

MAINE STATE LEGISLATURE

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New Draft of: H. P. 942, L. D. 1118
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1617

H. P. 1497

House of Representatives, May 19, 1981

Reported by Representative Walker from the Committee on Aging,
Retirement and Veterans. Printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to Retirement for Justices and Judges.

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

Sec. 1. 4 MRSA § 5, first ¶, first sentence, as last amended by PL 1971, c. 64, § 1, is further amended to read:

Any Justice of the Supreme Judicial 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 a justice on either of the Supreme Judicial Court or the Superior Court, or both, for at least 7 years, or after attaining the age of 65 years and after having served as a justice on either of ~~said~~ those courts, or both, for at least 12 years, shall receive annually during the remainder of his life, whether or not he is appointed an Active Retired Justice as provided in section 6, an amount equal to 3/4 of the currently effective annual salary of a Justice or Chief Justice of the Supreme Judicial Court, as the case may be, to be paid in the same manner as the salaries of the justices of ~~said~~ that court are paid.

Sec. 2. 4 MRSA § 5, first ¶, as last amended by PL 1971, c. 64, § 1, is further amended by adding after the 3rd sentence a new sentence to read:

Any Justice of the Supreme Judicial Court who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 60 years and after having served as a justice on either the Supreme Judicial Court or the Superior Court, or both, for at least 20 years, shall receive annually during the

remainder of his life, whether or not he is appointed an Active Retired Justice, as provided in section 6, an amount actuarially equivalent to the benefits he would have received if he had retired at the age of 65 years with 12 years, to be paid in the same manner as the salaries of the justices of that court are paid.

Sec. 3. 4 MRSA § 103, first ¶, first sentence, as amended by PL 1975, c. 285, is further amended to read:

Any Justice of the Superior 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 have served as such justice or judge on either the Superior Court or the District Court, or both, for at least 7 years, or after attaining the age of 65 years and after having served as such justice or judge on either the Superior Court or the District Court, or both, 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 Justice of the Superior Court, to be paid in the same manner as the salaries of the justices of said that court are paid.

Sec. 4. 4 MRSA § 103, first ¶, as last amended by PL 1977, c. 564, § 13, is further amended by adding after the 3rd sentence a new sentence to read:

Any Justice of the Superior Court who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 60 years and after having served as a justice on either the Superior Court or the District Court, or both, for at least 20 years, shall receive annually during the remainder of his life an amount actuarially equivalent to the benefits he would have received if he had retired at the age of 65 years with 12 years, to be paid in the same manner as the salaries of the justices of that court are paid.

Sec. 5. 4 MRSA § 157-A, first ¶, first sentence, as enacted by PL 1973, c. 417, § 2, is amended to read:

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 that court are paid.

Sec. 6. 4 MRSA § 157-A, first ¶, as enacted by PL 1973, c. 417, § 2, is amended by adding after the 3rd sentence a new sentence to read:

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 60 years and after having served as a judge of that court for at least 20 years, shall receive annually during the remainder of his life an amount actuarially equivalent to the benefits he would have received if he had retired at the age of 65 years with 12 years, to be paid in the same manner as the salaries of the judges of that court are paid.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1982-83

JUDICIAL DEPARTMENT

Personal Services

\$42,000

Sec. 8. Effective date. This Act shall take effect on July 1, 1982.

STATEMENT OF FACT

This new draft makes some technical changes, "that" instead of "said", and provides that justices and judges who choose to retire before age 65, for example, after the age of 60 years with 20 years' service, receive a benefit actuarially equivalent to that of justices who retire at age 65.

This new draft will not go into effect until July 1, 1982. One justice will be eligible at that time and another in October, 1982. The appropriation is based on the estimated actuarial reduction if both justices retire when eligible.