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**REPORT OF THE
JUDICIAL COMPENSATION
COMMISSION**

December 1996

Members:

John DiMatteo, Chair
Ival R. Cianchette
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JUDICIAL COMPENSATION COMMISSION

(Title 4, chapter 35)

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John DiMatteo, Chair
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December 1, 1996

Honorable Angus S. King, Governor of Maine
Members of the 118th Legislature

Dear Governor King and Members of the Legislature,

It is our pleasure to submit to you the first report of the Judicial Compensation Commission. After reviewing the broad topic of judicial compensation, we have developed a proposal to ensure that Maine can attract and retain the most highly qualified candidates to the bench.

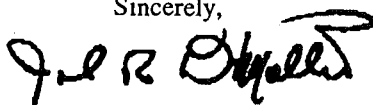
We arrived at three fundamental conclusions which serve as the premise for making recommendations to improve various aspects of judicial compensation:

- Maine's Judicial Department is a *separate and equal branch* of state government and performing a function as vital to our state as the executive and legislative branches. That stature is not reflected in the recent history of state budget appropriations to the judiciary.
- Maine's judiciary has a *tradition of excellence and productivity*; however, Maine cannot rely on that tradition to take the place of an equitable compensation package for the judiciary.
- Maine's judiciary has not been treated fairly with respect to their compensation:
 - The changes recommended by the 1984 State Compensation Commission linked a certain level of salary increases to a reduction in pension benefits. Since that time, that commitment has been breached by a retreat from the anticipated salary increases while retaining the lower pension benefits.
 - In light of the extremely important role of the judiciary, current compensation for judges compares unfavorably to other public sector positions in Maine and to compensation of judges in other states.

As we prepared this report, we were guided by the statutory directive from the Legislature to develop recommendations to ensure that "...the most highly qualified lawyers in this State, drawn from diverse life and professional experiences, are not deterred from serving or continuing to serve in the state judiciary and do not become demoralized during service because of [inadequate] compensation levels...". The recommendations in this report are designed to fulfill this directive in a manner which is affordable to the people of the State of Maine. We submit this report to you and ask that our recommendations be implemented without delay to continue the outstanding level of service provided by members of Maine's judiciary.

Each member of the Commission has come to feel strongly about the validity and need for these reforms. We are anxious to discuss this report and look forward to doing so with you.

Sincerely,



John DiMatteo, Chair



Ival R. Cianchette, Commission Member



Elaine D. Rosen, Commission Member

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JUDICIAL COMPENSATION COMMISSION: 1996 EXECUTIVE SUMMARY

The Judicial Compensation Commission, established by Title 4, chapter 35, is required to study and make recommendations regarding all aspects of judicial compensation to ensure that the most highly qualified lawyers in this State, drawn from diverse backgrounds, are willing to serve in the State's Judicial Branch of government and to ensure that these judges do not become demoralized during service because of inadequate compensation. In fulfilling this statutory directive, the Commission studied a wide range of factors appropriate in determining compensation, received public testimony on the issue, and reviewed the changes to the compensation of the Judicial Branch since the early 1980's.

FINDINGS

The Commission presents the following findings regarding the work of Maine's judges and the overall operating environment in which Maine's judges currently function:

Minimal Resources: The Judicial Branch operates with a relatively small number of support staff and under a budget which represents a very small proportion of the overall State budget.

- The budget for the Judicial Branch in fiscal year 1996-97 is \$35,033,506, or 2% of the total state General Fund budget.
- Maine was 46th out of 50 states for total judicial and legal services expenditures in 1992, the latest data available.

High Workload & High Productivity: Although Maine's judges are responsible for handling the cases of a large number of citizens spread over a wide geographic area, they are able to move a high number of cases in a timely fashion.

- For courts of general jurisdiction comparable to Maine's Superior Court, Maine ranks 47th in judges per 100,000 population: 1.3 compared to the average of 3.6 per 100,000 for all states.
- Maine has the fewest number of judges in courts of general jurisdiction (16) of any of the 49 states providing data to the National Center for State Courts.
- When compared to other states, Maine ranked 5th in clearance rates for civil cases and 12th for criminal cases.

Low pay: The judges making up Maine’s Judicial Branch of government are significantly underpaid.

- In comparison with judicial salaries elsewhere, Maine’s salaries are relatively low. For example, nationally, Maine ranks 41st out of 50 states in direct compensation for Supreme Court Justices and 35th for Superior Court Justices. This statistic is exacerbated when viewed in light of the extremely high productivity rate of Maine’s judges.
- Judicial salaries are not in line with salaries provided to other professional positions of comparable responsibility in the public sector in Maine.
- As a matter of internal equity, the Commission finds that the salary differential between District Court Judges and Superior Court Justices is no longer justified.
- Maine’s overall pension benefit is substantially lower than that provided in the other New England states.
- A great disservice was done to the members of judiciary during the 1980’s when their pension benefit was reduced substantially to compensate for planned increases in their direct compensation that were not fully implemented.
- The per diem rate for service as an active retired judge is not adequate to be attractive as an alternative to full retirement.

As a third and coequal branch of government, our judiciary has long filled a critical place in the social fabric of Maine by providing ready access to quality justice for everyone. That task has become increasingly demanding in recent years as complex and time-consuming domestic cases, such as family violence and abuse and neglect of children, have taken an ever larger share of Maine’s civil caseload while simpler small claims and traffic cases have been reduced by new and innovative means. At the same time, the resources committed to our courts, and particularly the compensation system for our judges has fallen so far behind that the National Center For State Courts reported in 1994, that “the state-funded Maine court system has probably been the most hard hit of any court system in the United States.” (p. 12)

RECOMMENDATIONS

The Judicial Compensation Commission offers six specific recommendations which, as a package, are designed to make judicial appointments attractive to attorneys employed in both the private and public sectors. These recommendations will address the immediate need to provide fair and equitable direct compensation for members of the judiciary that accurately reflects the value we as a society place on the Judicial Branch. These recommendations also address the long-term need to provide equitable and attractive pension benefits for our judges and to provide them with attractive opportunities to continue in public service on the bench following retirement. The combination of salary increases, pension improvements and an increase in per diem rates for active retired judges

is also designed to appeal to high caliber private practice attorneys who expectedly take a substantial reduction in compensation to enter the judiciary.

1. **EQUALIZATION OF SALARIES.** The Judicial Compensation Commission recommends that salaries for District Court Judges and Administrative Court Judges be increased to a level equal to the salaries for Superior Court Justices.

2. **DIRECT COMPENSATION.** The Judicial Compensation Commission recommends that the salaries for members of the judiciary be increased to \$94,000 for the Judges of the Superior Courts and District Courts and to \$100,000 for the Justices of the Supreme Judicial Court with proportional increases for the respective chiefs of each court.

3. **PENSION ACCRUAL RATE.** The Judicial Compensation Commission recommends that the pension benefit for judges be improved prospectively by increasing the accrual rate from 2% to 3% for each year of service as a member of the judiciary.

