

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND ELEVENTH LEGISLATURE
4

5 Legislative Document

No. 2459
6

7 H.P. 1858

House of Representatives, April 10, 1984

8 Submitted pursuant to the Revised Statutes, Title 3, section 2-A,
9 subsection 2.

10 Reference to the Committee on Appropriations and Financial Affairs is
suggested and printing ordered.

EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

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

17 AN ACT to Implement Certain Recommendations
18 of the State Compensation Commission.
19

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

22 PART A

23 Sec. 1. 2 MRSA §7, sub-§1, as repealed and re-
24 placed by PL 1983, c. 477, Pt. E, sub-pt. 2, is re-
25 pealed.

26 Sec. 2. 2 MRSA §7, sub-§3, as amended by PL
27 1979, c. 544, §2, is repealed.

28 Sec. 3. 3 MRSA §162-A, sub-§3 is enacted to
29 read:

30 3. Range 90. The salaries of the following
31 state officials and employees shall be within salary
32 range 90:

1 date for adjournment for the first or 2nd regular
2 session by no more than 5 legislative days, and in
3 case of further emergency, may by a vote of 2/3 of
4 the members of each House present and voting, further
5 extend the date for adjournment by 5 additional leg-
6 islative days. The times for adjournment for the
7 first and 2nd regular sessions may also be extended
8 for one additional legislative day for the purpose of
9 considering possible objections of the Governor to
10 any bill or resolution presented to him by the Legis-
11 lature under the Constitution, Article IV, Part
12 Third, Section 2.

13 Each member of the Senate and House of Represent-
14 atives shall receive a meal and housing allowance in
15 the amount of ~~\$45~~ \$50 for each day in attendance at
16 sessions of the Legislature and for each day he occu-
17 pies overnight accommodations away from home either
18 immediately preceding or immediately following at-
19 tendance at daily sessions of the Legislature. In
20 lieu of the meal and housing allowance, each member
21 shall be entitled to a daily meal allowance in the
22 amount of ~~\$21~~ \$23 and actual daily mileage allowances
23 in an amount up to but not exceeding ~~\$24~~ \$27 per day.
24 Each member shall also receive an annual allowance
25 for constituent services in the amount of ~~\$300~~ \$330.

26 The President of the Senate and the Speaker of
27 the House of Representatives shall receive an addi-
28 tional 50% above regular compensation, the majority
29 and minority leaders of the Senate and House of Rep-
30 resentatives shall receive an additional 25% above
31 regular compensation ~~and~~, the assistant majority and
32 minority leaders of the Senate and House of Represent-
33 atives shall receive an additional 12 1/2% above
34 regular compensation and the Senate and House chair-
35 men of the joint standing committees shall receive an
36 additional 6 1/4% above regular compensation.

37 In addition to the salary paid for the first and
38 2nd regular sessions of the Legislature, when a spe-
39 cial session is called, the members of the Senate and
40 House of Representatives shall each be paid ~~\$35~~ \$50
41 for every day's attendance, expenses and mileage as
42 aforesaid.

1 No additional expenses shall be paid to Legisla-
2 tors from the Legislative Account unless authorized
3 by the President of the Senate or Speaker of the
4 House of Representatives during any regular session.

5 The member of the Penobscot Indian Tribe and the
6 member of the Passamaquoddy Indian Tribe elected to
7 represent his tribe at the Legislature shall receive
8 a compensation of ~~\$35~~ \$77 for each day's attendance
9 during the first and 2nd regular sessions and allow-
10 ance for meals, constituent service, housing and
11 travel expenses as any other member of the Senate and
12 House of Representatives for attendance at each leg-
13 islative session. For the duration of any special
14 session of the Legislature, they shall receive the
15 same allowances, including housing, meal and ~~constit-~~
16 ~~uent service allowances~~ travel expenses, as any other
17 member of the Senate and House of Representatives.

18 The President of the Senate or the Speaker of the
19 House shall, at all times, whether the Legislature be
20 in session or not, have the authority to approve ac-
21 counts and vouchers for payment.

22 The President of the Senate, the Speaker of the
23 House of Representatives, the floor leaders and their
24 assistants and members of a committee, with the ap-
25 proval of the President of the Senate or the Speaker
26 of the House as to members of a committee, may also
27 meet on days when the Legislature is not in daily
28 session at any convenient location within the State.
29 Each member of the Senate and House of Representa-
30 tives shall receive ~~\$35~~ \$50 for every day's attend-
31 ance when meetings or daily sessions are held, a meal
32 and housing allowance in the amount of ~~\$45~~ \$50 for
33 each day in attendance at such meetings or daily ses-
34 sions and for each day he occupies overnight accommo-
35 dations away from home either immediately preceding
36 or immediately following attendance at daily sessions
37 of the Legislature and actual daily mileage allow-
38 ances which shall be paid at the same rate paid to
39 state employees. In lieu of the meal and housing al-
40 lowance, each member shall be entitled to a daily
41 meal allowance in the amount of ~~\$21~~ \$23 and actual
42 daily mileage allowances in an amount up to but not
43 exceeding ~~\$24~~ \$27 per day.

1 The expenses of members of the Legislature
2 traveling outside the State shall be reimbursed for
3 their actual expenses provided that the expense
4 vouchers are approved by the President of the Senate
5 or the Speaker of the House of Representatives.

6 If a member of the Legislature dies or otherwise
7 vacates the office, the successor is entitled to a
8 salary from the date of seating, computed as follows:
9 One hundred and ~~thirty~~ fifty dollars per week times
10 the number of weeks remaining in the calendar year if
11 the vacancy occurs in the first year and \$70 \$80 per
12 week for the number of weeks remaining in the calen-
13 dar year if the vacancy occurs in the 2nd year.

14 Sec. 2. Effective date. The effective date of
15 this Part is December 1, 1984.

16 PART C

17 Sec. 1. 2 MRSA §6-A, sub-§1, as repealed and re-
18 placed by PL 1981, c. 452, §3, is repealed and the
19 following enacted in its place:

20 1. Chairman. The salary of the chairman of the
21 commission shall be \$45,236.

22 Sec. 2. 2 MRSA §6-A, sub-§2 is enacted to read:

23 2. Commission members. The salary of members of
24 the commission shall be \$43,736.

25 Sec. 3. 2 MRSA §7, sub-§2, as amended by PL
26 1979, c. 651, §3, is further amended to read:

27 2. Regulatory boards. Notwithstanding section 6
28 or any other provision of law, the salaries of the
29 listed chairmen and of members of the following regu-
30 latory boards shall be:

- 31 Workers' Compensation Commission
- 32 Part-time chairman and members
- 33 Chairman \$22,995;
- 34 Members other than chairman with more than 4
- 35 years'

1 experience 21,420;

2 All other members 18,900;

3 Full-time members appointed after January 1, 1980

4 Chairman same salary as Chief Judge of
5 the District Court \$43,186;

6 Members other than chairman same salary
7 as a District Judge 42,086.

8 Sec. 4. 4 MRSA §4, as amended by PL 1983, c.
9 477, Pt. E, sub-Pt. 1, §1, is repealed and the fol-
10 lowing enacted in its place:

11 §4. Salary of justices; expenses

12 1. Chief justice; salary. The Chief Justice of
13 the Supreme Judicial Court shall receive an annual
14 salary equal to 105% of the salary of an Associate
15 Justice of the Supreme Judicial Court.

16 2. Associate justice; salary. Each Associate
17 Justice of the Supreme Judicial Court shall receive
18 an annual salary as follows:

19 A. For fiscal year 1985, \$55,387;

20 B. For fiscal year 1986, \$66,343; and

21 C. For fiscal year 1987 and thereafter, \$77,300.

22 3. Expenses. Expenses shall be governed as fol-
23 lows.

24 A. Each justice shall be reimbursed by the
25 State, upon presentation to the State Controller
26 of a detailed statement, for those expenses actu-
27 ally and reasonably incurred in attending meet-
28 ings and the sessions of the Law Court. When
29 any justice of the court holds nisi prius terms
30 of the Superior Court in any town other than the
31 town in which he resides, or when hearing of any
32 court matter is had before a Justice of the Su-
33 preme Judicial Court or the Superior Court other

1 than one residing in the town where the hearing
2 is had, that justice shall be reimbursed by the
3 State, upon presentation to the State Controller
4 of a detailed statement, for the expenses actual-
5 ly and reasonably incurred in holding the terms
6 or in attending the hearing.

