

# MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION  
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE  
4

5 Legislative Document

No. 1191

7 H.P. 841

House of Representatives, April 1, 1985

8 Referred to the Committee on Judiciary. Sent up for concurrence and  
9 ordered printed.

10 EDWIN H. PERT, Clerk

Presented by Representative Diamond of Bangor.

11 Cosponsored by Representative Lebowitz of Bangor, Representative  
Baker of Orrington and Senator Baldacci of Penobscot.

12 STATE OF MAINE  
13

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

17 AN ACT Relating to Retirement Compensation  
18 for Judges Who Ceased to Serve Prior  
19 to December 1, 1984.  
20

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

23 Sec. 1. 4 MRSA §1401, as amended by PL 1983, c.  
24 863, Pt. B, §§38 and 45, is further amended to read:

25 §1401. Definitions

26 As used in this chapter, unless the context indi-  
27 cates otherwise, the following terms have the follow-  
28 ing meanings.

29 1. Currently effective annual salary. "Currently  
30 effective annual salary" means the annual salary on  
31 June 30, 1984, of the position from which the judge  
32 retired or ceased to serve, or if he died in office,  
33 the position he held at death, increased on July 1,  
34 1984, and each succeeding July 1st, by 6% of the sal-

1 ary, as adjusted, on the immediately preceding June  
2 30th.

3 2. Judge. "Judge" means any Justice of the Su-  
4 preme Judicial Court or the Superior Court and any  
5 Judge of the District Court who retired or ceased to  
6 serve prior to December 1, 1984, and includes Active  
7 Retired Judges who retired prior to December 1, 1984.  
8 "Judge" also includes any Administrative Court Judge  
9 or any Associate Administrative Court Judge who re-  
10 tired or ceased to serve prior to December 1, 1984.

11 Sec. 2. 4 MRSA §1402, as enacted by PL 1983, c.  
12 853, Pt. C, §§15 and 18, is amended to read:

13 §1402. General provisions

14 The retirement benefits of all judges who retired  
15 or ceased to serve prior to December 1, 1984, shall  
16 be governed by this chapter.

17 Sec. 3. 4 MRSA §1404, as amended by PL 1983, c.  
18 863, Pt. B, §§39 and 45, is repealed and the follow-  
19 ing enacted in its place:

20 §1404. Regular retirement benefits

21 Regular retirement benefits shall be determined  
22 in accordance with this section.

23 1. Eligibility. Eligibility for retirement  
24 shall be determined as follows.

25 A. Any judge who resigned his office or ceased  
26 to serve at the expiration of any term of office,  
27 after attaining the age of 70 years and after  
28 having served on the Supreme Judicial Court, the  
29 Superior Court, the District Court, or any combi-  
30 nation of that service, for at least 7 years, or  
31 after attaining the age of 65 years and after  
32 having served as a judge on those courts for at  
33 least 12 years, or after attaining the age of 60  
34 years and after having served as a judge on those  
35 courts for at least 20 years, shall receive an  
36 annual retirement allowance, as determined by  
37 subsection 2, for the remainder of his life.

1           B. Any judge who has served at least 2 consecu-  
2           tive 7-year terms of office on the Supreme Judi-  
3           cial Court, the Superior Court, the District  
4           Court, or any combination of that service, shall,  
5           upon attaining the age of 65 years, receive an  
6           annual retirement allowance, as determined by  
7           subsection 2, for the remainder of his life.

8           2. Benefits. Any judge eligible for a retire-  
9           ment allowance under subsection 1, shall receive,  
10           during the remainder of his life, whether or not he  
11           is appointed an Active Retired Justice, a retirement  
12           benefit equal to 3/4 of the currently effective annu-  
13           al salary to be paid in the same manner as the sala-  
14           ries of the judges of the court from which he retired  
15           were paid prior to December 1, 1984.

16           3. Termination of retirement allowance. The  
17           right of any judge drawing a retirement benefit to  
18           continue to receive it, or the entitlement of any  
19           judge to receive a retirement benefit upon reaching  
20           the appropriate age, shall cease immediately if he  
21           acts as attorney or counsel or 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           Sec. 4. 4 MRSA §1406, sub-§2, as enacted by PL  
26           1983, c. 853, Pt. C, §§15 and 18, is amended to read:

27           2. Benefit upon death of judge. Upon the death  
28           of a judge eligible for retirement allowance under  
29           section 1404, subsection 1, paragraph B, but who has  
30           not attained the age of 65 years, or a judge receiv-  
31           ing a retirement allowance, 3/8 of the currently ef-  
32           fective annual salary shall be paid as follows:

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

35           B. To the child or children of the deceased  
36           judge under 18 years of age if there is no sur-  
37           viving spouse or upon the death of the surviving  
38           spouse or if the surviving spouse is or becomes  
39           the dependent of another person, payable until  
40           the youngest child reaches age 18. If more than  
41           one child under 18 years of age is eligible for