4. **PENSION BENEFIT CAP.** The Judicial Compensation Commission recommends increasing the current cap on the pension benefit for judges from 60% to 70% of final average earnings.

5. **PER DIEM RATE FOR ACTIVE RETIRED JUDGES.** The Judicial Compensation Commission recommends that the per diem rate provided to Active Retired Judges be increased from \$150 to \$300.

6. **REPEAL OF SUNSET PROVISION.** The Judicial Compensation Commission recommends that the existing sunset repeal of the Commission in 1999 be repealed.

COSTS

As a package, these recommendations will have a total annual cost of \$1,030,727 in fiscal year 1997-98.

The level of judicial compensation appropriate for our State's judiciary must be determined within the broader framework of the value we place on having a Judicial Branch of government capable of providing impartial interpretation of our laws and administering justice in a fair and efficient manner. If we consider one of the benefits to our system of government the idea that everyone is entitled to the highest quality judge we as a State can provide, then we must do more to ensure that we are, in fact, attracting and retaining the most highly qualified individuals in the State. Ignoring the need to provide a more attractive compensation package will jeopardize the tradition of excellence we have experienced within the Judicial Branch and may jeopardize the confidence we all have in our judicial system. While the costs of these changes can not be taken lightly, the benefits of implementing these recommendations are vast.

JUDICIAL COMPENSATION COMMISSION, 1996 REPORT

INTRODUCTION

The Judicial Compensation Commission, established by Title 4, chapter 35, is required to study and make recommendations regarding all aspects of judicial compensation to ensure that the most highly qualified lawyers in this State, drawn from diverse backgrounds, are willing to serve in the State's Judicial Branch of government and to ensure that these judges do not become demoralized during service because of inadequate compensation. As suggested by the statute, the Commission considered a wide variety of factors in reviewing the adequacy of the current compensation package, including: the skill and experience required of the job, the degree of responsibility and discretion required, compensation levels for similar judgeships in other states and on the federal bench, compensation for attorneys in the private sector, and overall compensation received by other employees in the public sector. The Commission also reviewed national data on judicial compensation, data on compensation levels for public sector employees in Maine, benefits information, data on the operations of state court systems, and reports of prior commissions reviewing state compensation issues. The Commission also received testimony during a public hearing on June 24, 1996.

DISCUSSION & FINDINGS

The Commission reviewed data from a variety of sources on the structure, operation and performance of Maine's judicial branch. It is clear that Maine has a long-standing tradition of excellence in its judiciary and that the judiciary has coped well with the increased demands placed on our court system. Despite many adverse circumstances, including minimal resources, high workloads, and low pay, until now Maine's judiciary has maintained a highly productive judicial system of superior quality. We can not continue to

rely on that tradition to attract and retain excellent judges in the face of inadequate compensation and recognition.

FINDING: Minimal Resources. The Judicial Compensation Commission finds that the Judicial Branch operates with a relatively small number of support staff and under a budget which represents a very small proportion of the overall State budget.

- The budget for the Judicial Branch in fiscal year 1996-97 is \$35,033,506, or 2% of the total state General Fund budget.
- Maine was 46th out of 50 states for total judicial and legal services expenditures in 1992 (National Center for State Courts, 1996).

Like all other parts of Maine State Government, the Judicial Branch has been adversely affected by the lack of budgetary resources during the past few years. In practical terms, recent budgetary cutbacks to the Judicial Branch have required the judiciary to maintain its past standards of excellence and high productivity with fewer financial resources. Keeping in mind that the Judicial Branch is an equal branch of government with a vitally important mission, the Judicial Compensation Commission finds that Maine's judiciary functions with a minimal set of human and material resources.

FINDING: Workload & Productivity. Although Maine's judges are responsible for handling the cases of a large number of citizens spread over a wide geographic area, they are able to move a large number of cases in a timely fashion.

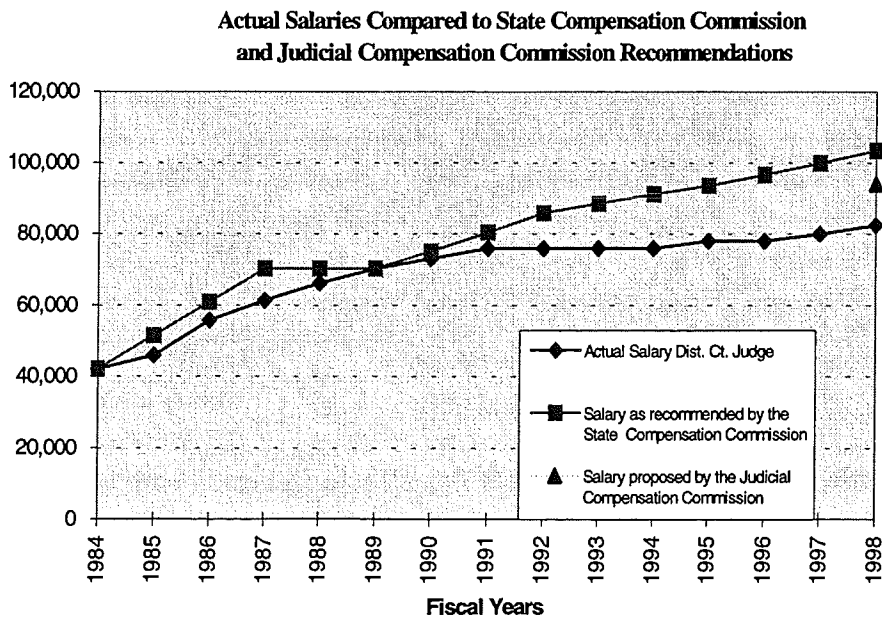
- For courts of general jurisdiction comparable to Maine's Superior Court, Maine ranks 47th in judges per 100,000 population: 1.3 compared to the average of 3.6 per 100,000 for all states. (National Center for State Courts, 1995)
- Maine has the fewest number of judges in courts of general jurisdiction (16) of any of the 49 states surveyed. (National Center for State Courts, 1995)
- Despite high caseloads, Maine's judiciary moves cases in a timely manner. When compared to other states, Maine ranked 5th in clearance rates for civil cases and 12th for criminal cases. (National Center for State Courts, 1996)

FINDING: Compensation. The Judges and Justices making up Maine's Judicial Branch of government are significantly underpaid considering the importance of their work to our society and system of government.

The Judicial Compensation Commission has concluded that Maine's judges are significantly underpaid. This conclusion is certainly not without precedent; there have been a number of legislatively mandated studies which have concluded the same thing. The subject of judicial compensation was addressed by the Maine State Compensation Commission in its 1984 and 1988 reports; both reports recommended significant salary increases for members of Maine's judiciary but the recommended increases were not fully implemented. Most recently, in its 1993 report, the Commission to Study the Future of Maine's Courts said:

Compensation for the state court judges, including both salary and benefits, should be increased to levels that are competitive with compensation for positions of comparable experience and judgment in the public and private sectors. (p. 86)

Had the recommendations of the 1988 State Compensation Commission been implemented, the current annual salary for a District Court Judge would be \$96,141 rather than \$79,911. The following graph illustrates this difference relative to this Commission's recommendation of a salary of \$94,000 for District Court Judges.