7 B. Each justice of the court shall be reimbursed
8 by the State, upon presentation to the State Con-
9 troller of a detailed statement, for clerical as-
10 stance, postage, stationery, express and tele-
11 phone tolls and any other reasonably necessary
12 expenses actually and reasonably incurred by him.

13 C. The Chief Justice of the Supreme Judicial
14 Court or his designee may prescribe regulations
15 for the submission of the required statements
16 through his office, and for the advance approval
17 by him of other reasonably necessary expenses.

18 4. Exception. The salary provisions of this sec-
19 tion shall not apply to justices who have retired
20 prior to August 1, 1984.

21 Sec. 5. 4 MRSA §5, as amended by PL 1983, c.
22 167, §1, is repealed.

23 Sec. 6. 4 MRSA §6, as amended by PL 1975, c.
24 771, §17, is further amended to read:

25 6. Active Retired Justices

26 Any Justice of the Supreme Judicial Court, having
27 terminated his service on said court who has retired
28 from the court under section 5 shall be this chapter
29 in effect prior to August 1, 1984, or any Justice of
30 the Supreme Judicial Court who retires or terminates
31 his service on the court in accordance with chapter
32 27, except for a disability retirement, is eligible
33 for appointment as an Active Retired Justice of the
34 Supreme Judicial Court as provided. The Governor may
35 upon being notified of the retirement of any such
36 justice under this section appoint, subject to review
37 by the joint standing committee on of the Legislature
38 having jurisdiction over judiciary and to confirma-
39 tion by the Legislature, such justice to be appoint
40 any eligible justice as an Active Retired Justice of

1 the Supreme Judicial Court for a term of 7 years ~~from~~
2 ~~such~~ appointment, unless sooner removed, and ~~such~~
3 that justice may be reappointed for a like term; and
4 ~~such~~. Any justice so appointed and designated shall
5 thereupon constitute a part of the court from which
6 he has retired and shall have the same jurisdiction
7 and be subject to the same restrictions therein as
8 before retirement, except that he shall act only in
9 ~~such~~ the cases and matters and hold court only at
10 ~~such~~ the terms and times as he may be directed and
11 assigned to by the Chief Justice of the Supreme Judi-
12 cial Court; ~~and said~~. The Chief Justice is empowered
13 and authorized to assign and designate any such
14 Active Retired Justice of the Supreme Judicial Court
15 as to his services and may direct as to which term of
16 the Law Court he shall attend, and if the Chief Jus-
17 tice so orders, he may order him to hear all matters
18 and issue all orders, notices, decrees and judgments
19 in vacation that any Justice of the Supreme Judicial
20 Court is authorized to hear or issue.

21 Sec. 7. 4 MRSA §102, as amended by PL 1983, c.
22 269, §8 and c. 477, Pt. E, sub-Pt. 1, §2, is re-
23 pealed and the following enacted in its place:

24 §102. Salary; expenses

25 1. Chief justice; salary. The Chief Justice of
26 the Superior Court shall receive an annual salary
27 equal to 105% of the salary of an Associate Justice
28 of the Superior Court.

29 2. Justice; salary. Each Justice of the Superior
30 Court shall receive an annual salary as follows:

31 A. For fiscal year 1985, \$53,524;

32 B. For fiscal year 1986, \$63,312; and

33 C. For fiscal year 1987 and thereafter, \$73,100.

34 3. Expenses. Section 4, relating to reimburse-
35 ment of Justices of the Supreme Judicial Court for
36 expenses incurred by them, including clerical assist-
37 ance, shall apply to Justices of the Superior Court.
38 The Chief Justice of the Supreme Judicial Court or
39 his designee may specify by order a maximum amount to

1 be expended by any justice for clerical assistance.

2 4. Exception. The salary provisions of this sec-
3 tion shall not apply to justices who have retired
4 prior to August 1, 1984.

5 Sec. 8. 4 MRSA §103, as amended by PL 1983, c.
6 167, §2, is repealed.

7 Sec. 9. 4 MRSA §104, as amended by PL 1975, c.
8 771, §18, is further amended to read:

9 §104. Active retired justices

10 Any Justice of the Superior Court having termi-
11 nated his service on said court under section 103
12 shall be who has retired from the court under this
13 chapter in effect prior to August 1, 1984, or any
14 Justice of the Superior Court who retires or termi-
15 nates his service on the court in accordance with
16 chapter 27, except for a disability retirement, is
17 eligible for appointment as an Active Retired Justice
18 of the Superior Court as provided. The Governor,
19 subject to review, by the joint standing committee on
20 of the Legislature having jurisdiction over judiciary
21 and to confirmation by the Legislature, may, upon be-
22 ing notified of the retirement of any such justice
23 under this section, appoint such justice to be ap-
24 point any eligible justice as an Active Retired Jus-
25 tice of the Superior Court for a term of 7 years from
26 such appointment, unless sooner removed, and such.
27 That justice may be reappointed for a like term, and
28 such. Any justice so appointed and designated shall
29 thereupon constitute a part of the court from which
30 he has retired and shall have the same jurisdiction
31 and be subject to the same restrictions therein as
32 before retirement, except that he shall act only in
33 such the cases and matters and hold court only at
34 such the terms and times as he may be directed and
35 assigned to by the Chief Justice of the Supreme Judi-
36 cial Court. Any Active Retired Justice of the Super-
37 rior Court may be directed by the Chief Justice to
38 hold any term of the Superior Court in any county and
39 when so directed shall have authority and jurisdic-
40 tion therein the same as if he were the regular jus-
41 tice of said that court, and whenever. Whenever the
42 Chief Justice of the Supreme Judicial Court so or-

1 ders, that justice may hear all matters and issue all
2 orders, notices, decrees and judgments in vacation
3 that any Justice of ~~said~~ that Superior Court is au-
4 thorized to hear and issue.

5 Sec. 10. 4 MRSA §157, as amended by PL 1983, c.
6 477, Pt. E, sub-Pt. §1, §3, is repealed and the fol-
7 lowing enacted in its place:

8 §157. Judges; appointment; salary; expenses; full-
9 time duties

10 1. Appointment. District Court Judges shall be
11 appointed as follows.

12 A. The Governor, subject to review by the joint
13 standing committee of the Legislature having ju-
14 risdiction over judiciary and to confirmation by
15 the Legislature, shall appoint to the District
16 Court 6 judges at large and 15 judges. At least
17 one judge shall be appointed in each district who
18 shall be a resident of the district, except that
19 in District 3 there shall be 2 judges appointed
20 who shall be residents of the district and in
21 District 9 there shall be 2 judges appointed who
22 shall be residents of the district. Each District
23 Court Judge shall have a term of office of 7
24 years.

25 To be eligible for appointment as a District
26 Judge, a person shall be a member of the bar of
27 the State. The term "District Judge" shall in-
28 clude the Chief Judge, Deputy Chief Judge, the
29 judges appointed from the districts and the
30 judges at large.

31 B. The Chief Justice of the Supreme Judicial
32 Court shall designate one of the judges as Chief
33 Judge. The Chief Judge, with the advice and con-
34 sent of the Chief Justice of the Supreme Judicial
35 Court, shall designate one of the District Court
36 Judges as Deputy Chief Judge.

37 2. Chief Judge; salary. The Chief Judge of the
38 District Court shall receive an annual salary equal
39 to 105% of the salary of an Associate Judge of the
40 District Court.

1 3. Deputy Chief Judge; salary. The Deputy Chief
2 Judge of the District Court shall receive an annual
3 salary equal to 102.5% of the salary of an Associate
4 Judge of the District Court.

5 4. Associate Judge; salary. Each Associate Judge
6 of the District Court shall receive an annual salary
7 as follows:

8 A. For fiscal year 1985, \$51,449;

9 B. For fiscal year 1986, \$60,812; and

10 C. For fiscal year 1987 and thereafter, \$70,176.

11 5. Expenses. Each judge shall be reimbursed by
12 the State, upon presentation to the State Controller
13 of a detailed statement, for those expenses approved
14 by the Chief Judge as actually and reasonably in-
15 curring in the performance of his duties.

16 6. Full-time duties. A District Court Judge
17 shall devote full time to his judicial duties. During
18 his term of office, he shall not practice law, nor
19 shall he be the partner or associate of any person in
20 the practice of law.

21 7. Exception. The salary provisions of this sec-
22 tion shall not apply to judges who have retired prior
23 to August 1, 1984.

