

# MAINE STATE LEGISLATURE

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(Governor's Bill)  
(EMERGENCY)  
SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1745**

H. P. 1636

House of Representatives, January 2, 1980

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

EDWIN H. PERT, Clerk of the House

Presented by Mrs. Sewall of Newcastle.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**AN ACT to Provide for Per Diem Compensation for Active Retired Judges.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, by providing some compensation to Active Retired Justices and Judges for actual services rendered, additional judicial services will become available to prevent further delays within the court system; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

Sec. 1. 4 MRSA § 6-B is enacted to read:

**§ 6-B. Per diem compensation for Active Retired Justices of the Supreme Judicial Court**

**Any Active Retired Justice of the Supreme Judicial 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 \$75**

per day or \$40 per 1/2 day, provided that the total per diem compensation and retirement pension received by an Active Retired Justice of the Supreme Judicial Court in any calendar year may not exceed the annual salary of a Justice of the Supreme Judicial Court.

Sec. 2. 4 MRSA § 104-A is enacted 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 those at the rate of \$75 per day or \$40 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 may not exceed the annual salary of a Justice of the Superior Court.**

Sec. 3. 4 MRSA § 157-B, last sentence, as enacted by PL 1973, c. 417, § 3 is amended to read:

An Active Retired Judge ~~shall not receive any compensation in addition to the compensation upon retirement provided in section 157-A but~~ he shall receive reimbursement for his expenses actually and reasonably incurred in the performance of his duties.

Sec. 4. 4 MRSA § 157-B, as amended by PL 1975, c. 771, § 20, is further amended by adding at the end the following new paragraph:

**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 \$75 per day or \$40 per 1/2 day, provided that the total per diem compensation and retirement pension received by an Active Retired District Court Judge in any calendar year may not exceed the annual salary of a Judge of the District Court.**

Sec. 5. **Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1979-80	1980-81
JUDICIAL DEPARTMENT		
All Other	\$16,795	\$67,180

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

**STATEMENT OF FACT**

The purpose of this bill is to compensate Active Retired Justices of the Supreme Judicial Court and Active Retired Justices of the Superior Court for duties performed at the direction of the Chief Justice of the Supreme Judicial Court. The bill would also compensate Active Retired Judges of the District Court for duties performed at the direction of the Chief Judge of the District Court.