

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

Legislative Document

No. 1062

S.P. 322

In Senate, February 13, 1997

**An Act to Implement the Recommendations of the Judicial
Compensation Commission.**

Reported by Senator Longley for the Judicial Compensation Commission pursuant to the
Maine Revised Statutes, Title 4, section 1701.

Reference to the Committee on Judiciary suggested and ordered printed under Joint Rule
218.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

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

2
4 **Sec. 1. 4 MRSA §4, sub-§1**, as amended by PL 1983, c. 863, Pt. B, §§5 and 45, is further amended to read:

6 **1. Chief justice; salary.** The Chief Justice of the Supreme
8 Judicial Court ~~shall is entitled to~~ receive a salary equal ~~to~~
10 ~~105% of the salary of an Associate Justice of the Supreme~~
12 ~~Judicial Court, for fiscal year 1997-98 and thereafter, of~~
14 \$115,000.

12 **Sec. 2. 4 MRSA §4, sub-§2, ¶A**, as repealed and replaced by PL
14 1989, c. 596, Pt. C, §§1 and 8, is repealed and the following
16 enacted in its place:

16 A. For fiscal year 1997-98 and thereafter, \$100,000.

18 **Sec. 3. 4 MRSA §4, sub-§2-A**, as amended by PL 1993, c. 410,
20 Pt. X, §1, is further amended to read:

22 **2-A. Cost-of-living adjustment.** Effective July 1, 1991,
24 ~~1998 and every July 1st thereafter except July 1, 1992, July 1,~~
26 ~~1993 and July 1, 1994,~~ the State Court Administrators
28 Administrator shall adjust the salaries of the State's chief
30 justices, chief judge, deputy chief judge, associate justices and
32 associate judges by any percentage change in the Consumer Price
34 Index from January 1st to December 31st of the previous year, but
36 only to a maximum increase of 4%. The State Court Administrator
38 shall determine the cost of these adjustments; notify the State
40 Budget Officer and the Director of the Office of Fiscal and
42 Program Review of these costs; and include them in the Judicial
44 Department's budget requests, as necessary. For purposes of this
46 subsection, "Consumer Price Index" means the Consumer Price Index
48 for Urban Wage Earners and Clerical Workers: United States City
50 Average, All items, 1967=100, as compiled by the United States
 Department of Labor, Bureau of Labor Statistics or, if the index
 is revised or superseded, the Consumer Price Index is the index
 represented by the Bureau of Labor Statistics as reflecting most
 accurately changes in the purchasing power of the dollar by
 consumers. ~~A cost-of-living adjustment may not be made for~~
 ~~fiscal year 1992-93, fiscal year 1993-94 or fiscal year 1994-95.~~

44 **Sec. 4. 4 MRSA §102, sub-§1**, as amended by PL 1983, c. 863,
46 Pt. B, §§6 and 45, is further amended to read:

46 **1. Chief justice; salary.** The Chief Justice of the
48 Superior Court ~~shall is entitled to~~ receive a salary equal ~~to~~
50 ~~105% of the salary of an Associate Justice of the Superior Court,~~
 for fiscal year 1997-98 and thereafter, of \$98,000.

2 **Sec. 5. 4 MRSA §102, sub-§2, ¶A**, as repealed and replaced by
PL 1989, c. 596, Pt. C, §2, is repealed and the following enacted
in its place:

4 A. For fiscal year 1997-98 and thereafter, \$94,000.

6 **Sec. 6. 4 MRSA §104-A**, as amended by PL 1989, c. 501, Pt. O,
8 §14 and affected by PL 1991, c. 824, Pt. B, §§13 and 14, is
further amended to read:

10 **§104-A. Per diem compensation for Active Retired Superior Court**
12 **Justices**

14 Any Active Retired Justice of the Superior Court, who
performs judicial service at the direction and assignment of the
16 Chief Justice of the Supreme Judicial Court, shall--be is
compensated for those services at the rate of \$150 ~~\$300~~ per day
18 or \$90 ~~\$180~~ per 1/2 day, provided that the total per diem
compensation and retirement pension received by an Active Retired
20 Justice of the Superior Court in any calendar year does not
exceed the annual salary of a Justice of the Superior Court.

22 **Sec. 7. 4 MRSA §157, sub-§2**, as repealed and replaced by PL
24 1983, c. 863, Pt. B, §§7 and 45, is amended to read:

26 **2. Chief Judge; salary.** The Chief Judge of the District
Court shall is entitled to receive a salary equal ~~to 105% of the~~
28 ~~salary of an Associate Judge of the District Court,~~ for fiscal
year 1997-98 and thereafter, of \$98,000.

