

MAINE STATE LEGISLATURE

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(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 78

H.P. 73

House of Representatives, January 5, 1983

Reference to the Committee on Judiciary suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative Kelleher of Bangor.
Cosponsor: Representative Hobbins of Saco.

STATE OF MAINE

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

AN ACT Relating to Justices and Judges
of the Supreme Judicial, Superior and
District Courts.

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

Whereas, several members of the bench await the clarification of this legislation to proceed with retirement; 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,

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

3 Sec. 1. 4 MRSA §5, first ¶, as amended by PL
4 1981, c. 488, §§1 and 2, is further amended to read:

5 Any Justice of the Supreme Judicial Court who
6 resigns his office or ceases to serve at the expira-
7 tion of any term thereof, after attaining the age of
8 70 years and after having served as a justice on
9 either the Supreme Judicial Court or the Superior
10 Court, or both, for at least 7 years, or after
11 attaining the age of 65 years and after having served
12 as a justice on either of those courts, or both, for
13 at least 12 years, shall receive annually during the
14 remainder of his life, whether or not he is appointed
15 an Active Retired Justice as provided in section 6,
16 an amount equal to 3/4 of the currently effective
17 annual salary of a Justice or Chief Justice of the
18 Supreme Judicial Court, as the case may be, to be
19 paid in the same manner as the salaries of the jus-
20 tices of that court are paid. Such justice shall
21 terminate his service before his 71st birthday. Any
22 justice, who continues to serve until or after his
23 71st birthday, shall waive his right to the compensa-
24 tion mentioned and make no claim therefor at the
25 termination of his service. Any Justice of the
26 Supreme Judicial Court who resigns his office or
27 ceases to serve at the expiration of any term
28 thereof, after attaining the age of 60 years and
29 after having served as a justice on either the
30 Supreme Judicial Court or the Superior Court, or
31 both, for at least 20 years, shall receive annually
32 during the remainder of his life, whether or not he
33 is appointed an Active Retired Justice, as provided
34 in section 6, an amount ~~actuarially~~ equivalent to the
35 benefits he would have received if he had retired at
36 the age of 65 years with 12 years, to be paid in the
37 same manner as the salaries of the justices of that
38 court are paid. The right of any justice drawing
39 such compensation to continue to receive it shall
40 cease immediately if he acts as attorney or counsel-
41 lor in any action or legal proceeding in which the
42 State is an adverse party or has any interest adverse
43 to the person or persons in whose behalf he acts.

1 Sec. 2. 4 MRSA §103, first ¶, as amended by PL
2 1981, c. 488, §§3 and 4, is amended to read:

3 Any Justice of the Superior Court who resigns his
4 office or ceases to serve at the expiration of any
5 term thereof, after attaining the age of 70 years and
6 after having served as such justice or judge on
7 either the Superior Court or the District Court, or
8 both, for at least 7 years, or after attaining the
9 age of 65 years and after having served as such jus-
10 tice or judge on either the Superior Court or the
11 District Court, or both, for at least 12 years, shall
12 receive annually during the remainder of his life an
13 amount equal to 3/4 of the currently effective annual
14 salary of a Justice of the Superior Court, to be paid
15 in the same manner as the salaries of the justices of
16 that court are paid. Such justice shall terminate
17 his service before his 71st birthday, except that a
18 justice who is serving his first term of judicial
19 office which can be credited for the purpose of qual-
20 ifying for compensation upon retirement may serve for
21 the remainder of that single term beyond his 71st
22 birthday. Any justice who continues to serve until or
23 after his 71st birthday, except a justice who is
24 serving his first term of judicial office which can
25 be credited for the purpose of qualifying for compen-
26 sation upon retirement, shall waive his right to the
27 compensation mentioned and make no claim therefor at
28 the termination of his service. Any Justice of the
29 Superior Court who resigns his office or ceases to
30 serve at the expiration of any term thereof, after
31 attaining the age of 60 years and after having served
32 as a justice on either the Superior Court or the Dis-
33 trict Court, or both, for at least 20 years, shall
34 receive annually during the remainder of his life an
35 amount ~~actuarially~~ equivalent to the benefits he
36 would have received if he had retired at the age of
37 65 years with 12 years, to be paid in the same manner
38 as the salaries of the justices of that court are
39 paid. The right of any justice drawing such compen-
40 sation to continue to receive it shall cease immedi-
41 ately, if he acts as attorney or counsellor in any
42 action or legal proceeding in which the State is an
43 adverse party or has any interest adverse to the
44 person or persons in whose behalf he acts.