FINDING: Salaries Compared to Other States and Federal Judiciary. In comparison with judicial salaries elsewhere, Maine’s salaries are relatively low. For example, nationally, Maine ranks 41st out of 50 states in direct compensation for Supreme Court Justices and 35th for Superior Court Justices.

The Commission found that increasing judicial salaries to the level of comparable federal positions, however commendable, would result in unjustifiably high salaries given the State’s limited resources. Instead, the Commission chose to compare Maine’s judicial salaries to current judicial salaries in other states. Overall, Maine ranks 41st out of 50 states in compensation for Supreme Court Justices and 35th in compensation for general trial court judges comparable to Maine’s Superior Court Justices (National Center for State Courts, 1996). To focus in on states with similar demographic characteristics and fiscal capacities, a more limited and useful comparison is to those states that have a per capita income which is comparable to Maine’s. According to the U.S. Department of Commerce, in 1994 Maine had a per capita personal income of \$19,482. Seven other states had a per capita personal income between \$18,000 and \$20,000. Using these seven states as a means of comparison, the Commission compared judicial salaries for 1996:

	Chief Justice Highest Court	Associate Judges Highest Court	Superior Court Judges	District Court Judges
Arizona	103,538	101,130	96,314	NA
Tennessee	101,820	101,820	92,892	NA
North Carolina	98,756	96,000	87,000	76,500
Texas	97,470	94,686	85,217	NA
Maine	90,168	85,858	81,198	77,961
Idaho	80,763	79,183	74,214	NA
North Dakota	78,072	75,936	71,413	NA
South Dakota	74,468	74,468	74,468	NA

Source: National Center for State Courts, 1996.

1996 Judicial Salaries in States with Per Capita Income From \$18,000 to \$20,000

While the workload measured by budgeted resources, judges per capita and clearance rates rank near the top of all fifty states, the salaries paid to Maine’s judiciary fall somewhere in the middle of those states with comparable per capita incomes. The Commission found that a fair and realistic goal for increasing the direct salaries for Maine’s judiciary is to establish salaries that would place Maine at or near the top of these selected states.

FINDING: Salaries Compared to Other Public Positions. The Commission finds that Maine’s judicial salaries are not in line with salaries of other professional positions of comparable or lesser responsibility in the public sector in Maine.

Another relevant comparison is how judicial salaries compare to other key professional positions in the public sector in Maine. The following salaries paid to individual public sector employees provide an appropriate frame of reference:

Chancellor, University of Maine System (UMS)	\$135,000
Dean of the School of Law, UMS	\$105,837
Professor of Law, UMS	\$100,267
Physician III, AMHI & BMHI (10)	\$122,117

The disparity in incomes is especially pronounced when one takes into account the opportunity for earning outside income. Unlike other professional positions in the public sector such as physicians and law professors, a sitting judge is required to forego other income opportunities while serving as a judge. As the State Compensation Commission noted in its 1984 report:

In considering the question of compensation for the judiciary, it is essential to remember that appointments to the courts are unlike election to public office, appointment to senior positions in state government, or selection of an employee or partner in a private firm. We expect judges to devote full energy and attention to the cause of justice, to eliminate personal, professional or economic interests that could conflict with the exercise of independent and dispassionate judgment in criminal and civil matters. (p. 8)

FINDING: Salary Differential Between District & Superior Courts. As a matter of internal equity, the Commission finds that the salary differential between District Court Judges and Superior Court Justices is no longer justified.

When the District Courts were created in 1962, the jurisdiction of the District Court was limited to the jurisdiction of the prior municipal courts and trial justices, civil actions seeking damages up to \$1,200, and domestic relations cases. Now, nearly 35 years later, the jurisdiction is much broader. The upper limit on damages in District Court is now \$30,000 and the District Court has exclusive jurisdiction of mental health commitment hearings, mental retardation certification hearings, habitual truancy actions and small claims. The District Court also has jurisdiction concurrent with the Superior Court on a wide variety of issues.

The Commission to Study the Future of Maine's Courts studied this issue extensively in 1991 and 1992 and recommended the equalization of salaries for the judges of the two systems. It concluded:

Current Superior and District Court judicial salaries should be equalized to reinforce the position that there is no difference in the quality and the importance of the work of all Maine trial judges. Parity should be achieved by increasing District Court levels to those of the Superior Court, as soon as possible, but at least within the next five years. Pay equalization must not compromise funding for future increases in the salaries of current Superior Court judges. (p. 67)

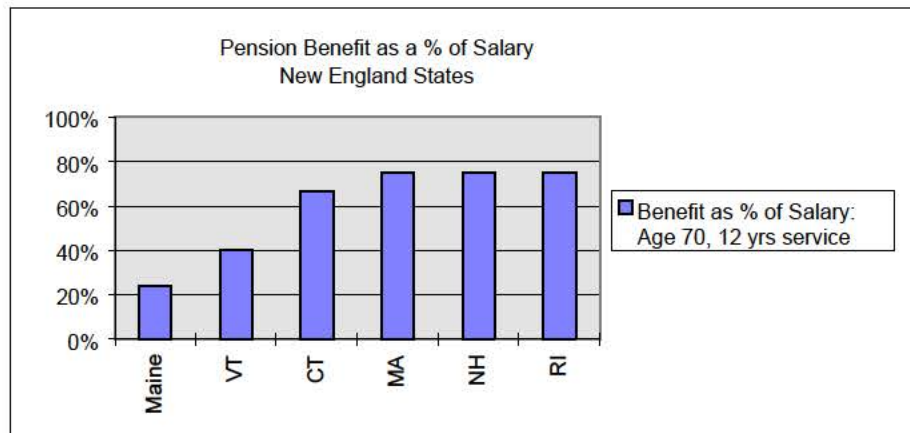
The Judicial Compensation Commission believes that the arguments are even stronger today for equalization of salaries than they were five years ago. The practice of judicial cross assignment has become much more prevalent in the past few years, further evidence that the skills, experience and judgment required for the two are the same. In addition, in the years since the Futures Commission's recommendations, the emphasis on prompt resolution of issues such as family violence, child abuse and child support have increased the significance of the District Court's work even further. For example, the State's child support enforcement laws have led to an increase in the number of paternity suits, some of which are very complex. The outcome of these proceedings not only affect the parties but also affect the State's AFDC payments. These changes demonstrate the

need to equalize the salaries. The Commission believes that increasing the District Court judges' salaries will ensure internal equity in the judicial compensation system and will enhance administrative flexibility.

FINDING: Pension Benefits. Maine's overall pension benefit is substantially lower than that provided in the other New England states.

Maine must consider the entire compensation package, including not only direct compensation but the judicial pension plan and the availability of per diem employment opportunities in retirement, as a means of attracting experienced private sector attorneys to the bench.

