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GOVERNOR

STATE OF MAINE
OFFICE OF THE GOVERNOR
1 STATE HOUSE STATION
AUGUSTA, MAINE
04333-0001

February 8, 2023

Hon. Anne Carney, Chair
Hon. Matt Moonen, Chair
Joint Standing Committee on Judiciary
Room 438, State House
Augusta, Maine 04330

Re: L.D. 243, *An Act To Eliminate Residency Requirements for District Court Judicial Appointments*

Dear Sen. Carney and Rep. Moonen:

Please accept this testimony on behalf of the Office of the Governor in support of L.D. 243, *An Act to Eliminate Residency Requirements for District Court Judicial Appointments*.

Maine law currently contains prescriptive residency requirements governing the appointment of District Court judges. *See* 4 M.R.S. section 157(1)(A) (requiring at least one judge from each of 13 defined judicial districts to be a resident of the county in which the district lies, and for certain districts, more than one judge). These requirements were intended to ensure that judges are familiar with the communities in which they would preside, and come from a time when small-town general practitioners were broadly distributed throughout the State. The demographics of Maine are different today, and regrettably, many areas are experiencing a serious shortage of attorneys to meet the local need for legal services. That same shortage has made it impracticable for the Governor to nominate only candidates for the District Court who satisfy the statutory residency requirements. There are simply too few lawyers residing in rural Maine, even before considering qualifications and a willingness to serve.

When vacancies arise, the Judicial Branch is careful to ensure the Governor's Office is informed about those regions in which court coverage is most challenging. The Governor then makes every effort to identify District Court nominees who live and work near the location where they are likely to preside. Good communication and cooperation between the Executive and the Judiciary is now serving the purposes of the statutory residency requirements, which are no longer practical or necessary.

The Office of the Governor urges your support for L.D. 243. Thank you for your consideration.

Sincerely,

Gerald D. Reid
Chief Legal Counsel



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