24 Sec. 11. 4 MRSA §157-A, as amended by PL 1983,
25 c. 167, §3, is repealed.

26 Sec. 12. 4 MRSA §157-B, as amended by PL 1983,
27 c. 416, §3, is further amended to read:

28 §157-B. Active retired judges; appointment

29 Any Judge of the District Court having terminated
30 his service on said court under section 157-A shall
31 be who has retired from the court under this chapter
32 prior to August 1, 1984, or any Judge of the District
33 Court who retires or terminates his service on the
34 court in accordance with chapter 27, except for a
35 disability retirement, is eligible for appointment as
36 an Active Retired Judge of the District Court as pro-

1 vided. The Governor, subject to review by the joint
2 standing committee on of the Legislature having ju-
3 isdiction over judiciary and to confirmation by the
4 Legislature, may, upon being notified of the retire-
5 ment of any such judge under this section, appoint
6 such any eligible judge to be an Active Retired Judge
7 of the District Court for a term of 7 years from such
8 appointment, unless sooner removed, and such. That
9 judge may be reappointed for a like term, and such.
10 Any judge so appointed and designated shall thereupon
11 constitute a part of the court from which he has re-
12 tired and shall have the same jurisdiction and be
13 subject to the same restrictions therein as before
14 retirement, except that he shall act only in such
15 those cases and matters and hold court only at such
16 those sessions and times as he may be directed and
17 assigned to by the Chief Judge of the District Court.
18 Any Active Retired Judge of the District Court may be
19 directed by the Chief Judge to hold any session of
20 the District Court in any district and when so di-
21 rected shall have authority and jurisdiction therein
22 the same as if he were the regular judge of said that
23 court; and whenever the Chief Judge of the District
24 Court so orders, may hear all matters and issue all
25 orders, notices, decrees and judgments that any Judge
26 of said that District Court is authorized to hear and
27 issue. An Active Retired Judge shall receive reim-
28 bursement for his expenses actually and reasonably
29 incurred in the performance of his duties.

30 Any Active Retired Judge of the District Court,
31 who performs judicial service at the direction and
32 assignment of the Chief Judge of the District Court,
33 shall be compensated for those services at the rate
34 of \$75 per day or \$45 per 1/2 day, provided that the
35 total per diem compensation and retirement pension
36 received by an Active Retired District Court Judge in
37 any calendar year may not exceed the annual salary of
38 a Judge of the District Court.

39 Sec. 13. 4 MRSA §157-D is enacted to read:

40 §157-D. Active retired judges; compensation

41 Any Active Retired Judge of the District Court,
42 who performs judicial service at the direction and
43 assignment of the Chief Judge of the District Court,

1 shall be compensated for those services at the rate
2 of \$75 per day or \$45 per 1/2 day, provided that the
3 total per diem compensation and retirement pension
4 received by an Active Retired Judge of the District
5 Court in any calendar year may not exceed the annual
6 salary of a Judge of the District Court.

7 Sec. 14. 4 MRSA §1151, sub-§3, ¶E, as enacted by
8 PL 1977, c. 551, §1, is amended to read:

9 F. Section 103 Chapters 27 and 29, providing for
10 compensation upon retirement of Justices of the
11 Superior Court and to benefits for their spouses
12 and surviving minor children or other
13 beneficiaries, is made applicable to the Adminis-
14 trative Court Judge and Associate Administrative
15 Court Judges. The years in which the Administra-
16 tive Court Judge served in the capacity of Admini-
17 strative Hearing Commissioner during 1963 to
18 1973 shall be included in computing his retire-
19 ment compensation and his spouse's and minor
20 children's survivor benefits as creditable ser-
21 vise without additional contribution.

22 Sec. 15. 4 MRSA cc. 27 and 29 are enacted to
23 read:

24 CHAPTER 27

25 JUDICIAL RETIREMENT ON OR AFTER AUGUST 1, 1984

26 SUBCHAPTER I

27 GENERAL PROVISIONS

28 §1201. Definitions

29 As used in this chapter, unless the context indi-
30 cates otherwise, the following terms have the follow-
31 ing meanings.

32 1. Accumulated contributions. "Accumulated con-
33 tributions" means the sum of all the amounts credited
34 to a member's individual account, together with regu-
35 lar interest thereon.

1 2. Actuarial equivalent. "Actuarial equivalent"
2 means a benefit which is of equal value when computed
3 at regular interest, based on the mortality and ser-
4 vice tables adopted by the board of trustees.

5 3. Average final compensation. "Average final
6 compensation" means a member's average annual rate of
7 earnable compensation during the 3 years, not neces-
8 sarily consecutive, of highest compensation for cred-
9 itable service as a judge or during the entire period
10 of creditable service, if the period is less than 3
11 years.

12 4. Beneficiary. "Beneficiary" means any person
13 who receives or is designated to receive a benefit
14 provided by this chapter.

15 5. Board of trustees. "Board of trustees" means
16 the Board of Trustees of the Maine State Retirement
17 System.

18 6. Child or children. "Child" or "children"
19 means any unmarried, natural, born or unborn, or le-
20 gally adopted progeny of the member, under 18 years
21 of age or under 22 years of age and a full-time stu-
22 dent; or, regardless of age or marital status, any
23 other progeny certified by the medical board to be
24 permanently mentally incompetent or permanently phys-
25 ically incapacitated and determined by the executive
26 director to be unable to engage in any substantially
27 gainful employment.

28 The Board of Trustees shall adopt such rules as are
29 found necessary for a beneficiary to qualify as a
30 full-time student.

31 7. Consumer Price Index. "Consumer Price Index"
32 means the Consumer Price Index for Urban Wage Earners
33 and Clerical Workers: United States City Average,
34 All items, 1967=100, as compiled by the United States
35 Department of Labor, Bureau of Labor Statistics; or,
36 if the index is revised or superseded, the Consumer
37 Price Index shall be the index represented by the Bu-
38 reau of Labor Statistics as reflecting most accurate-
39 ly changes in the purchasing power of the dollar by
40 consumers.

1 8. Creditable service. "Creditable service"
2 means any period of employment which is credited
3 towards retirement in accordance with subchapter IV.

4 9. Earnable compensation. "Earnable compensa-
5 tion" means the annual salary of a judge. The earn-
6 able compensation of a member retired with a disabili-
7 ty retirement allowance under section 1353 shall be
8 assumed, for the purposes of determining benefits un-
9 der this chapter, to be continued after his date of
10 termination of service at the same rate as received
11 immediately prior thereto, subject to the same per-
12 centage adjustments, if any, that may apply to the
13 amount of retirement allowance of the beneficiary un-
14 der section 1358.

15 10. Father. "Father" means a natural or adoptive
16 male parent or male stepparent.

17 11. Fiduciary. "Fiduciary" means a bank or a
18 professional investment manager.

19 12. Judge. "Judge" means a Justice of the Su-
20 preme Judicial Court or the Superior Court and any
21 Judge of the District Court, any Administrative Court
22 Judge or any Associate Administrative Court Judge who
23 is actively serving as of August 1, 1984, or who is
24 appointed subsequent to August 1, 1984, but does not
25 include Active Retired Judges.

26 13. Member. "Member" means a judge who is in-
27 cluded in the membership of the Maine Judicial Re-
28 irement System as provided in section 1301.

29 14. Membership service. "Membership service"
30 means service rendered while a member of the Maine
31 Judicial Retirement System for which credit is al-
32 lowed under section 1302.

33 15. Mother. "Mother" means a natural or adoptive
34 female parent or female stepparent.

35 16. Parent. "Parent" means mother or father.

36 17. Regular interest. "Regular interest" means
37 interest at the rate which the board of trustees sets
38 from time to time, in accordance with Title 5, sec-
39 tion 1061, subsection 2.

1 18. Retirement. "Retirement" means the termina-
2 tion of membership service with a retirement allow-
3 ance granted under this chapter.

4 19. Spouse. "Spouse" means the person the member
5 is married to or, if not married, the person the mem-
6 ber has most recently divorced, provided that person
7 has not remarried.

8 §1202. Name, date of establishment and purpose

9 There is established on August 1, 1984, the Maine
10 Judicial Retirement System, which shall have the pow-
11 ers and privileges of a corporation.

12 The purpose of the Maine Judicial Retirement Sys-
13 tem is to provide retirement allowances and other
14 benefits under this chapter for judges.

