

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

June 9, 1975

Honorable Robert W. Clifford
Senate Chambers
State House
Augusta, Maine

Re: Judge Aldrich's Salary.

Dear Senator Clifford:

This is written concerning your inquiry whether legislation is necessary to allow District Court Judge Aldrich to receive the same salary other District Court Judges are receiving. For the reasons given below, I conclude that legislation is necessary.

As you know, the Maine Constitution provides that:

"No Senator or Representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State; which shall have been created or the emoluments of which increased during such term, except such officers as may be filled by elections by the people." Art. IV, Part Third, § 10.

Judge Aldrich was a member of the State Senate during the 1973-74 biennium. At the regular session in 1973, the Legislature repealed and replaced 4 M.R.S.A. § 157, increasing the salaries of District Court Judges. P.L. 1973, c. 509, § 6. Section 6 of the Act increased District Court Judges' salaries from \$22,000 for 1973-74 to \$23,000 thereafter. Section 7 of the Act contained the following language:

Hon. Robert W. Clifford

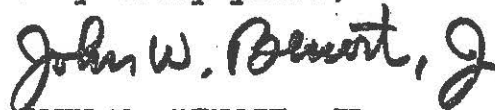
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"The salary increase herein provided shall not apply to any District Court Judge who shall have been a member of the 106th Legislature prior to being appointed and who shall have been appointed during the 1973-74 biennium; nor shall any emoluments created or increased during the 106th Legislature applicable to District Court Judges apply to any Judge of the District Court who shall have been a member of the 106th Legislature prior to being appointed and who shall have been appointed during the 1973-74 biennium."
§ 7 of c. 509, P.L. 1973, as amended by c. 625, § 287, P.L. 1973.

The salary increases made the subject of Chapter 509 are still effective and so is section 7 of that Act respecting application of those salary increases. It is my opinion, therefore, that legislation is required to permit an increase in Judge Aldrich's salary.

Very truly yours,



JOHN W. BENOIT, JR.
Deputy Attorney General

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