Under the pension benefit provided under the Maine Judicial Retirement System, Maine's accrual rate is the lowest in New England, other than the accrual rate for Vermont judges who serve less than 12 years. A Maine judge retiring at age 70 with 12 years of service would receive 24% of salary, in Vermont it would be 40%, in Connecticut it would be 66 2/3% and in New Hampshire, Massachusetts and Rhode Island, it would be 75% of salary. Maine and Vermont are the only New England states that use an accrual system—a more typical approach for judicial pensions is to provide a benefit of 75% or 66 2/3% of salary upon meeting eligibility criteria such as age 65 and 10 or 15 years of service.



FINDING: Breach of Faith. A great disservice was done to the members of the judiciary during the 1980's when their pension benefit was reduced substantially to compensate for increases in their direct compensation that were planned but not fully implemented

The Commission feels strongly that, with respect to the reduction in pension benefits, the members of the judiciary have not been treated fairly. Prior to 1984, a Maine judge retiring at the age of 70 with 7 years of service (or 65 with 12 years or age 60 with 20 years) was entitled to a pension of 75% of salary. In 1984, the State Compensation Commission recommended a major change to the judicial pension plan to coincide with its recommendation that judicial salaries parallel federal judicial salaries. The benefit was changed from a non-contributory 75% of salary, to a benefit based on an accrual rate of 2% per year of service with a contribution from the judge of 6.5% of pay. The plan also included a maximum benefit of 60% of pay because, the Commission noted, "that ceiling is warranted by the proposed salary levels." (p. 12). It also noted:

It is apparent that the relatively generous provisions of the retirement system for those judges who qualify under the plan was developed as partial compensation for the relatively low salaries paid judges during their active service. Continuing those provisions under a more realistic salary system would be neither desirable nor necessary. A reformed retirement benefit system should also eliminate the discriminatory aspects of the present system, whose eligibility requirements can discourage younger lawyers from serving as judges. (p. 8)

The change to the retirement benefit was made for service after 1984 and the judicial salaries were increased as recommended. The 1988 Commission recognized that a continuing link with federal salaries was not feasible and rather, recommended a 3-year schedule of salary increases followed by annual cost of living increases based on changes in the CPI. Instead of adopting these proposals, the Legislature gave less than half the salary increase recommended and capped the cost of living increases at 4% per year. Despite the prior commitment to grant such increases, the Legislature amended the law since that time to prohibit granting cost of living increases to judges entirely in fiscal years 89-90, 92-93, 93-94, and 94-95.

FINDING: Per Diem Rate for Active Retired Judges. The per diem rate for service as an active retired judge is not adequate to serve as an attractive alternative to full retirement.

An additional mechanism to attract and retain the most highly qualified attorneys to the bench is to provide more adequate compensation for service as an active retired judge. The Commission believes that the prospect of supplementing retirement income while continuing some degree of judicial service as an active retired judge may serve to attract some individuals to the bench who might not otherwise be interested.

RECOMMENDATIONS

The Judicial Compensation Commission believes that adopting the following recommendations will assure the citizens of Maine that the State will be able to attract the most highly qualified candidates to serve on the bench. The recommended improvements to the compensation package are intended to attract highly qualified candidates from diverse legal backgrounds. These recommended changes will also serve to encourage those members of the bench to continue in their commitment to maintaining the tradition of judicial quality to which we are accustomed.

RECOMMENDATION ON EQUALIZATION OF SALARIES. The Judicial Compensation Commission recommends that salaries for District Court Judges and Administrative Court Judges be increased to a level equal to the salaries for Superior Court Justices.

Although the jurisdiction of the District Courts and the Superior Courts differ in some respects, the salary differential between the judges in the two courts is no longer justifiable. As explained on pages 6 and 7 of this report, the types of cases heard in the two courts are of equal importance to the State and its citizens and the same degree of experience, training and judgment is required of the judges.

RECOMMENDATION ON DIRECT COMPENSATION. The Judicial Compensation Commission recommends that the direct compensation for members of the judiciary be increased.

The Judicial Compensation Commission recommends the following salary increases:

- Chief Justice, Supreme Court from \$92,430 to \$115,000;
- Associate Justice, Supreme Court from \$88,004 to \$100,000;
- Chief Justice, Superior Court from \$87,380 to \$98,000;
- Associate Justices, Superior Court from \$83,226 to \$94,000;
- Chief Judge, District and Administrative Courts from \$83,889 to \$98,000;
- Deputy Chief Judge, District from \$81,881 to \$96,000; and
- Associate Judges, District and Administrative Courts from \$79,911 to \$94,000.

While these increases may seem substantial, they are modest in light of the minimal increases the judiciary has received over the past few years. The Chief Justice of the Supreme Judicial Court, who is also the chief administrator of the Judicial Branch, is singled out for a greater increase to accurately reflect the full range of responsibilities of that position. The Commission notes that these increases will not by themselves solve the somewhat adverse working conditions currently faced by members of Maine's judiciary; nor will these increased salaries be sufficient to compete with the private sector if salaries are the only consideration. However, the Commission strongly believes that these recommended salary increases, which are intrinsically linked to our recommendations on pension benefits and the per diem rate for active retired judges, provide a comprehensive package of compensation and recognition that is designed to attract and retain highly qualified lawyers to serve on the bench and to appropriately reflect the weight of the responsibility on those who serve.

These salary increases are prudent and more than warranted when the significance of the judiciary's responsibilities is considered. The Commission believes that it is crucially important to acknowledge the judiciary's role and responsibilities and the highly productive manner in which they currently function by providing appropriate and justifiable salaries.

RECOMMENDATION ON PENSION BENEFIT ACCRUAL. The Commission recommends that the pension benefit for judges be improved prospectively by increasing the accrual rate from 2% to 3% for each year of service as a judge.

As mentioned earlier, the Commission believes the State should make a greater effort to offer a compensation package that will result in a greater diversity of experience on the bench. The Commission believes it is essential to have an attractive pension in order to be able to induce qualified attorneys to leave private practice for the bench. While the current structure provides an adequate pension for a judge serving 30 years, it is particularly lacking for those who will only serve 10 to 20 years. If Maine wants to be able to attract attorneys with a substantial amount of experience to the bench, improvements in the accrual rate must be made.

RECOMMENDATION ON PENSION BENEFIT CAP. The Commission recommends that the pension benefit for judges be improved by increasing the cap on the benefit from 60% to 70% of final average earnings.

Increasing the accrual rate without also increasing the maximum benefit available under the Judicial Retirement System will essentially penalize long-term service. Accordingly, the cap should be increased to 70% of final average earnings.

The increase in the accrual rate and benefit cap will also help remedy the disservice done to many sitting judges by the reduction in the pension plan made in 1984. Fairness dictates that these changes be made retroactive given the ongoing nature of the harm. Our recommendation, however, does not include retroactive application because of the impracticality of making such a proposal.