15 §1203. Exemption from taxation and execution

16 A person's right to a retirement allowance or the
17 return of contributions, the retirement allowance it-
18 self, any optional benefit or death benefit or any
19 other right accrued or accruing to any person under
20 this chapter and the moneys in the fund created under
21 this chapter, shall be exempt from any state, county
22 or municipal tax to the same extent that exists in
23 the Maine State Retirement System and shall not be
24 subject to execution, garnishment, attachment or oth-
25 er process. These rights shall be unassignable, ex-
26 cept as provided by this chapter.

27 §1204. Beneficiaries under disability

28 Any beneficiary who is entitled to make an elec-
29 tion of benefits under Subchapter V, but is not law-
30 fully qualified to make that election, shall have
31 that election made in his behalf by the person autho-
32 rized to do so by Title 18-A, Article V.

33 SUBCHAPTER II

34 ADMINISTRATION

35 §1231. Board of trustees

1 The Board of Trustees of the Maine Judicial Retirement System is responsible for the proper operation and implementation of the Maine Judicial Retirement System.

5 1. Duties. The board shall have the same duties with respect to the Maine Judicial Retirement System as it does with the Maine State Retirement System, including, but not limited to, those powers and duties enumerated in Title 5, chapter 101, subchapters II and III.

11 2. Administration of Maine Judicial Retirement System. The board of trustees shall administer the Maine Judicial Retirement System and is authorized to promulgate and publish, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter II, any rules necessary and proper to give effect to the intent, purposes and provisions of this chapter.

19 §1232. Executive director

20 The Executive Director of the Maine State Retirement System shall be the Executive Director of the Maine Judicial Retirement System. The executive director shall have the same powers and duties with respect to the Maine Judicial Retirement System as he does with the Maine State Retirement System, except as provided in this chapter.

27 §1233. Actuary

28 The Actuary of the Maine State Retirement System shall be the Actuary of the Maine Judicial Retirement System.

31 §1234. Medical board

32 The Medical Board of the Maine State Retirement System shall be the Medical Board of the Maine Judicial Retirement System.

35 §1235. Administrative procedures

36 Appeal from the executive director's decision shall be the same as provided for the Maine State Retirement System in Title 5, section 1181.

1 SUBCHAPTER III

2 FINANCING

3 §1251. Control of funds

4 The board of trustees shall be the trustee of the
5 funds created by this chapter and shall administer
6 those funds in the same manner as is provided for the
7 administration of the Maine State Retirement System
8 funds in accordance with Title 5, chapter 101, sub-
9 chapter III. The board may establish separate ac-
10 counts as necessary within the fund.

11 §1252. Custodian of funds

12 Except as otherwise provided, the Treasurer of
13 State is the custodian of the several funds of the
14 Maine Judicial Retirement System. Upon receipt of
15 vouchers signed by a person or persons designated by
16 the board, the State Controller shall draw a warrant
17 on the Treasurer of State for the amount so autho-
18 rized. A duly attested copy of the resolution of the
19 board designating those persons and bearing on its
20 face their specimen signatures shall be filed with
21 the State Controller as his authority for making pay-
22 ments upon the vouchers.

23 §1253. Expenses

24 All money to pay the administrative expenses of
25 the Maine Judicial Retirement System shall be paid by
26 the State.

27 1. Estimate funds biennially. Biennially the
28 board of trustees shall estimate the amount of money
29 which they deem necessary to provide for the expenses
30 of administration and operation of the Maine Judicial
31 Retirement System during the ensuing biennium. The
32 State shall pay that amount, for that purpose, into
33 the fund.

34 2. Balance. Any unexpended balance does not
35 lapse but constitutes a continuous carrying account.

36 §1254. Investments

1 A member shall cease to be a member when he with-
2 draws his contributions, becomes a beneficiary as a
3 result of his own retirement or dies.

4 The State Court Administrator shall submit to the
5 board a statement showing the name, title, compensa-
6 tion, sex, date of birth and length of service of
7 each member and any other information as the board
8 may require.

9 §1302. Creditable service

10 Creditable service for the purpose of determining
11 benefits under this chapter shall be allowed as fol-
12 lows:

13 1. Membership service. All service of a member
14 as a judge for which contributions are made shall be
15 allowed as creditable service.

16 2. Disability retirement. The period following
17 the termination of service for which a beneficiary
18 receives disability retirement allowance payments un-
19 der section 1353 shall be allowed as creditable ser-
20 vice.

21 3. State service. Creditable service as a member
22 of the Maine State Retirement System shall be allowed
23 as creditable service of the Maine Judicial Retirement
24 System as follows.

25 A. Any member who has not withdraw his accumu-
26 lated contributions with the Maine State Retirement
27 System may, upon appointment as a judge,
28 have his Maine State Retirement System contribu-
29 tions and membership service transferred to his
30 account with the Maine Judicial Retirement System
31 and all creditable service resulting from his
32 membership in the Maine State Retirement System
33 shall be creditable service in the Maine Judicial
34 Retirement System.

35 All funds in the Maine State Retirement System
36 contributed by the State on account of his state
37 employment shall be transferred to his account
38 with the Maine Judicial Retirement System and
39 shall be used to liquidate the liability incurred

1 by reason of his previous employment. The State
2 shall make such contributions, from time to time,
3 as may be necessary to provide the benefits under
4 the Maine Judicial Retirement System for the mem-
5 ber as have accrued to him by reason of his pre-
6 vious employment and may accrue to him by reason
7 of his membership in the Maine Judicial Retirement
8 System.

9 B. Any member who has withdrawn his accumulated
10 contributions from the Maine State Retirement
11 System may, subsequent to appointment as a judge
12 and prior to the date any retirement allowance
13 becomes effective for him, deposit in the fund by
14 a single payment or by an increased rate of con-
15 tribution an amount equal to the accumulated con-
16 tributions withdrawn by him together with inter-
17 est at 2% greater than regular interest from the
18 date of withdrawal to the date of the deposit.
19 The member shall be entitled to all creditable
20 service that he acquired during his previous mem-
21 bership. In the event any retirement allowance
22 becomes effective before the completion of the
23 deposit, the member shall be entitled to credit
24 for that portion of the total of such previous
25 creditable service which the total amount of de-
26 posit payments actually made bears to the single
27 deposit, including interest at 2% greater than
28 regular interest from the date of payment to the
29 date the retirement allowance becomes effective,
30 if paid on the date of restoration to membership.

31 C. Service credited in accordance with this sec-
32 tion may not be used to meet the eligibility re-
33 quirements for retirement in section 1351.

34 D. No person may receive benefits under both the
35 Maine Judicial Retirement System and the Maine
36 State Retirement System based upon the same peri-
37 od of service.

38 4. Amount of service per year. The board shall
39 establish by rule the amount of creditable service to
40 be granted for service rendered during a year, sub-
41 ject to the following conditions.

1 A. No credit may be allowed for a period of ab-
2 sence without pay of more than one month's dura-
3 tion; and

4 B. No more than one year of service may be cred-
5 ited for all service in one calendar year.

6 §1303. State contribution

7 1. Payment. For each member, the State shall pay
8 annually into the fund an amount known as the employ-
9 er contribution.

10 2. Employer contribution rate. The rate of the
11 employer contribution shall be fixed on the basis of
12 the assets and liabilities of the Maine Judicial Re-
13 irement System as shown by actuarial valuation and
14 shall be expressed as a percentage of the annual
15 earnable compensation of each member.

16 A. The employer contribution rate shall repre-
17 sent the percentage of the members' compensation
18 payable during periods of membership required to
19 provide the difference between the total liabili-
20 ties for retirement allowances not provided by
21 the members' contributions and the amount of the
22 assets in the fund.

23 B. The employer contribution rate shall be de-
24 termined on actuarial bases adopted by the board.
25 The rate shall be determined by the board after
26 each valuation and shall continue in force until
27 a new valuation is made.

28 3. State contribution procedure. The board of
29 trustees shall submit budget estimates to the State
30 Budget Officer in accordance with Title 5, section
31 1665. On each payroll for judges from which retire-
32 ment contributions are deducted, the State Controller
33 shall cause a charge to be made of an amount or
34 amounts in payment of the state costs of all charges
35 related to the Maine Judicial Retirement System and
36 which shall be credited to the appropriate accounts
37 of the fund. Percentage rates to be predetermined by
38 the actuary and approved by the board of trustees
39 shall be applied to the total gross salaries of mem-
40 bers appearing on those payrolls and the resultant

1 charges shall be periodically credited to the retire-
2 ment fund.

3 4. Minimum amount of employer contribution. The
4 aggregate payment by the State into the fund shall be
5 at least sufficient to provide the benefits payable
6 out of the fund during the current year.

