

MAINE STATE LEGISLATURE

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ONE HUNDRED AND SIXTH LEGISLATURE

Legislative Document

No. 745

H. P. 566 House of Representatives, February 8, 1973
Referred to Committee on Judiciary. Sent up for concurrence and ordered printed.

E. LOUISE LINCOLN, Clerk

Presented by Mr. McTeague of Brunswick.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-THREE

AN ACT Relating to the Appointment of Active Retired Judges of the
District Court.

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

Sec. 1. R. S., T. 4, § 157, amended. The last sentence of section 157 of Title 4 of the Revised Statutes, as amended by section 8 of chapter 544 of the public laws of 1971, is repealed as follows:

~~Sections 103 and 104, as heretofore or hereafter amended, now applicable to Justices of the Superior Court, are made applicable to Judges of the District Court~~

Sec. 2. R. S., T. 4, § 157-A, additional. Title 4 of the Revised Statutes is amended by adding a new section 157-A to read as follows:

§ 157-A. Compensation upon retirement

Any Judge of the District Court who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served as such judge for at least 7 years, or after attaining the age of 65 years and after having served as such judge for at least 12 years, shall receive annually during the remainder of his life an amount equal to $\frac{3}{4}$ of the currently effective annual salary of a Judge of the District Court, to be paid in the same manner as the salaries of the judges of said court are paid. Such judge shall terminate his service before his 71st birthday. Any judge who continues to serve until or after his 71st birthday shall waive his right to the compensation mentioned and make no claim therefor at the termination of his service. The right of any judge drawing such compensation to continue to receive it shall cease immediately, if he acts as attorney or counsellor in any action or legal proceeding in which the

State is an adverse party or has any interest adverse to the person or persons in whose behalf he acts.

If such judge dies in office, or has heretofore died in office, his widow, as long as she remains unmarried, or if he leaves no widow, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their 18th birthday, shall annually be entitled to $\frac{3}{8}$ of the currently effective annual salary of a Judge of the District Court. In case there is more than one child, the compensation shall be divided equally among them.

Any Judge of the District Court who prior to his retirement age is unable, by reason of failing health, to perform his duties as such judge may, upon petition to or by order of the District Court and approved by a majority of the Judges of the District Court, be retired prior to his retirement age and when so retired he shall receive the same benefits as he would have received had he retired at full retirement age, and such retirement shall terminate his service.

If such judge dies having terminated his service and having become entitled to compensation as provided in this section, his widow, as long as she remains unmarried, or if he leaves no widow, or at her death or remarriage, then his child or children under the age of 18 years and until they respectively reach their 18th birthday, shall annually be entitled to $\frac{3}{8}$ of the currently effective annual salary of a Judge of the District Court. In case there is more than one child, the compensation shall be divided equally among them.

Sec. 3. R. S., T. 4, § 157-B, additional. Title 4 of the Revised Statutes is amended by adding a new section 157-B to read as follows:

157-B. Active Retired Judges

Any Judge of the District Court having terminated his service on said court under section 157-A shall be eligible for appointment as an Active Retired Judge of the District Court as provided. The Governor with the advice and consent of the Council may, upon being notified of the retirement of any such judge under this section, appoint such judge to be an Active Retired Judge of the District Court for a term of 7 years from such appointment, unless sooner removed, and such judge may be reappointed for a like term, and such 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 such cases and matters and hold court only at such sessions and times as he may be directed and assigned to by the Chief Judge of the District Court. Any Active Retired Judge of the District Court may be directed by the Chief Judge to hold any session of the District Court in any district and when so directed shall have authority and jurisdiction therein the same as if he were the regular judge of said court; and whenever the Chief Judge of the District Court so orders, may hear all matters and issue all orders, notices, decrees and judgments that any Judge of said District Court is authorized to hear and issue.

STATEMENT OF FACT

Existing law provides for retirement of District Court Judges by reference to Title 4, sections 103 and 104.

This Act spells out the existing law and adds a new section pertaining to appointment of active retired judges who, upon appointment, could be assigned for duty by the Chief Judge of the District Court, to serve without compensation.

No appropriation required.