Senate, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
2. Two members of the House of Representatives appointed by the Speaker of the House of Representatives, including one member from each of the 2 parties holding the largest number of seats in the Legislature;
3. Two members appointed by the Chief Justice of the Supreme Judicial Court;
4. One member representing the Maine State Bar Association, appointed by the Speaker of the House of Representatives;
5. One member representing the Maine Trial Lawyers Association, appointed by the President of the Senate;
6. One member representing the Maine Association of Criminal Defense Lawyers, appointed by the Speaker of the House of Representatives;
7. One member representing the Maine Prosecutors' Association, appointed by the President of the Senate;
8. Two members of the public, appointed by the Governor; and
9. The Governor or the Governor's designee.

1 In appointing members of the commission, the appointing authorities shall ensure the
2 racial, gender and socioeconomic diversity, as well as geographic diversity of the
3 commission.

4 **Sec. 3. Chairs. Resolved:** That the first-named Senate member is the Senate chair
5 and the first-named House of Representatives member is the House chair of the
6 commission.

7 **Sec. 4. Appointments; convening of commission. Resolved:** That all
8 appointments must be made no later than 30 days following the effective date of this
9 resolve. The appointing authorities shall notify the Executive Director of the Legislative
10 Council once all appointments have been completed. After appointment of all members,
11 the chairs shall call and convene the first meeting of the commission. If 30 days or more
12 after the effective date of this resolve a majority of but not all appointments have been
13 made, the chairs may request authority and the Legislative Council may grant authority for
14 the commission to meet and conduct its business.

15 **Sec. 5. Duties. Resolved:** That the commission shall examine the existing rules
16 adopted by the Supreme Judicial Court regarding judicial discipline of probate court,
17 District Court, Superior Court and Supreme Judicial Court judges and justices to determine
18 whether the rules are adequate or whether changes should be made to those rules to enhance
19 public trust and respect for the judicial system and the delivery of justice in the State. In
20 performing this duty, the commission shall:

21 1. Review the rules, statutes and constitutional provisions governing judicial discipline
22 in other states, including information compiled by the National Center for State Courts
23 regarding different models of judicial discipline as well as the Model Rules for Judicial
24 Disciplinary Enforcement adopted by the American Bar Association;

25 2. Consider the necessity of establishing specific rules for processing allegations of
26 judicial misconduct involving justices of the Supreme Judicial Court;

27 3. Consider the type of sanctions that may be imposed in judicial disciplinary
28 proceedings, including by considering who has the authority under the Constitution of
29 Maine to impose which types of discipline;

30 4. Consider the appropriate time frame for resolution of judicial disciplinary
31 proceedings, including by examining whether and under what circumstances judicial
32 disciplinary proceedings should be expedited; and

33 5. Evaluating whether, given the separation of powers provisions of the Constitution
34 of Maine, new or expanded rules governing judicial discipline can and should be adopted
35 by the Legislature by statute or by the Supreme Judicial Court by rule or administrative
36 order.

37 **Sec. 6. Staff assistance. Resolved:** That the Legislative Council shall provide
38 necessary staffing services to the commission, except that Legislative Council staff support
39 is not authorized when the Legislature is in regular or special session.

40 **Sec. 7. Report. Resolved:** That, no later than December 3, 2025, the commission
41 shall submit a report that includes its findings and recommendations, including any
42 suggested legislation, for presentation to the Joint Standing Committee on Judiciary. The

1 Joint Standing Committee on Judiciary may report out legislation regarding the subject
2 matter of the report to the Second Regular Session of the 132nd Legislature.'

3 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
4 number to read consecutively.

5 **SUMMARY**

6 This amendment, which is the majority report of the committee, replaces the bill with
7 a resolve establishing the Commission to Study the Judicial Disciplinary Process. The
8 commission is required to examine the existing rules adopted by the Supreme Judicial
9 Court regarding judicial discipline of probate court, District Court, Superior Court and
10 Supreme Judicial Court judges and justices to determine whether the rules are adequate or
11 whether changes should be made to those rules to enhance public trust and respect for the
12 judicial system and the delivery of justice in the State and submit a report to the Joint
13 Standing Committee on Judiciary by December 3, 2025 that includes its findings and
14 recommendations. The committee may report out legislation regarding the subject matter
15 of the report to the Second Regular Session of the 132nd Legislature.

16 **FISCAL NOTE REQUIRED**

17 **(See attached)**