

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 425

7 S.P. 132

In Senate, February 1, 1983

8 Referred to the Committee on Aging, Retirement and Veterans, sent down
9 for concurrence and ordered printed.

10 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Trafton of Androscoggin.

Cosponsor: Representative Tuttle of Sanford.

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-THREE
16

17 AN ACT to Eliminate Needless Employment
18 of an Actuary to Determine Equivalency under
19 Judicial Retirement.
20

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

23 Sec. 1. 4 MRSA §5, first ¶, as amended by PL
24 1981, c. 488, §§1 and 2, is further amended to read:

25 Any Justice of the Supreme Judicial Court who
26 resigns his office or ceases to serve at the expira-
27 tion of any term thereof, after attaining the age of
28 70 years and after having served as a justice on
29 either the Supreme Judicial Court or the Superior
30 Court, or both, for at least 7 years, or after
31 attaining the age of 65 years and after having served
32 as a justice on either of those courts, or both, for
33 at least 12 years, shall receive annually during the
34 remainder of his life, whether or not he is appointed

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

31 Sec. 2. 4 MRSA §103, first ¶, as amended by PL
32 1981, c. 488, §§3 and 4, is further amended to read:

33 Any Justice of the Superior Court who resigns his
34 office or ceases to serve at the expiration of any
35 term thereof, after attaining the age of 70 years and
36 after having served as ~~such~~ that justice or judge on
37 either the Superior Court or the District Court, or
38 both, for at least 7 years, or after attaining the
39 age of 65 years and after having served as ~~such~~ that
40 justice or judge on either the Superior Court or the
41 District Court, or both, for at least 12 years, shall
42 receive annually during the remainder of his life an
43 amount equal to 3/4 of the currently effective annual
44 salary of a Justice of the Superior Court, to be paid
45 in the same manner as the salaries of the justices of

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

30 **Sec. 3. 4 MRSA §157-A, first ¶, as amended by PL**
31 **1981, c. 488, §§5 and 6, is further amended to read:**

32 Any Judge of the District Court who resigns his
33 office or ceases to serve at the expiration of any
34 term thereof, after attaining the age of 70 years and
35 after having served as ~~such~~ the judge for at least 7
36 years, or after attaining the age of 65 years and
37 after having served as ~~such~~ the judge for at least 12
38 years, shall receive annually during the remainder of
39 his life an amount equal to 3/4 of the currently
40 effective annual salary of a Judge of the District
41 Court, to be paid in the same manner as the salaries
42 of the judges of that court are paid. ~~Such~~ The judge
43 shall terminate his service before his 71st birthday.
44 Any judge who continues to serve until or after his
45 71st birthday shall waive his right to the compensa-

1 tion mentioned and make no claim therefor at the
2 termination of his service. Any Judge of the Dis-
3 trict Court who resigns his office or ceases to serve
4 at the expiration of any term thereof, after attain-
5 ing the age of 60 years and after having served as a
6 judge of that court for at least 20 years, shall
7 receive annually during the remainder of his life an
8 amount ~~actuarially equivalent~~ equal to the benefits
9 he would have received if he had retired at the age
10 of 65 years with 12 years, to be paid in the same
11 manner as the salaries of the judges of that court
12 are paid. The right of any judge drawing ~~such~~ the
13 compensation to continue to receive it shall cease
14 immediately, if he acts as attorney or counsellor in
15 any action or legal proceeding in which the State is
16 an adverse party or has any interest adverse to the
17 person or persons in whose behalf he acts.

18 STATEMENT OF FACT

19 The purpose of this bill is to eliminate needless
20 employment of an actuary to determine equivalency
21 under judicial retirement.

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