

MAINE STATE LEGISLATURE

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N I N E T Y - T H I R D L E G I S L A T U R E

Legislative Document

No. 80

H. P. 116

House of Representatives, January 21, 1947.

Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk.

Presented by Mr. Peirce of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY-SEVEN

AN ACT Providing for the Reappointment of Active Retired Justices.

Be it enacted by the People of the State of Maine, as follows :

R. S., c. 94, § 4, amended. Section 4 of chapter 94 of the revised statutes, as amended by section 1 of chapter 121 of the public laws of 1945, is hereby further amended to read as follows :

'Sec. 4. Active retired justices of superior court. Any justice of the superior court who having attained the age of 70 years and having served as such justice on either or both the supreme judicial court or the superior court for at least 7 consecutive years resigns his said office, or ceases to serve at the expiration of any term thereof, shall be eligible for appointment as an active retired justice of the superior court as hereinafter provided. The governor with the advice and consent of the council may, upon being notified of the retirement of any such justice under the provisions of this section, appoint such justice to be an active retired justice of the superior court for a term of 7 years from such appointment, unless sooner removed, **and such justice may be reappointed for a like term**, and such justice so appointed and designated shall thereupon constitute a part of the court from which he has retired and shall have the same jurisdiction and be subject to the same restrictions therein as before retirement, except that he shall act only in such cases and matters and hold court only at such terms

and times as he may be directed and assigned to by the chief justice of the supreme judicial court. Any active retired justice of the superior court may be directed by the chief justice to hold any term of the superior court in any county and when so directed shall have authority and jurisdiction therein the same as if he were the regular justice of said court; and whenever the chief justice of the supreme judicial court so orders, may hear all matters and issue all orders, notices, decrees, and judgments in vacation that any justice of said superior court is authorized to hear and issue.

The provisions of this section shall apply to the present and former justices of said court. Provided, however, that such ~~justice~~ **justices** shall within 2 years after attaining the age of 70 years, and serving as such justice for at least 7 consecutive years, cease to serve as such justice.'