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Judicial Branch testimony in favor of LD 8, An Act Regarding the Term of Appointment of Judicial Officers:

Senator Carney, Representative Kuhn, members of the Joint Standing Committee on Judiciary, my name is Julie Finn and I represent the Judicial Branch. LD 8 was submitted by the Judicial Branch and I am here today to testify in support of the bill.

This bill does not change the existing process for confirming and swearing in new judges, instead it clarifies the date on which the judicial seven-year term begins. It is important to pinpoint the first day of the term, in order to begin the clock on the seven-year term and to fix a date on which the benefits of employment commence. This interpretation has been the interpretation of the Judicial Branch for many years.

Judicial officers are specifically mentioned in section 3 and section 5 of Title 5, Administrative Procedures and Services. Section 3 exempts judicial officers from the provision that allows civil officers to serve until their successors qualify, because judicial terms are specified in the Maine Constitution. Section 5 includes judicial officers among those who must be sworn in by the Governor.

This bill clarifies that section 6 of Title 5 does not apply to judicial officers. Judges are not mentioned in this section which refers only to "public officers." Section 6 requires that "public officers" be sworn in within 30 days after being "commissioned." The Judicial Branch seeks to clarify that this section, and this 30-day requirement, does not apply to judicial officers.

There has been at least one instance when this provision came into play. The Governor nominated a District Court judge for a Superior Court vacancy. The Judiciary Committee held a hearing; and the Senate voted on the nomination within the statutory time frames. However, the vacancy on the Superior Court was not scheduled to occur until after the Legislature had finally adjourned, more than 30 days later. The vacancy was known in advance of the adjournment date because the Superior Court justice had announced his retirement date. Immediately following the retiring justice's last day, the new justice was sworn in as a Superior Court justice and his term began.

Thank you for your time. I would be happy to answer any questions.