

# MAINE STATE LEGISLATURE

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(New Draft of H.P. 73, L.D. 78)

FIRST REGULAR SESSION

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ONE HUNDRED AND ELEVENTH LEGISLATURE

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Legislative Document

No. 1415

H.P. 1088

House of Representatives, April 7, 1983

Reported by the Majority from the Committee on Judiciary and printed under Joint Rule 2.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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

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

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

Sec. 1. 4 MRSA §5, first ¶, as amended by PL 1981, c. 488, §§1 and 2, 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 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 those courts, or both, for at least 12 years, or after attaining the age of 60 years and after having served as a justice on either

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

33 Sec. 2. 4 MRSA §103, first ¶, as amended by PL  
34 1981, c. 488, §§3 and 4, is further amended to read:

35 Any Justice of the Superior Court who resigns his  
36 office or ceases to serve at the expiration of any  
37 term thereof, after attaining the age of 70 years and  
38 after having served as such justice or judge on  
39 either the Superior Court or the District Court, or  
40 both, for at least 7 years, or after attaining the  
41 age of 65 years and after having served as such jus-  
42 tice or judge on either the Superior Court or the  
43 District Court, or both, for at least 12 years, or  
44 after attaining the age of 60 years and after having  
45 served as a justice on either of those courts, or

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

35 Sec. 3. 4 MRSA §157-A, first ¶, as amended by PL  
36 1981, c. 488, §§5 and 6, is further amended to read:

37 Any Judge of the District Court who resigns his  
38 office or ceases to serve at the expiration of any  
39 term thereof, after attaining the age of 70 years and  
40 after having served as such judge for at least 7  
41 years, or after attaining the age of 65 years and  
42 after having served as such judge for at least 12  
43 years, or after attaining the age of 60 years and  
44 after having served as such judge for at least 20  
45 years, shall receive annually during the remainder of

1 his life an amount equal to 3/4 of the currently  
2 effective annual salary of a Judge of the District  
3 Court, to be paid in the same manner as the salaries  
4 of the judges of that court are paid. Such judge  
5 shall terminate his service before his 71st birthday.  
6 Any judge who continues to serve until or after his  
7 71st birthday shall waive his right to the compensa-  
8 tion mentioned and make no claim therefor at the  
9 termination of his service. Any Judge of the Dis-  
10 trict Court who resigns his office or ceases to serve  
11 at the expiration of any term thereof, after attain-  
12 ing the age of 60 years and after having served as a  
13 judge of that court for at least 20 years, shall  
14 receive annually during the remainder of his life an  
15 amount actuarially equivalent to the benefits he  
16 would have received if he had retired at the age of  
17 65 years with 12 years, to be paid in the same manner  
18 as the salaries of the judges of that court are paid.  
19 The right of any judge drawing such compensation to  
20 continue to receive it shall cease immediately, if he  
21 acts as attorney or counsellor in any action or legal  
22 proceeding in which the State is an adverse party or  
23 has any interest adverse to the person or persons in  
24 whose behalf he acts.

25 STATEMENT OF FACT

26 This new draft replaces the original bill. It  
27 allows members of the Supreme Judicial, Superior and  
28 District Courts retiring at age 60 years with 20  
29 years service to receive the same benefits as a  
30 member retiring at age 65 years with 12 years ser-  
31 vice.

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