7 §1304. Employees' contributions

8 Each member in service shall contribute at a rate
9 of 6.5% of earnable compensation.

10 §1305. Return of accumulated contributions

11 1. Refund of membership contributions. Following
12 termination of service, except by death or retirement
13 under this chapter, a member, upon application to the
14 Maine Judicial Retirement System, shall be paid the
15 amount of his accumulated contributions to the sys-
16 tem.

17 A. If the member has less than 10 years of cred-
18 itable service, interest shall not be paid on the
19 accumulated contribution for any period after the
20 5th anniversary of termination of service.

21 B. Payment of accumulated contributions shall
22 not be made earlier than 60 days after the date
23 of termination of service.

24 2. Applicability. This section shall not apply
25 to contributions paid by the State.

26 SUBCHAPTER V

27 PAYMENT OF BENEFITS

28 §1351. Eligibility for retirement

29 Upon written application to the board setting
30 forth the date upon which he chooses to retire, any
31 member with contributions on deposit in the fund may
32 retire upon meeting one of the following:

33 1. Age 60. Any member may retire on or after his
34 60th birthday if he has at least 10 years of credit-
35 able service;

1 2. Age 70. Any member in service may retire on
2 or after his 70th birthday, provided that he has been
3 in service for at least one year immediately before
4 retirement; or

5 3. Early retirement. Any member who has com-
6 pleted at least 25 years of creditable service may
7 retire any time before his 60th birthday. The retire-
8 ment allowance shall be determined in accordance with
9 section 1352, except that it shall be reduced by mul-
10 tiplying the retirement allowance by a fraction which
11 represents the ratio of the amount of a life annuity
12 due at age 60 to the amount of a life annuity due at
13 the age of retirement. The tables of annuities in ef-
14 fect at the date of retirement shall be used for this
15 purpose.

16 §1352. Retirement benefits

17 1. Amount. The service retirement allowance of a
18 member shall be determined under this chapter in ef-
19 fect on the member's date of final termination of
20 service. Subject to the maximum benefit provided for
21 in subsection 3 and the minimum benefit provided for
22 in subsection 4, the total amount of the retirement
23 allowance of a member retired in accordance with sec-
24 tion 1351 shall be equal to the sum of:

25 A. 1/50 of the member's average final compensa-
26 tion multiplied by the number of years of his
27 creditable service, beginning August 1, 1984; and

28 B. The earned benefit for service as a judge
29 prior to August 1, 1984, as determined by subsec-
30 tion 2.

31 2. Benefit for service prior to August 1,
32 1984. The earned benefit for judicial service prior
33 to August 1, 1984, shall be equal to the years of
34 service prior to August 1, 1984, not to exceed 10
35 years, divided by 10, multiplied by 75% of the sala-
36 ry as of July 31, 1984 for the position from which
37 the judge retired.

38 3. Maximum benefit. Each judge in service on Au-
39 gust 1, 1984 and no judge appointed on or after Au-
40 gust 1, 1984 may receive a benefit which exceeds 60%

1 of his average final compensation, not including ad-
2 justments under section 1358, except as provided in
3 subsection 4.

4 4. Minimum benefit. Each judge in service on
5 August 1, 1984 who is 55 years of age or older on
6 that date shall be entitled to a minimum benefit
7 equal to 75% of the salary as of June 30, 1984 for
8 the position from which the judge retired, increased
9 by 6%, compounded annually, for each year or part of
10 a year served subsequent to June 30, 1984 up to and
11 including June 30, 1987. For each year or part of a
12 year served subsequent to June 30, 1987, that total
13 is increased by an amount equal to the cost of living
14 factor granted the previous September as determined
15 pursuant to section 1358, compounded annually.

16 §1353. Disability retirement

17 1. Conditions. Any member while in service may
18 receive a disability retirement allowance upon writ-
19 ten application to the executive director and approv-
20 al of that application by a majority of the Justices
21 of the Supreme Judicial Court the executive director
22 if the following conditions are met:

23 A. He is less than 70 years old; and

24 B. He became mentally or physically incapaci-
25 tated to the extent that it is impossible for him
26 to perform his duties as a judge, and the inca-
27 pacity is expected to be permanent, as shown by
28 medical examination or tests. The examination or
29 tests shall be conducted by a qualified physician
30 mutually agreed upon by the executive director
31 and member, at an agreed upon place, and the
32 costs shall be paid by the Maine Judicial Retire-
33 ment System.

34 2. Amount. The amount of a disability retire-
35 ment allowance shall be $66 \frac{2}{3}\%$ of the member's aver-
36 age final compensation.

37 3. Commencement. Disability retirement allow-
38 ance payments shall commence at the date of termina-
39 tion of active service of the member.

1 4. Continuance. Payment of a disability retire-
2 ment allowance shall continue subject to subsection 7
3 and the following conditions.

4 A. During the first 5-years, the allowance shall
5 continue as long as the beneficiary cannot per-
6 form the duties of a judge.

7 B. After that period, the allowance shall con-
8 tinue only if the beneficiary is unable to engage
9 in any substantially gainful activities for which
10 he is qualified by training, education or experi-
11 ence.

12 C. The Chief Justice of the Supreme Judicial
13 Court may require the beneficiary to undergo an-
14 ual medical examinations or tests for the pur-
15 pose of determining whether the beneficiary is
16 incapacitated. These examinations or tests shall
17 be conducted by a qualified physician, mutually
18 agreed upon by the executive director and benefi-
19 ciary, at a place also mutually agreed upon, and
20 the costs of the examination or tests shall be
21 paid by the Maine Judicial Retirement System. If
22 the beneficiary refuses to submit to an examina-
23 tion or tests, his disability allowance shall
24 cease until he agrees to the examination or
25 tests. If his refusal continues for one year,
26 all rights to any further benefits under this
27 section shall terminate.

28 D. For purposes of this subsection, the disabil-
29 ity beneficiary's average final compensation at
30 retirement shall be used to determine his earning
31 capacity, and shall be adjusted by the same per-
32 centage, if any, as applied to the beneficiary's
33 retirement allowance under section 1358.

34 5. Earnings. The Chief Justice of the Supreme
35 Judicial Court may require each disability beneficia-
36 ry to submit an annual statement of earnings received
37 from any gainful occupation during that year. For
38 any year during which the total of those earnings and
39 the disability allowance exceeds the current salary
40 of the position which he last held, the excess shall
41 be deducted from any retirement allowance payments
42 made to the beneficiary during the next calendar

1 year. These deductions shall be prorated on a month-
2 ly basis, in an equitable manner prescribed by the
3 board, over the year or part of the year for which
4 benefits are received. The beneficiary shall be lia-
5 ble to the Maine Judicial Retirement System for any
6 excess earnings not so deducted.

7 If a beneficiary does not submit an earnings state-
8 ment within 30 days of receiving a request from the
9 Chief Justice of the Supreme Judicial Court, his dis-
10 ability retirement allowance shall be discontinued
11 until the statement is submitted. If the statement
12 is not submitted within one year of receiving a re-
13 quest, all his rights to any further benefits shall
14 cease.

15 6. Reduction. The disability retirement allow-
16 ance shall be reduced if a disability beneficiary is
17 receiving or has received payments for the same dis-
18 ability under the workers' compensation law, or simi-
19 lar law, except for amounts which may be paid or pay-
20 able under Title 39, section 56 or 56-A.

21 The total of the allowance, not including adjustments
22 under section 1358 and the payment described in the
23 preceding paragraph, shall not exceed 80% of the ben-
24 eficiary's average final compensation. The disabili-
25 ty retirement allowance shall in no event be reduced
26 below the actuarial equivalent of the beneficiary's
27 accumulated contributions at the time of retirement.

28 If the disability beneficiary has received a lump-sum
29 settlement of workers' compensation benefits, any
30 portion of that settlement not attributable to voca-
31 tional rehabilitation, attorneys' fees or medical ex-
32 penses shall reduce the disability retirement allow-
33 ance in the same manner and amount as monthly work-
34 ers' compensation benefits. The reduction shall be
35 prorated on a monthly basis in an equitable manner
36 prescribed by the board.

37 If amounts paid or payable under workers' compensa-
38 tion or the amount of the lump-sum settlement or its
39 attribution are in dispute, those disputes shall be
40 settled by a single member of the Workers' Compensa-
41 tion Commission as provided under Title 39. Determi-
42 nations of the commissioner may be appealed in the
43 manner provided by Title 39, section 103-B.

