

# MAINE STATE LEGISLATURE

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L.D. 1062

2 DATE: *May 20, 1997*

(Filing No. S-286)

4  
6 JUDICIARY

8 Reported by: *Majority*

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14 STATE OF MAINE  
SENATE  
16 118TH LEGISLATURE  
FIRST SPECIAL SESSION

18 COMMITTEE AMENDMENT "*A*" to S.P. 322, L.D. 1062, Bill, "An  
20 Act to Implement the Recommendations of the Judicial Compensation  
Commission"

22 Amend the bill in section 1 in subsection 1 in the last line  
24 (page 1, line 10 in L.D.) by striking out the following:  
"\$115,000" and inserting in its place the following: '\$111,000'

26 Further amend the bill in section 2 in paragraph A (page 1,  
28 line 16 in L.D.) by striking out the following: "\$100,000" and  
inserting in its place the following: '\$96,000'

30 Further amend the bill in section 4 in subsection 1 in the  
32 last line (page 1, line 49 in L.D.) by striking out the  
following: "\$98,000" and inserting in its place the following:  
34 '\$94,000'

36 Further amend the bill in section 5 in paragraph A (page 2,  
line 5 in L.D.) by striking out the following: "\$94,000" and  
38 inserting in its place the following: '\$90,000'

40 Further amend the bill in section 6 in that part designated  
"§104-A." in the first paragraph in 4th line (page 2, line 17 in  
42 L.D.) by striking out the following: "\$300" and inserting in its  
place the following: '\$250'

44 Further amend the bill in section 6 in that part designated  
46 "§104-A." in the first paragraph in 5th line (page 2, line 18 in  
L.D.) by striking out the following: "\$180" and inserting in its  
48 place the following: '\$150'

50 Further amend the bill in section 7 in subsection 2 in the  
last line (page 2, line 29 in L.D.) by striking out the

**COMMITTEE AMENDMENT**

## COMMITTEE AMENDMENT "A" to S.P. 322, L.D. 1062

following: "\$98,000" and inserting in its place the following:  
 '\$94,000'

Further amend the bill in section 8 in subsection 3 in the last line (page 2, line 37 in L.D.) by striking out the following: "\$96,000" and inserting in its place the following: '\$92,000'

Further amend the bill in section 9 in paragraph A (page 2, line 43 in L.D.) by striking out the following: "\$94,000" and inserting in its place the following: '\$90,000'

Further amend the bill in section 10 in that part designated "\$157-D." in the first paragraph in the 4th line (page 3, line 4 in L.D.) by striking out the following: "\$300 per day or \$90 \$180" and inserting in its place the following: '\$250 per day or \$90 \$150'

Further amend the bill in section 11 in paragraph H in the 6th line from the end (page 3, line 36 in L.D.) by striking out the following: "\$300 a day or \$45 \$180" and inserting in its place the following: '\$250 a day or \$45 \$150'

Further amend the bill in section 12 by striking out all of subsections 3 and 3-A (page 4, lines 26 to 38 in L.D.) and inserting in their place the following:

**3. Maximum benefit.** No A judge in service on December 1, 1984, or appointed on or after December 1, 1984, may not receive a benefit which that exceeds 60% of his average final compensation, not including adjustments under section 1358, except as provided in subsection 4 the maximum benefit calculated for that judge. The maximum benefit must be calculated as follows:

A. Divide the judge's service credit available under section 1302 earned prior to July 1, 1997 by the total years of service credit available to the judge under section 1302 and multiply the quotient by 60%;

B. Divide the judge's service credit available under section 1302 earned on and after July 1, 1997 by the total years of service credit available to the judge under section 1302 and multiply the quotient by 70%; and

C. Add the 2 quotients. The sum of the 2 quotients is the percentage of the judge's average final compensation that is the amount of the maximum benefit payable to the judge.

The maximum benefit calculation is used to establish the maximum benefit payable at time of retirement, which is thereafter

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COMMITTEE AMENDMENT "A" to S.P. 322, L.D. 1062

2 subject to adjustment under section 1358. The maximum benefit  
3 limitation does not apply in the calculation or payment of  
4 benefits under subsection 4.'

6 Further amend the bill by inserting after section 13 the following:

8 'Sec. 14. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

10 **1997-98** **1998-99**  
12 **JUDICIAL DEPARTMENT**  
14 **Courts - Supreme, Superior, District**  
16 **and Administrative**

18 Personal Services \$686,507 \$859,731

20 Provides funds to increase  
22 judicial compensation, to  
24 increase the per diem rate  
26 for active retired judges and  
to increase judicial  
retirement benefits.'

28 Further amend the bill by inserting at the end before the summary the following:

30  
32 **FISCAL NOTE**

34 **1997-98** **1998-99**  
36 **APPROPRIATIONS/ALLOCATIONS**

38 General Fund \$686,507 \$859,731

40  
42 This bill includes General Fund appropriations of \$686,507 in fiscal year 1997-98 and \$859,731 in fiscal year 1998-99 to fund the additional compensation and retirement costs of the  
44 Judicial Department.

46 The Judicial Department will incur additional costs of \$389,460 and \$469,229 in fiscal years 1997-98 and 1998-99, respectively, to increase compensation levels for judges and  
48 justices and \$43,268 and \$52,130 in fiscal years 1997-98 and

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COMMITTEE AMENDMENT "A" to S.P. 322, L.D. 1062

2 1998-99, respectively, to raise the per diem rate for active  
 4 retired judges. The prospective increases in the maximum benefit  
 6 limitation from 60% to 70% and the benefit accrual rate from 2%  
 8 to 3% per year of judicial service will increase the employer  
 share of the normal cost of retirement for judges by 7.09% of  
 salary. The total costs associated with these increases in the  
 employer share are \$253,779 in fiscal year 1997-98 and \$338,372  
 in fiscal year 1998-99.'

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**SUMMARY**

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This amendment is the majority report of the Joint Standing  
 Committee on Judiciary. It reduces the salary increases for  
 16 judges and justices from those recommend by the Judicial  
 Compensation Commission. It avoids any unfunded liability for  
 18 the judicial retirement system by establishing a "blended cap" on  
 retirement benefits, applying the 70% cap to only the service  
 20 credit earned on or after July 1, 1997. It also adds an  
 appropriation section and a fiscal note to the bill.

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**COMMITTEE AMENDMENT**