To allow the improvements to apply retroactively would create an unfunded liability for the Judicial Retirement System. Not only is this undesirable from a policy perspective, it is inconsistent with the recent constitutional amendment prohibiting the creation of additional unfunded liabilities under the Maine State Retirement System. In a letter dated April 25, 1996, Maine's Attorney General issued an opinion that this provision also prohibits the creation of unfunded liabilities under the Maine Judicial Retirement System. Consequently, the Commission recommends that the increase in the accrual rate and the increased cap on benefits should apply only to service as a judge performed after the effective date of the change and should not apply to creditable service based on employment prior to the effective date of the change. The Commission believes that making these improvements prospective only will be the most prudent way to address the inequities created by past "reforms" and provide a pension benefit that is attractive to a diverse pool of future potential judges.

There is a potential problem with these proposals to improve the pension benefit for judges. Regulations under the Internal Revenue Code that are scheduled to go into effect in 1999 would prohibit public sector pension plans from providing more generous benefits to highly-compensated employees than are provided to other employees. This "non-discrimination rule" required by ERISA currently applies to all pension plans offered in the private sector but it has not yet been extended to the public sector. The Internal Revenue Service recognizes that there are certain unique features of governmental employers that may preclude application of the non-discrimination rule in the same fashion as in the private sector. The exact manner in which these rules would be applied, if indeed they are implemented, is still an open question. The application of the non-discrimination rule to the public sector has been delayed a number of times over the past twenty years, most recently until 1999. In addition, legislation has been introduced in Congress to make permanent the current exemption of public pension plans from the non-discrimination rules. The Judicial Compensation Commission is not comfortable speculating on the future of this issue.

RECOMMENDATION ON PER DIEM RATE FOR ACTIVE RETIRED JUDGES. The Judicial Compensation Commission recommends that the per diem rate provided to Active Retired Judges be increased from \$150 to \$300.

An increase in the per diem rate for active retired judges is a critical part of this Commission's plan. The State benefits from the use of highly experienced, retired judges at a per diem rate that is less than the salary cost of active judges. It is not only economical but also provides a measure of flexibility in scheduling cases. However, over time, the current \$150 per diem has become unrealistically low.

An increase in the per diem to \$300 will continue to be a bargain for the State when compared against salaries for active judges and, at the same time, will provide incentive for retired judges to remain in active retired status.

In addition, we believe that this increase in the per diem, together with the recommended increases in the pension plan benefits and direct compensation will be attractive to highly qualified attorneys in private practice who would be welcome additions to the judiciary.

RECOMMENDATION ON REPEAL OF SUNSET PROVISION. The Judicial Compensation Commission recommends that the existing sunset repeal of the Commission in 1999 be repealed.

The statutory provisions that created a Judicial Compensation Commission and govern its work also include a sunset provision that will result in the repeal of those provisions in 1999. The Commission believes that an ongoing review of judicial compensation is the most appropriate and effective means of ensuring the continued fairness of judicial salaries. The Commission notes that past efforts to establish statutory formulas for judicial salary increases were not successful. The importance of the judiciary as a separate but co-equal branch of government compels the continuation of a Judicial Compensation Commission to review the topic of judicial compensation on a regular basis independent from reviews of executive branch positions.

COST

The Commission has calculated that it will cost an additional \$1,030,727 in General Fund dollars in annual costs to implement these recommendations. The Commission strongly believes that this additional investment in Maine's judiciary is clearly warranted and long overdue. As a separate and co-equal branch of government, the Judicial Branch has primary responsibility for ensuring justice by protecting constitutional rights, processing criminal cases, and resolving civil disputes. The Judicial branch has met this responsibility with a budget that represents a small fraction of total State expenditures, much of which has been generated by the Courts directly. The judiciary has repeatedly shouldered its share of budget cuts, some of which have resulted in the earlier cited failures to provide promised judicial salary increases. The Commission feels that costs of implementing the recommendations are justified by the importance of the work of the judiciary to the citizens of Maine. The details of the Commission's cost calculations are included as Appendix A.

IMPLICATIONS

The level of judicial compensation appropriate for our State's judiciary must be determined within the broader framework of the value we place on having a Judicial Branch of government capable of providing impartial interpretation of our laws and administering justice in a fair and efficient manner. We expect quality justice from our courts and expect it regardless of which courthouse we enter. If we consider one of the benefits to our system of government the idea that everyone is entitled to the highest quality judge we as a State can provide, then we must do more to ensure that we are, in fact, attracting and retaining the most highly qualified individuals in the State. Ignoring the need to provide a more attractive compensation package will jeopardize the tradition of excellence we have experienced within the Judicial Branch and may jeopardize the confidence we all have in our judicial system. While the costs of these changes can not be taken lightly, the benefits of implementing these recommendations are vast.

APPENDICES

Appendix A
 Cost Estimates of
 Commission's Recommendations

Position	Number of Employees	Budgeted Annual Salary; FY 98	Total Annual Salaries	Recommended Annual Salary	Total Recommended Salaries (adjusted for attrition @.08%) (1)	Annual Difference	Benefits @ 32.84% (2)	Total Increased Costs
Supreme Court- Chief Justice	1	\$95,358	\$95,358	\$115,000	\$114,080	\$18,722	\$6,148	\$24,870
Supreme Court Justice	6	\$90,791	\$544,746	\$100,000	\$595,200	\$50,454	\$16,569	\$67,023
Superior Court- Chief Justice	1	\$90,148	\$90,148	\$98,000	\$97,216	\$7,068	\$2,321	\$9,389
Superior Court Justice	15	\$85,863	\$1,287,945	\$94,000	\$1,398,720	\$110,775	\$36,379	\$147,154
District Court- Chief Judge	1	\$86,547	\$86,547	\$98,000	\$97,216	\$10,669	\$3,504	\$14,173
District Court- Deputy Chief Judge	1	\$84,474	\$84,474	\$96,000	\$95,232	\$10,758	\$3,533	\$14,291
District Court Judge	25	\$82,443	\$2,061,075	\$94,000	\$2,331,200	\$270,125	\$88,709	\$358,834
Administrative Court- Chief Judge	1	\$86,547	\$86,547	\$98,000	\$97,216	\$10,669	\$3,504	\$14,173
Administrative Court Judge	1	\$82,443	\$82,443	\$94,000	\$93,248	\$10,805	\$3,548	\$14,353
Subtotal			\$4,419,283		\$4,919,328	\$500,045	\$164,215	\$664,260
Per Diem for Active Retired Judges			\$78,195	\$156,390				\$78,195
Subtotal			\$78,195	\$156,390				\$78,195
Cost of Pension Changes Based on Recommended Salaries; @ 5.86%					\$288,273			\$288,273
Subtotal					\$288,273			\$288,273
Grandtotal: Annual Costs								\$1,030,727
Footnotes:								
(1) A budgetary calculation currently required by the Bureau of the Budget.								
(2) Represents a calculation of those benefits which are tied to salary amounts.								