1 7. Change to service retirement.

2 A. The disability retirement allowance of a ben-
3 eficiary shall cease at age 70, or prior thereto,
4 whenever the service retirement allowance of the
5 beneficiary would equal or exceed the amount of
6 his disability retirement allowance.

7 B. A service retirement allowance shall be paid
8 to the beneficiary commencing on the date of ter-
9 mination of the disability retirement allowance
10 as determined in paragraph A.

11 §1354. Restoration to service

12 The retirement benefit or disability benefit of a
13 judge shall cease upon his return to service on the
14 court and the judge shall continue to earn credit
15 toward retirement.

16 §1355. Ordinary death benefits

17 1. Death before eligibility for service retire-
18 ment. If a member who is in service or former member
19 who is a beneficiary receiving a disability retire-
20 ment allowance dies at any time before completing the
21 age and service conditions for service retirement,
22 one of the following payments shall be made.

23 A. A lump-sum payment shall be made as follows.

24 (1) The member's or former member's accumu-
25 lated contributions shall be paid to the
26 member's or former member's beneficiary, un-
27 less the beneficiary, if eligible, selects
28 benefits under paragraphs B and C. The des-
29 ignation of a beneficiary must be filed in
30 writing with the executive director prior to
31 the member's or former member's death. The
32 last designation revokes all previous desig-
33 nations.

34 (2) If a member or former member is not
35 survived by a designated beneficiary or has
36 not designated a beneficiary, the accumu-
37 lated contributions shall be paid to the
38 first of the following listed relatives

1 alive at the member's or former member's
2 death, unless that person is eligible for
3 and selects benefits under paragraphs B and
4 C:

5 (a) The spouse;

6 (b) The child or children, share and
7 share alike;

8 (c) The older parent; or

9 (d) The surviving parent.

10 (3) If none of the relatives in subpara-
11 graph (2) survive the member or former mem-
12 ber, the accumulated contributions shall be
13 paid to the member's or former member's es-
14 tate.

15 B. In lieu of accepting the payment provided in
16 paragraph A, the first of the following persons,
17 who is designated a beneficiary by the member or
18 former member may elect, if eligible, to receive
19 the benefits described in paragraph C:

20 (1) The spouse;

21 (2) The child or children;

22 (3) The mother or father; or

23 (4) The mother and father.

24 If no designation was made, or if the designated
25 beneficiary did not survive the member or former
26 member, the first of the following listed per-
27 sons, if any, alive at the death of the member or
28 former member, may elect to receive the benefits
29 in paragraph C:

30 (1) The spouse;

31 (2) The child or children; or

32 (3) The parents or parent.

1 C. The benefits for eligible beneficiaries list-
2 ed under paragraph B shall be as follows.

3 (1) The spouse shall receive \$150 a month,
4 beginning the first month after the member
5 or former member's death and continuing un-
6 til the spouse dies, provided:

7 (a) The deceased member or former mem-
8 ber had 10 years of creditable service
9 at the time of his death;

10 (b) The surviving spouse is certified
11 by the medical board to be permanently
12 mentally incompetent or permanently
13 physically incapacitated and determined
14 by the executive director to be unable
15 to engage in any substantially gainful
16 employment; or

17 (c) The spouse has attained the age of
18 60 years.

19 The spouse may qualify for this benefit in
20 addition to any payments received as pro-
21 vided by subparagraph (2)

22 (2) A spouse who has the care of the child
23 or children of the deceased member or former
24 member shall be paid \$150 a month, beginning
25 the first month after the death of the mem-
26 ber or former member, while the child or
27 children are in his care and so long as at
28 least one child meets the definition of
29 "child" as set forth in section 1201.

30 (3) The child or children of the deceased
31 member or former member shall receive bene-
32 fits as follows: One child shall be paid
33 \$150 per month; 2 children shall be paid
34 \$225 per month, which shall be divided
35 equally between them; 3 children or more
36 shall be paid \$300 per month, which shall be
37 divided equally among them. The benefits
38 shall begin the first month after the death
39 of the member or former member and be pay-
40 able to each child so long as he meets the

1 definition of "child" as set forth in sec-
2 tion 1201. When any child becomes ineligi-
3 ble to receive benefits under this subpara-
4 graph, the other children, if any, shall
5 continue to receive benefits in accordance
6 with the foregoing schedule.

7 (4) A surviving parent who is at least 60
8 years of age or when that age is attained
9 shall be paid \$150 per month. If both par-
10 ents are eligible for benefits under this
11 section, and elect benefits under this sub-
12 paragraph, the older parent shall receive
13 \$150 per month and the younger parent shall
14 receive \$105 per month. Upon the death of
15 either parent, the survivor shall receive
16 \$150 per month.

17 Payments to any eligible parent shall begin
18 the first month after the death of the mem-
19 ber or former member occurs and continue un-
20 til death. Benefits are only payable under
21 this provision in the event no other bene-
22 fits have been received in accordance with
23 subparagraph (1), (2) or (3).

24 D. If any person becomes entitled to benefits
25 under this section and dies before either the re-
26 fund check or the initial survivor benefit check
27 is endorsed and presented to a holder in due
28 course, then it shall be treated as if the person
29 had predeceased the member or former member.

30 E. Any person electing a benefit under this sec-
31 tion may change that election at any time up to
32 the point of endorsement and presentation to a
33 holder in due course of either the refund check
34 or the initial survivor benefit payment.

35 2. Death after eligibility for retirement.

36 A. If a member or former member who receives a
37 disability retirement allowance dies after com-
38 pleting the conditions for service retirement un-
39 der any of the provisions of this chapter, but
40 before a service retirement allowance becomes ef-
41 fective, the first of the following persons:

1 Designated beneficiary; spouse; mother; or fa-
2 ther who survives the member or former member may
3 receive a reduced retirement allowance under op-
4 tion 2 of section 1357 as if the deceased had
5 died on the date his retirement allowance became
6 effective.

7 (1) If this reduced allowance is less than
8 \$10 per month, the beneficiary may elect,
9 before the allowance begins, to receive a
10 lump sum which is the actuarial equivalent
11 at the date of death of the deceased's re-
12 irement allowance payments.

13 (2) If the designated beneficiary is the
14 spouse, child or children, mother or father,
15 he may elect to receive benefits under sub-
16 section 1, instead of the option 2 benefit.

17 (3) The first listed person who is not a
18 designated beneficiary may elect, before the
19 allowance begins, to receive the deceased's
20 accumulated contributions in a lump sum.

21 B. If none of the payments provided for in para-
22 graph A is made, the accumulated contributions of
23 the deceased shall be paid to his estate.

24 3. Election of benefits. The benefits described
25 in this section shall be in lieu of any benefits pay-
26 able under section 1356.

27 Any person entitled to receive benefits under this
28 section may elect, before benefit payments begin, to
29 receive benefits under section 1356 instead of these
30 benefits, if all requirements of that section are
31 complied with.

32 4. Cost-of-living adjustments. Payments made
33 under subsection 1, paragraphs B and C shall be ad-
34 justed pursuant to section 1358 in the same manner as
35 retirement allowances.

36 §1355-A. Minimum ordinary death benefits

37 1. Benefit. Notwithstanding the provisions of
38 section 1355, any eligible spouse and child or chil-

1 dren of a judge who was in service prior to August 1,
2 1984, shall, upon the death of that judge, be enti-
3 led to a minimum benefit of 1/2 the retirement bene-
4 fit of the judge, determined in accordance with sec-
5 tion 1352, on the assumption that retirement of the
6 judge had taken place on the date of his death. If
7 more than one child is eligible for this benefit, it
8 shall be divided equally among them. This benefit
9 shall continue as long as the spouse or child or
10 children remain eligible.

11 2. Eligibility. Eligibility for the minimum
12 benefit of this section is determined as follows.

13 A. A surviving spouse is eligible as long as
14 that spouse does not become the dependent of an-
15 other person.

16 B. The child or children are eligible if:

17 (1) They are under 18 years of
18 age. Eligibility ceases upon attainment of
19 age 18; and

20 (2) There is no surviving spouse, or the
21 surviving spouse becomes the dependent of
22 another person, or if the surviving spouse
23 dies.

24 §1356. Accidental death benefits

25 1. Benefit. If a member or a former member who
26 is receiving a disability retirement allowance dies
27 as a result of an injury received in the line of du-
28 ty, benefits are paid as follows.

