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Testimony in Favor of L.D. 129, An Act to Amend the Law Governing Dedimus Justices

February 10, 2025

Good morning Senator Baldacci, Representative Salisbury and members of the Joint Standing Committee on State and Local Government. I am Tim Feeley, Deputy Legal Counsel in the Office of the Governor. I am here today to testify in support of L.D. 12, An Act to Amend the Law Governing Dedimus Justices. Thank you to Senator Carney for sponsoring this bill and to thank you to the Office of the Secretary of State for introducing this bill at our request.

The position of dedimus justice is an old position, a version of which has existed in Maine law for nearly 200 years. The only act a dedimus justice may perform is to subscribe oaths to certain other civil officials. No other state has an official that goes by this name and other states address the authority to subscribe oaths in different ways. Since 1824 Maine statutes have provided that all civil officers serve a term of 4 years unless otherwise provided for by law – except the officer that subscribes oaths. We know that officer as the dedimus justice. Only the Governor may appoint a dedimus justice. The dedimus justice is a lifetime appointment – there is no expiration to their term.

For many years Governors have appointed people to serve as dedimus justice in municipal, county, state, judicial, and private offices across the state. Today there are approximately 1,100 dedimus justices in Maine. The Secretary of State's Office has worked hard to find out who these people are and where they are so that the public could look them up on a website in order to subscribe an oath. However, you can imagine that this is difficult. How many times do people move in their lifetime? How do we know they are still alive? With no requirement to update an address or a term of years that would take them off the list we are really limited in knowing who is still available to provide this service.

The Governor feels that it is time to make some amendments to this process by putting a term of years on new appointments, by requiring the person to update their address if they move, and to expressly permit the dedimus justice to resign their office if they no longer wish to serve in that capacity. Many people become a dedimus justice as part of their work duties and have no need or desire to continue past their employment. We also occasionally hear from dedimus justices that are retired from work that are contacted by members of the public seeking to be sworn in to an office and they want to be able to be removed from that list. However, there is no mechanism for that to happen in current law.

In drafting this testimony I did notice that 5 M.R.S. § 2 may also need to be amended. That statute states that all civil officers serve a term of 4 years unless their tenure is fixed by law "except persons appointed to qualify civil officers". If the dedimus justice statute, found at 5 M.R.S. § 4, is amended to provide a term of years by statute, this clause would be redundant.



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The Governor's Office sees this as a common sense clean up measure that will help to winnow out inactive dedimus justices as time goes on so that the public can access this service more efficiently. I urge you to support this bill and would be happy to try and answer any questions you may have.



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