

§2. Appointment of additional justices

Whenever the Chief Justice of the Supreme Judicial Court or, in the event of the Chief Justice's 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 the office, the Chief Justice or associate justice shall cause a commission of 3 competent disinterested members of the medical profession to make due inquiry and examination into the facts and report the results of the inquiry to the Supreme Judicial Court. Upon receiving the report, the Chief Justice or associate justice shall call a meeting of the Supreme Judicial Court and submit to it the report of the medical commission. The court shall, based on the report and other evidence they may consider necessary, if any, determine the facts. If the court finds that the Justice of the Supreme Judicial or Superior Court is permanently and totally disabled by reason of physical or mental incapacity and because of the disability is unable to perform the duties of the office, the Chief Justice shall certify that fact to the Governor. Upon receipt of a certificate from the court, the Governor shall make due inquiry into the matter and, if the Governor confirms the finding of the court, the Governor shall appoint an additional Justice of the Supreme Judicial or Superior Court, as the case may be. [PL 2019, c. 475, §33 (AMD).]

SECTION HISTORY

PL 1975, c. 771, §16 (AMD). PL 1979, c. 127, §6 (AMD). PL 2019, c. 475, §33 (AMD).

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