29 A. If the deceased is survived by a spouse, and
30 if there is no surviving child, an annual benefit
31 of 2/3 of the deceased's average final compensa-
32 tion shall be paid to the spouse, in monthly
33 installments.

34 B. If the deceased is survived by a spouse and a
35 child or children, an annual benefit of the full
36 amount of the deceased's average final compensa-
37 tion shall be paid to the spouse and the child or
38 children jointly, in monthly installments.

1 C. If the deceased is survived only by a child
2 or children, an annual benefit of the full amount
3 of the deceased's average final compensation
4 shall be paid annually to the child or children
5 jointly, in monthly installments.

6 2. Reduction and termination.

7 A. The benefits provided by subsection 1, para-
8 graph A shall be paid to the spouse until the
9 spouse dies.

10 B. The benefits provided by subsection 1, para-
11 graph B shall be paid until:

12 (1) The spouse dies, in which case the pay-
13 ments shall continue to the child or chil-
14 dren until they die or until the youngest
15 child no longer meets the definition of
16 "child" in section 1201; or

17 (2) The child or children die or the youn-
18 gest child no longer meets the definition of
19 "child" in section 1201, in which case, the
20 payment to the spouse shall be reduced to
21 2/3 of the deceased's average final compen-
22 sation until the spouse dies.

23 C. The benefits provided by subsection 1, para-
24 graph C shall be paid to a surviving child or
25 children until the child or children die or until
26 they no longer meet the definition of "child" in
27 section 1201.

28 3. Benefits in lieu of section 1355. The bene-
29 fits provided by this section shall be in lieu of any
30 benefits payable under section 1355.

31 §1357. Payment of regular retirement allowances

32 1. Normal method of payment. All regular re-
33 irement allowances shall be paid for life in equal
34 monthly installments, adjusted in the month which the
35 death occurs to reflect the date of death, unless an
36 alternative method of payment under one of the op-
37 tions of subsection 2 has been elected.

1 2. Optional methods of payment. In lieu of pay-
2 ment under subsection 1, a member or a former member
3 who is receiving a disability retirement allowance
4 may elect to receive a regular retirement allowance
5 under one of the 4 options set out in paragraphs A to
6 D. The optional allowance shall be a reduced allow-
7 ance computed actuarially on the basis of the option
8 selected. It shall be payable for life, with benefits
9 payable after the retiree's death to a beneficiary
10 nominated by him in writing, duly acknowledged, and
11 filed with the executive director at the time of re-
12 irement.

13 The retiree may elect one of the options by written
14 request to and approval of the executive director
15 prior to the commencement of payment of a regular re-
16 irement allowance. The election may be revoked by
17 written notice to the executive director at any time
18 before the regular retirement allowance commences.

19 After the member or former member's death, the benefi-
20 ciary shall receive:

21 A. Option 1. The retiree's accumulated contri-
22 butions at the time of his retirement, reduced by
23 the portion of the total retirement allowance
24 payments actually made to him during his lifetime
25 which is actuarially ascribed to his contribu-
26 tions. If the beneficiary does not survive the
27 retiree, it shall be paid to his estate;

28 B. Option 2. During his life, a monthly benefit
29 equal to the amount received by the retiree;

30 C. Option 3. During his life, a monthly benefit
31 equal to 1/2 of the amount received by the
32 retiree; or

33 D. Option 4. Some other benefit, provided the
34 total value of the retiree's allowance and of the
35 succeeding benefit are of equivalent actuarial
36 value to the allowance the retiree would have re-
37 ceived under subsection 1. The method used to
38 determine this benefit shall be approved by the
39 board.

40 §1358. Cost-of-living and other adjustments

1 §1401. Definitions

2 As used in this chapter, unless the context indi-
3 cates otherwise, the following terms have the follow-
4 ing meanings.

5 1. Currently effective annual salary. "Currently
6 effective annual salary" means the annual salary on
7 July 31, 1984, of the position from which the judge
8 retired, or if he died in office, the position he
9 held at death, increased on August 1, 1984, and each
10 succeeding July 1st, by 6% of the salary on the imme-
11 diately preceding June 30th.

12 2. Judge. "Judge" means any Justice of the Su-
13 preme Judicial Court or the Superior Court and any
14 Judge of the District Court who retired prior to Au-
15 gust 1, 1984, and includes Active Retired Judges who
16 retired prior to August 1, 1984. "Judge" also in-
17 cludes any Administrative Court Judge or any As-
18 sociate Administrative Court Judge who retired prior
19 to August 1, 1984.

20 §1402. General provisions

21 The retirement benefits of all judges who retired
22 prior to August 1, 1984, shall be governed by this
23 chapter.

24 §1403. Funding

25 Benefits provided by this chapter shall be funded
26 solely by the State. No contribution may be required
27 of any judge.

28 §1404. Regular retirement benefits

29 Any judge who resigned his office or ceased to
30 serve at the expiration of any term thereof, after
31 attaining the age of 70 years and after having served
32 on the Supreme Judicial Court, the Superior Court,
33 the District Court, or any combination of that ser-
34 vice, for at least 7 years, or after attaining the
35 age of 65 years and after having served as a judge on
36 those courts for at least 12 years, or after attain-
37 ing the age of 60 years and after having served as a
38 judge on those courts for at least 20 years, shall

1 receive annually during the remainder of his life,
2 whether or not he is appointed an Active Retired Jus-
3 tice, a retirement benefit equal to 3/4 of the cur-
4 rently effective annual salary to be paid in the same
5 manner as the salaries of the judges of that court
6 from which he retired were paid prior to August 1,
7 1984. The right of any judge drawing a retirement
8 benefit to continue to receive it shall cease immedi-
9 ately if he acts as attorney or counsel or in any ac-
10 tion or legal proceeding in which the State is an ad-
11 verse party or has any interest adverse to the person
12 or persons in whose behalf he acts.

13 §1405. Disability benefits

14 Any judge who, prior to his retirement age was
15 unable, by reason of failing health, to perform his
16 duties and who was retired by majority of the Jus-
17 tices of the Supreme Judicial Court shall receive an-
18 nually during the remainder of his life a retirement
19 benefit equal to 3/4 of the currently effective annu-
20 al salary to be paid in the same manner as the sala-
21 ries of the judges of that court from which he re-
22 tired were paid prior to August 1, 1984.

23 §1406. Survivor benefits

24 1. Survivors' benefits. Any spouse or any child
25 or children of a judge who died prior to August 1,
26 1984, shall continue to receive 3/8 of the currently
27 effective annual salary as follows:

28 A. To the surviving spouse, as long as that
29 spouse is not the dependent of another person; or

30 B. To the child or children of the deceased
31 judge under 18 years of age if there is no sur-
32 viving spouse or upon the death of the surviving
33 spouse or if the surviving spouse is or becomes
34 the dependent of another person payable until the
35 youngest child reaches age 18. If more than one
36 child under 18 years of age is eligible for this
37 benefit, it shall be divided equally among them.

38 2. Benefit upon death of judge. Upon the death
39 of a judge, 3/8 of the currently effective annual
40 salary shall be paid as follows:

1 A. To the surviving spouse, as long as that
2 spouse is not the dependent of another person; or

3 B. To the child or children of the deceased
4 judge under 18 years of age if there is no sur-
5 living spouse or upon the death of the surviving
6 spouse or if the surviving spouse is or becomes
7 the dependent of another person payable until the
8 youngest child reaches age 18. If more than one
9 child under 18 years of age is eligible for this
10 benefit, it shall be divided equally among them.

11 Sec. 16. 39 MRSA §91, sub-§3, as amended by PL
12 1983, c. 530, §12, is repealed and the following en-
13 acted in its place:

14 3. Salary; expenses; retirement. Salaries of
15 commissioners are as provided in Title 2, section 7,
16 subsection 2. Members of the commission shall re-
17 ceive their actual, necessary, cash expenses while
18 away from their offices on official business of the
19 commission. Commissioners who elect to join the
20 Maine State Retirement System may receive credit for
21 their creditable service as a member of the Maine
22 State Retirement System prior to July 1, 1983, pro-
23 vided they make a deposit in the Members Contribution
24 Fund as provided in Title 5, section 1094, subsection
25 10. Service shall be credited in accordance with the
26 provisions of Title 5, section 1094, subsection 10.
27 Any service as a commissioner from July 1, 1983 to
28 July 31, 1984 shall be allowed as creditable service
29 for all purposes in the Maine State Retirement System
30 without further contribution.

