

§421. Military judge

1. Appointment. The authority convening a court-martial shall designate a military judge to preside over each case.

[PL 1983, c. 460, §3 (NEW).]

2. Qualifications. A military judge shall:

A. Possess the following military qualifications:

- (1) Be a commissioned officer of the state military forces;
- (2) Be a commissioned officer of the United States Armed Forces; or
- (3) Be a retired officer of the United States Armed Forces; and [PL 1983, c. 460, §3 (NEW).]

B. Possess the following other qualifications:

- (1) Be a member of the bar of the Supreme Judicial Court; and
- (2) Be certified as being qualified to serve as military judge by the state judge advocate. [PL 1983, c. 460, §3 (NEW).]

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3. Accuser or witness ineligible. No person is eligible to act as military judge in a case if the person is the accuser or a witness for the prosecution or has acted as investigation officer or a counsel in the same case.

[RR 2019, c. 1, Pt. B, §29 (COR).]

4. Duties. A commissioned officer who is certified to be qualified for duty as a military judge of a court-martial may perform those duties only when the commissioned officer is assigned and directly responsible to the Adjutant General. The commissioned officer may perform duties of a judicial or nonjudicial nature other than those relating to the commissioned officer's duty as a military judge of a court-martial when those duties are assigned to the commissioned officer by or with the approval of the state judge advocate. The military judge of a court-martial may not consult with the members of the court, except in the presence of the accused, trial counsel and defense counsel, nor may the military judge vote with the members of the court.

[RR 2019, c. 1, Pt. B, §30 (COR).]

SECTION HISTORY

PL 1983, c. 460, §3 (NEW). RR 2019, c. 1, Pt. B, §§29, 30 (COR).

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