An Act to Implement the Recommendations of the
Judicial Compensation Commission

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

Sec. 1. 4 MRSA §4, sub-§1, as amended by PL 1983, c. 863, Pt. B, §§5 and 45, is further amended to read:

1. Chief justice; salary. The Chief Justice of the Supreme Judicial Court shall receive a salary ~~equal to 105% of the salary of an Associate Justice of the Supreme Judicial Court for~~ fiscal year 1997-98 and thereafter of \$115,000.

Sec. 2. 4 MRSA §4, sub-§2, par. A, as amended by PL 1989, c. 501, Pt. O, §§9 and 22 and c. 596, Pt. C, §§1 and 8, is repealed and replaced with the following:

A. For fiscal year 1997-98 and thereafter, \$100,000.

Sec. 3. 4 MRSA §4, sub-§2-A, as amended by PL 1993, c. 410, Pt. X, §1, is further amended to read:

2-A. Cost-of-living adjustment. Effective ~~July 1, 1991~~ July 1, 1998, and every July 1st thereafter ~~except July 1, 1992, July 1, 1993 and July 1, 1994~~, the State Court Administrators shall adjust the salaries of the State's chief justices, chief judge, deputy chief judge, associate justices and associate judges by any percentage change in the Consumer Price Index from January 1st to December 31st of the previous year, but only to a maximum increase of 4%. The State Court Administrator shall determine the cost of these adjustments; notify the State Budget Officer and the Director of the Office of Fiscal and Program Review of these costs; and include them in the Judicial Department's budget requests, as necessary. For purposes of this subsection, "Consumer Price Index" means the Consumer Price Index for Urban Wage Earners and Clerical Workers: United States City Average, All items, 1967=100, as compiled by the United States Department of Labor, Bureau of Labor Statistics or, if the index is revised or superseded, the Consumer Price Index is the index represented by the Bureau of Labor Statistics as reflecting most accurately changes in the purchasing power of the dollar by consumers. ~~A cost-of-living adjustment may not be made for fiscal year 1992-93, fiscal year 1993-94 or fiscal year 1994-95.~~

Sec. 4. 4 MRSA §102, sub-§1, as amended by PL 1983, c. 863, Pt. B, §§6 and 45, is further amended to read:

1. Chief justice; salary. The Chief Justice of the Superior Court shall receive a salary ~~equal to 105% of the salary of an Associate Justice of the Superior Court for~~ fiscal year 1997-98 and thereafter of \$98,000.

Sec. 5. 4 MRSA §102, sub-§2, par. A, as amended by PL 1989, c. 501, Pt. O, §§12 and 22 and c. 596, Pt. C, §2 is repealed and replaced with the following:

A. For fiscal year 1997-98 and thereafter, \$94,000.

Sec. 6. 4 MRSA §157, sub-§2, as amended by PL 1983, c. 863, Pt. B, §§7 and 45, is further amended to read:

2. Chief Judge; salary. The Chief Judge of the District Court shall receive a salary ~~equal to 105% of the salary of an Associate Judge of the District Court~~ for fiscal year 1997-98 and thereafter of \$98,000.

Sec. 7. 4 MRSA §157, sub-§3, as amended by PL 1983, c. 863, Pt. B, §§7 and 45, is further amended to read:

3. Deputy Chief Judge; salary. The Deputy Chief Judge of the District Court shall receive a salary ~~equal to 102.5% of the salary of an Associate Judge of the District Court~~ for fiscal year 1997-98 and thereafter of \$96,000.

Sec. 8. 4 MRSA §157, sub-§4, par. A, as amended by PL 1989, c. 501, Pt. O, §§15 and 22 and c. 596, Pt. C, §§3 and 8, is repealed and replaced with the following:

A. For fiscal year 1997-98 and thereafter, \$94,000.

Sec. 9. 4 MRSA §104-A, as amended by PL 1989, c. 501, Pt. O, §§14 and 22, is further amended to read:

§104-A. Per diem compensation for Active Retired Superior Court Justices

Any Active Retired Justice of the Superior Court, who performs judicial service at the direction and assignment of the Chief Justice of the Supreme Judicial Court, shall be compensated for those services at the rate of ~~\$150~~ \$300 per day or ~~\$90~~ \$180 per 1/2 day, provided that the total per diem compensation and retirement pension received by an Active Retired Justice of the Superior Court in any calendar year does not exceed the annual salary of a Justice of the Superior Court.

Sec. 10. 4 MRSA §157-D, as amended by PL 1989, c. 501, Pt. O, §§17 and 22, is further amended to read:

§157-D. Active retired judges; compensation

Any Active Retired Judge of the District Court, who performs judicial service at the direction and assignment of the Chief Judge of the District Court, shall be compensated for those services at the rate of ~~\$150~~ \$300 per day or ~~\$90~~ \$180 per 1/2 day, provided that the total per diem compensation and retirement pension received by an Active Retired Judge of the District Court in any calendar year does not exceed the annual salary of a Judge of the District Court.

Sec. 11. 4 MRSA §1151, sub-§3, par. H, as amended by PL 1987, c. 85, §1, is further amended to read:

H. Any Administrative Court Judge who retires or terminates his service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Judge of the Administrative Court as provided. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary and to confirmation by the Legislature, may appoint any eligible judge to be an Active Retired Judge of the Administrative Court for a period of 7 years, unless sooner removed. That judge may be reappointed for a like term. Any judge 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 those cases and matters and hold court only at those sessions and times as he may be directed and assigned by the Administrative Court Judge or by the Chief Justice of the Supreme Judicial Court. An Active Retired Judge of the Administrative Court, who performs judicial service at the direction and assignment of the Administrative Court Judge or the Chief Justice of the Supreme Judicial Court, shall be compensated for those services at the rate of ~~\$75~~ \$300 a day or ~~\$45~~ \$180 for 1/2 day, provided that the total per day compensation and retirement pension received by an Active Retired Judge of the Administrative Court in any calendar year may not exceed the annual salary of the Associate Judge of the Administrative Court.

Sec. 12. 4 MRSA §1352, as amended by PL 1983, c. 863, Pt. B, §§ 23 and 45, is further amended to read:

§1352. Retirement benefits

1. **Amount.** The service retirement allowance of a member shall be determined under the provisions of this chapter in effect on the member's date of final termination of service. Subject to the maximum benefit provided for in subsection 3 and the minimum benefit provided for in subsection 4, the total amount of the retirement allowance of a member retired in accordance with section 1351 shall be equal to the sum of:

A. 1/50 of the member's average final compensation multiplied by the number of years of his membership service, ~~beginning from~~ December 1, 1984 through June 30, 1997, and creditable service allowed under section 1302, subsection 3; ~~and~~

B. The earned benefit for prior service as a judge as determined by subsection 2-; and

C. Three percent of the member's average final compensation multiplied by the number of years of membership service beginning July 1, 1997.