31 Sec. 17. Nonseverability. Notwithstanding the
32 provisions of the Revised Statutes, Title 1, section
33 71, subsection 8, it is the intent of the Legislature
34 that each section of this Part be deemed to be essen-
35 tially and inseparably connected with and dependent
36 on every other section of this Part.

37 Sec. 18. Effective date. The effective date of
38 this Part is August 1, 1984.

1 PART D

2 Sec. 1. 3 MRSA §2-A, as amended by PL 1983, c.
3 101, is further amended to read:

4 §2-A. State Compensation Commission

5 1. State Compensation Commission established.
6 There is established the State Compensation Commis-
7 sion, to consist of 5 members appointed in January of
8 every odd-numbered year as follows: Two members shall
9 be appointed by the President of the Senate; 2 mem-
10 bers shall be appointed by the Speaker of the House;
11 and one member shall be appointed by a majority of
12 the preceding 4 commissioners, and shall serve as
13 chairman of the commission. The 5 members shall be
14 residents of the State, appointed from the public. No
15 one may be appointed who is a Legislator at the time
16 of his appointment.

17 All members shall be appointed for a term to coincide
18 with the legislative biennium. Vacancies shall be
19 filled in the same manner as the original appoint-
20 ments, for the balance of the unexpired term.

21 The commission may request staff support from the
22 Legislative Council.

23 The members of the commission shall be paid a per di-
24 em, expenses and allowances at the same rate as Leg-
25 islators.

26 2. Duties of commission. Not later than May 1st
27 of every odd-numbered year and January 15th of every
28 even-numbered year, the commission shall submit to
29 the Legislature a an interim report of the commission
30 and not later than November 15th of every even-
31 numbered year, a final report of the commission .
32 The ~~report~~ reports shall contain: A description of
33 the commission's activities; the recommendations of
34 the commission; the reasons for its recommendations;
35 drafts of any legislation required to implement its
36 recommendations; and any other material that commis-
37 sion members may wish to submit.

38 Prior to reporting as required in this subsection,
39 and subsequent to giving public notice, the commis-

1 sion shall hold a public hearing on the report. Sub-
2 sequent to reporting, the commission shall meet, if
3 requested, with the Governor, the Legislative Council
4 and legislative committees to discuss the report.

5 The report shall contain recommendations for: All
6 compensation of justices and judges, constitutional
7 officers, Legislators, Clerk of the House of Repre-
8 sentatives, Secretary of State and representatives of
9 Indian tribes, including, but not limited to, all
10 payments for salaries, meals, housing, travel, mile-
11 age, constituent services and all other expenses and
12 allowances, including additional payments made for
13 additional services by any justice, judge, constitu-
14 tional officer, President of the Senate, Speaker of
15 the House of Representatives and members of legisla-
16 tive leadership. The report may contain other recom-
17 mendations.

18 The report shall contain recommendations for: All
19 compensation of the Governor, justices and judges,
20 constitutional officers, Legislators, Clerk and As-
21 stant Clerk of the House of Representatives, Secre-
22 tary and Assistant Secretary of the Senate and repre-
23 sentatives of Indian tribes, including, but not lim-
24 ited to, all payments for salaries, meals, housing,
25 travel, mileage, constituent services and all other
26 expenses and allowances, including additional pay-
27 ments made for additional services by any justice,
28 judge, constitutional officer, President of the Sen-
29 ate, Speaker of the House of Representatives and mem-
30 bers of legislative leadership. The report may con-
31 tain other recommendations.

32 Sec. 2. Effective date. The effective date of
33 this Part is December 1, 1984.

34 STATEMENT OF FACT

35 This bill incorporates the legislative changes
36 necessary to implement the recommendations of the
37 State Compensation Commission. The commission estab-
38 lished pursuant to the Revised Statutes, Title 3,
39 section 2-A, submitted to the Legislature its recom-
40 mendations concerning changes in the levels of com-
41 pensation for members of the Legislature, the Consti-

1 tutional Officers, and Justices and Judges of the
2 Maine Judiciary. This bill contains those recom-
3 mended changes.

4 Part A: The recommended salary level for Consti-
5 tutional Officers is contained in this Part. The
6 commission recommends the salary for those officers
7 be placed on a pay range, as are commissioners and
8 bureau directors. The range should be set at pay
9 range 90 (\$38,881-\$57,063) during the 112th Legisla-
10 ture and pay range 91, thereafter. The Legislative
11 Council is authorized to set the salary within that
12 pay range.

13 Part B: The commission's recommendations for
14 legislative compensation are contained in Part B.
15 They increase legislative salary from \$10,000 for the
16 biennium to \$11,500; per diem is increased from \$35
17 to \$50 per day; the constituent service expense reim-
18 bursement is increased from \$300 to \$330 annually;
19 and the meals and lodging allowance is increased from
20 \$45 to \$50 daily. In addition, the commission recom-
21 mends that committee chairmen receive a 6.25% salary
22 differential. The commission recommends that the In-
23 dian representatives receive \$77 per day during the
24 regular session, a rate comparable with the proposed
25 annual legislative salary.

26 Part C: This Part contains the recommendations
27 for a major reform in judicial salary and retirement
28 compensation. An Associate Justice of the Supreme
29 Judicial Court will receive the same salary as a
30 Judge in the Federal Court of Appeals. The Chief
31 Justice of the Supreme Judicial Court will receive a
32 5% salary differential. An Associate Justice of the
33 Superior Court will receive the same salary as a
34 Judge in the Federal District Court. The Chief Jus-
35 tice of the Superior Court will receive a 5% salary
36 differential. An Associate Judge of the District
37 Court will receive a salary equal to 96% of the sala-
38 ry of a Judge in the Federal District Court. The
39 Deputy Chief Judge and the Chief Judge will receive a
40 salary differential of 2.5% and 5% respectively. The
41 commission felt that the levels of compensation cor-
42 responded to the comparable level in the Federal Ju-
43 diciary when viewed in terms of duties and responsi-
44 bilities.

1 The remainder of this Part creates a judicial re-
2 irement system established on an actuarially sound ba-
3 sis and administered by the Maine State Retirement
4 System. The plan would require a contribution of
5 6.5% of salary by members of the Judiciary, after Au-
6 gust 1, 1984.

7 A justice or judge will be eligible for retire-
8 ment at age 70 with at least one year of judicial
9 service, at age 60 with 10 or more years of judicial
10 service, or at any age with at least 25 years of ju-
11 dicial service. The benefits for service under the
12 new plan will be calculated by multiplying the years
13 of service times 2% times the average final compensa-
14 tion of the retiring justice or judge. Benefits for
15 judges retiring prior to age 60 with 25 years of ser-
16 vice will be actuarially reduced. Other state service
17 will be allowed in calculating the benefits, but can-
18 not be utilized to qualify for judicial retirement.
19 No judge can receive more than 60% of his average fi-
20 nal compensation in retirement benefits unless he or
21 she qualifies for the minimum benefit. Judges whose
22 age is 50 or more during the first fiscal year of the
23 retirement plan will be guaranteed a minimum benefit
24 of 75% of the salary prior to the effective date of
25 the new salary plan of the position from which they
26 retired. This salary will be adjusted for inflation.
27 The guaranteed minimum will balance out any inequi-
28 ties which might occur because of their limited par-
29 ticipation in the new salary and retirement plan and
30 will ensure their constitutionally guaranteed bene-
31 fits under the old retirement plan.

32 Disability benefits, survivor benefits and acci-
33 dental death benefits are comparable to those cur-
34 rently available for state employees in the Maine
35 State Retirement System.

36 Justices and judges who have already retired as
37 of the effective date of the new salary and retire-
38 ment plan will continue to receive a benefit compara-
39 ble to that which they could have expected to receive
40 under the old salary and retirement plan. Their re-
41 irement benefits will be adjusted annually at a lev-
42 el comparable to what they could have expected prior
43 to the institution of the new salary and retirement
44 plan. Spouses and children who are receiving bene-

1 fits under the old retirement plan or who will be el-
2 igible to receive benefits under the old plan will
3 retain that eligibility. The judicial retirement
4 plan includes Administrative Court Judges. Part C
5 also severs the salary connection between Public
6 Utilities Commissioners and the Judiciary.

7 Part D: This Part amends the authorizing legis-
8 lation for the compensation commission to require
9 earlier appointment of commission members to allow
10 for interim reports and to amend the final reporting
11 date. This will allow sufficient time for the com-
12 mission to complete the necessary research and evalu-
13 ation prior to making its final report to the Legis-
14 lature.

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