2. **Benefit for service prior to December 1, 1984.** The earned benefit for judicial service prior to December 1, 1984, shall be equal to the years of service prior to December 1,

1984, not to exceed 10 years, divided by 10, multiplied by 75% of the salary as of November 30, 1984, for the position from which the judge retired.

3. Maximum benefit for retirement prior to July 1, 1997. No judge in service on December 1, 1984, or appointed on or after December 1, 1984, who retires prior to July 1, 1997 may receive a benefit which exceeds 60% of ~~his~~ the judge's average final compensation, not including adjustments under section 1358, except as provided in subsection 4.

3-A. Maximum benefit for retirement on or after July 1, 1997. No judge in service on December 1, 1984, or appointed on or after December 1, 1984, who retires on or after July 1, 1997 may receive a benefit which exceeds 70% of the judge's average final compensation, not including adjustments under section 1358, except as provided in subsection 4.

4. Minimum benefit. Each judge in service on December 1, 1984, who is 50 years of age or older on that date shall be entitled to a minimum benefit equal to 75% of the salary as of June 30, 1984, for the position from which the judge retired, increased by 6% compounded annually, for each year or part of a year served subsequent to June 30, 1984, up to and including June 30, 1989. For each year or part of a year served after June 30, 1989, the allowance shall be increased by an amount equal to the cost-of-living factor granted the previous September, as determined pursuant to section 1358, compounded annually.

5. Termination of benefits. The service retirement benefit of a judge shall cease upon his return to service as a judge. A judge returned to service shall continue to earn credit toward retirement.

6. Service beyond age 70. (repealed)

Sec. 13. 4 MRSA §1702, as enacted by PL 1995, c. 451, §1, is repealed.

SUMMARY

This bill implements the recommendations of the Judicial Compensation Commission established by Title 4, chapter 35. The bill includes a number of changes which, taken together, form a comprehensive plan for attracting the most highly qualified candidates to the bench by improving the compensation and benefits provided to Maine's judiciary. The bill increases the direct compensation for Maine's judges and justices, equalizes the salaries of District Court Judges and Superior Court Justices, increase the per diem rate for Active Retired Judges, and improves the retirement benefit under the Maine Judicial Retirement System by increasing the accrual rate from 2% to 3% per year of service and increasing the maximum benefit from 60% to 70% of average final compensation. The bill also removes the provision repealing the Judicial Compensation Commission in 1999.

BIBLIOGRAPHY

Examining the Work of State Courts, 1993, National Center for State Courts, 1995.

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Survey of Judicial Salaries, National Center for State Courts, Winter 1996.

Final Report, 1984 Maine State Compensation Commission.

Final Report, 1988 Maine State Compensation Commission.

“Survey of Current Business,” U.S. Department of Commerce, Bureau of Economic Analysis, August 1995.

New Dimensions for Justice: Report of the Commission to Study the Future of Maine’s Courts, 1993.

Attorney General Opinion No. 96-5, April 25, 1996.

Internal Revenue Service Announcement No. 95-48.

TESTIMONY RECEIVED

Testimony at Pubic Hearing, June 24, 1995

- * Chief Justice Daniel E. Wathen, Maine Supreme Judicial Court
- * Robert J. Stolt, Esq., Maine Trial Lawyers Association
- * Judge Frank Coffin, United State Court of Appeals for the 1st Circuit
- * Duane “Buzz” Fitzgerald
- * Don Nicoll, Former Chair, Maine State Compensation Commission 1980-84
- * Linda Smith Dyer, Esq., for Dennis L. Mahar, Esq., Maine State Bar Association

Additional Written Testimony Received

- * “A Review of Judicial Compensation and Retirement Benefits in Maine,” Feb. 16, 1996 (Prepared for Submission to the Judicial Compensation Commission by the Judiciary)
- * Letter from Lois Galgay Reckitt, Exec. Dir., The Family Crisis Shelter, Portland, Maine
- * Letter from Ralph I. Lancaster, Esq., Pierce Atwood Attorneys, Portland, Maine
- * Letter from David Plimpton, Esq., Portland, Maine

From "Survey of Judicial Salaries", National Center for State Courts, Winter 1996

Appellate and Trial Courts

This table lists salaries paid to associate justices of the highest courts, judges of intermediate appellate courts, and judges of general trial courts as of January 1, 1996. The date of the last salary change is given for the highest, intermediate appellate, or general trial court judges or each state court system. States are ranked from highest to lowest regarding salaries paid to judges at each level. Rankings are not possible for limited jurisdiction courts because in many states salaries are locally set and may vary greatly from jurisdiction to jurisdiction.

For all states in which judges receive local supplements or a salary within a given range for cost-of-living differentials, length of service, or other factors, all means, medians, and ranges are calculated based on the median salary, if available. Otherwise, they are based on the lowest salary of a range or on the state-paid salary plus the lowest supplement paid by the localities.

The boldface figures immediately following the salaries indicate the state's ranking (high to low) in salaries paid to judges at each level. The last column indicates the date of the last salary change for the highest, intermediate appellate, or general trial court judges for each state court system. The mean and median for each level of court is shown following Wyoming. For the highest and general trial courts, these measures are based on data from the 50 states. For intermediate appellate courts, the rankings are based on data from the 39 states that have such courts.

	Highest Court	Intermediate Appellate Court	General Trial Court	Date of Last Salary Change
Alabama	115,695 (8)	114,615 (6)	80,615 (36)†	10-1-94
Alaska	104,472 (16)	98,688 (15)	96,600 (12)**	1-1-91
Arizona	101,130 (21)	98,722 (14)	96,314 (13)	1-1-96
Arkansas	97,595 (25)	94,509 (20)	91,417 (20)	7-1-95
California	131,085 (2)	122,893 (2)	107,390 (3)	1-1-95
Colorado	88,000 (38)	83,500 (36)	79,000 (39)	7-1-95
Connecticut	109,750 (12)*	102,049 (11)*	97,486 (11)*	7-1-95
Delaware	111,500 (10)		106,000 (5)	7-1-95
Florida	116,244 (7)	110,432 (9)	104,619 (7)	1-1-96
Georgia	114,932 (9)	114,203 (7)	82,488 (32)	7-1-95
Hawaii	93,780 (33)	89,780 (28)	86,780 (25)	1-1-90
Idaho	79,183 (47)	78,183 (38)	74,214 (46)	7-1-93
Illinois	122,892 (4)	115,663 (5)	106,137 (4)	7-1-95
Indiana	105,000 (15)	95,000 (19)	85,000 (28)	7-1-95
Iowa	96,700 (26)	93,000 (24)	88,500 (23)	7-1-95
Kansas	90,952 (35)	87,705 (31)	79,069 (38)	7-1-95
Kentucky	89,615 (37)	85,956 (33)	82,300 (33)	7-1-95
Louisiana	94,300 (32)	89,300 (29)	84,300 (30)	12-1-94
Maine	85,858 (41)		81,198 (35)	7-1-95
Maryland	104,100 (18)	97,300 (16)	93,600 (17)	7-1-95
Massachusetts	107,730 (13)	99,690 (13)	95,710 (14)	1-1-96
Michigan	118,758 (6)	114,007 (8)	104,863 (6)	1-25-96
Minnesota	94,395 (31)	88,945 (30)	83,494 (31)	1-4-93
Mississippi	90,800 (36)	84,000 (35)	81,200 (34)	7-1-94
Missouri	99,733 (24)	93,140 (23)	86,286 (26)	7-1-95
Montana	68,874 (50)		67,513 (50)	1-1-96
Nebraska	91,683 (34)	87,099 (32)	84,807 (29)	7-1-95
Nevada	85,000 (42)**		79,000 (40)*	1-7-91
New Hampshire	95,623 (28)		89,646 (21)	1-1-95
New Jersey	132,250 (1)	124,200 (1)	115,000 (1)	1-10-96
New Mexico	81,954 (45)	77,856 (39)	73,963 (47)	7-1-95
New York	125,000 (3)	119,000 (3)	113,000 (2)	10-1-94
North Carolina	96,000 (27)*	92,000 (26)*	87,000 (24)*	7-1-94
North Dakota	75,936 (49)		70,068 (49)	7-1-95
Ohio	101,150 (20)	94,200 (21)	76,150 (43)	1-1-92
Oklahoma	87,700 (39)	78,660 (37)	75,000 (45)	1-1-95
Oregon	86,200 (40)	84,200 (34)	78,500 (41)	7-1-95
Pennsylvania	119,750 (5)	116,000 (4)	104,000 (8)	11-1-95
Rhode Island	104,403 (17)*		93,997 (16)*	1-8-95
South Carolina	100,436 (23)	95,415 (18)	95,415 (15)	7-1-95
South Dakota	76,468 (48)		71,413 (48)	6-19-95
Tennessee	101,820 (19)	97,080 (17)	92,892 (18)	7-1-95
Texas	94,686 (30)	93,686 (22)	92,686 (19)†	12-1-92
Utah	94,800 (29)	90,500 (27)	86,200 (27)	7-1-95
Vermont	80,031 (46)		76,021 (44)	1-6-96
Virginia	107,373 (14)	102,004 (12)	99,678 (9)	12-1-95
Washington	109,880 (11)	104,448 (10)	99,015 (10)**	9-1-95
West Virginia	85,000 (43)		80,000 (37)	1-1-95
Wisconsin	100,690 (22)	92,041 (25)	88,880 (22)	8-1-95
Wyoming	85,000 (44)		77,000 (42)	10-1-94
Mean (Average)	99,038	97,427	88,284	
Median	97,148	94,355	86,533	
Range	68,874 to 132,250	77,856 to 124,200	67,513 to 115,000	
District of Columbia	141,700		133,600	1-1-93
Federal System	164,100	141,700	133,600	1-1-93
American Samoa	74,303			No data
Guam			100,000	5-1-93
Northern Mariana Islands	126,000		120,000	2-1-93
Puerto Rico	85,000	72,500	55,000	1-24-95
Virgin Islands			100,000	10-1-93

* The base pay is supplemented by increments for length of service.

** Tie rank.

† Median salary. If more than half the salaries are the same as the minimum or the maximum salary, then the median (the midpoint above which and below which half the salaries fall) is either the minimum or maximum salary.

†† Data not available.

Executive Branch Salaries:
Positions With Current Salaries
That Are Equal To, Or Greater Than,
Salaries for District Court Judges

<i>Position Title</i>	<i>Department/ Agency</i>	<i>Base Annual Salary</i> (As of 7/1/96)
District Court Judge(s)	Judicial	\$79,911
Governor's Special Assistant	Executive	\$80,226
Public Health Physician	DHS	\$81,598
Hospital Superintendent, BMHI	MH&MR; BMHI	\$84,469
Physician I	MH&MR; BMHI	\$93,163
Physician I	MH&MR; BMHI	\$93,163
Dep Chief Medical Examiner	Attorney General	\$93,933
Chief Medical Examiner	Attorney General	\$95,805
Physician III	MH&MR; BMHI	\$105,726
Physician II	MH&MR; AMHI	\$106,018
Physician II	MH&MR; BMHI	\$106,018
Physician III	MH&MR; BMHI	\$122,117
Physician III	MH&MR; BMHI	\$122,117
Physician III	MH&MR; BMHI	\$122,117
Physician III	MH&MR; BMHI	\$122,117
Physician III	MH&MR; BMHI	\$122,117
Physician III	MH&MR; AMHI	\$122,119
Physician III	MH&MR; AMHI	\$122,119
Physician III	MH&MR; AMHI	\$122,119
Physician III	MH&MR; AMHI	\$122,119
Physician III	MH&MR; AMHI	\$122,119
Physician III	MH&MR; AMHI	\$122,119
Clinical Director	MH&MR; BMHI	\$123,698
Clinical Director	MH&MR; AMHI	\$129,688
Clinical Director	MH&MR; Central	\$129,688

Source: Bureau of Human Resources, Department of Administrative and Financial Services



SUMMARY OF JUDICIAL RETIREMENT BENEFITS FOR NEW ENGLAND STATES

STATE	Term Length	Eligibility	Accrual	Benefit at age 70 - Examples	COLA	Contrib. %	Social Security
Maine	7 years; No mandatory retirement age	Age 60/62 with 10 years serv.; Age 70 w/ 1 yr	2%/year. No accrual after age 70	10 yrs: 20% 20 yrs: 40% 30 yrs. 60 % (max.) based on salary at retirement	4% max.	7.65%	No
N.H.	Life until 70	Age 65 with 10 years service; Age 70 with 7 years service	None	75% based on current judge's salary	n.a.	None	Yes
Vermont	6 years; Mandatory retirement at 70.	Age 65 with 5 years service	If <12 yrs service, 1 2/3% If >12 yrs service, 3 1/3%	10 yrs: 13% 12 yrs: 40% 20 yrs: 66% 30 yrs 100% (max.) based on salary at retirement	5% max.	5%	Yes
Mass.	Life until 70	Age 65 with 15 years service; Age 70	None if 15 yrs; If age 70 with <15 yrs service 7.5%/yr up to max of 10 yrs	5 yrs: 37.5% 10 yrs: 75% (max.) 20 yrs: 75% (max.) based on salary at retirement	No	Appt. after '75: 7% Appt. after '88: 9.1% (effectively)	No
Conn.	8 years; Mandatory retirement at 70.	Age 65 with 10 years service; Age 70; or After 20 years as a judge/ 30 years total if 10 as judge.	None	66 2/3% based on current judge's salary for those apptd before 7/81; based on salary at retirement for those apptd since 7/81	3%/yr max. only for those apptd since 7/81	5%	No
Rhode Island	Life	Age 65 and 10 yrs or 20 yrs for 75% ben.; Age 65 and 20 yrs or age 70 and 15 years for 100% ben.	None	75% or 100% based on salary at retirement	3%/yr after 3 yrs; not compounded	Apptd. after 1989: 8.5%	Yes