30 **Sec. 8. 4 MRSA §157, sub-§3**, as repealed and replaced by PL
32 1983, c. 863, Pt. B, §§7 and 45, is amended to read:

34 **3. Deputy Chief Judge; salary.** The Deputy Chief Judge of
the District Court shall is entitled to receive a salary equal ~~to~~
36 ~~102.5% of the salary of an Associate Judge of the District Court,~~
for fiscal year 1996-98 and thereafter, of \$96,000.

38 **Sec. 9. 4 MRSA §157, sub-§4, ¶A**, as repealed and replaced by
40 PL 1989, c. 596, Pt. C, §§3 and 8, is repealed and the following
enacted in its place:

42 A. For fiscal year 1997-98 and thereafter, \$94,000.

44 **Sec. 10. 4 MRSA §157-D**, as amended by PL 1989, c. 501, Pt. O,
46 §17 and affected by PL 1991, c. 824, Pt. B, §§13 and 14, is
further amended to read:

48 **§157-D. Active retired judges; compensation**

2 Any Active Retired Judge of the District Court, who performs
3 judicial service at the direction and assignment of the Chief
4 Judge of the District Court, shall-be is compensated for those
5 services at the rate of \$150 \$300 per day or \$90 \$180 per 1/2
6 day, provided that the total per diem compensation and retirement
7 pension received by an Active Retired Judge of the District Court
8 in any calendar year does not exceed the annual salary of a Judge
of the District Court.

10 **Sec. 11. 4 MRSA §1151, sub-§3, ¶H,** as enacted by PL 1987, c.
11 85, §1, is amended to read:

12
13 H. Any Administrative Court Judge who retires or terminates
14 his service on the court in accordance with chapter 27,
15 except for a disability retirement, is eligible for
16 appointment as an Active Retired Judge of the Administrative
17 Court as provided. The Governor, subject to review by the
18 joint standing committee of the Legislature having
19 jurisdiction over judiciary and to confirmation by the
20 Legislature, may appoint any eligible judge to be an Active
21 Retired Judge of the Administrative Court for a period of 7
22 years, unless sooner removed. That judge may be reappointed
23 for a like term. Any judge so appointed and ~~designated~~
24 ~~shall thereupon constitute~~ constitutes a part of the court
25 from which he that judge has retired and shall ~~have~~ has the
26 same jurisdiction and be is subject to the same restrictions
27 therein as before retirement, except ~~that he shall~~ the judge
28 may act only in those cases and matters and hold court only
29 at those sessions and times as ~~he may be~~ directed and
30 assigned by the Administrative Court Judge or by the Chief
31 Justice of the Supreme Judicial Court. An Active Retired
32 Judge of the Administrative Court, who performs judicial
33 service at the direction and assignment of the
34 Administrative Court Judge or the Chief Justice of the
35 Supreme Judicial Court, shall-be is compensated for those
36 services at the rate of \$75 \$300 a day or \$45 \$180 for 1/2
37 day, provided that the total per day compensation and
38 retirement pension received by an Active Retired Judge of
39 the Administrative Court in any calendar year may does not
40 exceed the annual salary of the Associate Judge of the
41 Administrative Court.

42
43 **Sec. 12. 4 MRSA §1352,** as amended by PL 1989, c. 133, §28, is
44 further amended to read:

45 **§1352. Retirement benefits**

46
47 1. **Amount.** The service retirement allowance of a member
48 shall-be is determined under the provisions of this chapter in
49 effect on the member's date of final termination of service.
50

2 Subject to the maximum benefit provided for in subsection 3 and
the minimum benefit provided for in subsection 4, the total
4 amount of the retirement allowance of a member retired in
accordance with section 1351 shall-be is equal to the sum of:

6 A. 1/50 of the member's average final compensation
multiplied by the number of years of his membership service,
8 beginning from December 1, 1984 to June 30, 1997 and
creditable service allowed under section 1302, subsection 3;
10 and

12 B. The earned benefit for prior service as a judge as
determined by subsection 2,; and

14 C. Three percent of the member's average final compensation
16 multiplied by the number of years of membership service
beginning July 1, 1997.

18 **2. Benefit for service prior to December 1, 1984.** The
20 earned benefit for judicial service prior to December 1, 1984,
shall-be is equal to the years of service prior to December 1,
22 1984, not to exceed 10 years, divided by 10, multiplied by 75% of
the salary as of November 30, 1984, for the position from which
24 the judge retired.

26 **3. Maximum benefit for retirement prior to July 1, 1997.**
No A judge in service on December 1, 1984, or appointed on or
28 after December 1, 1984, who retires prior to July 1, 1997 may not
receive a benefit which that exceeds 60% of his the judge's
30 average final compensation, not including adjustments under
section 1358, except as provided in subsection 4.

32 **3-A. Maximum benefit for retirement on or after July 1,**
34 **1997.** A judge in service on December 1, 1984 or appointed on or
after December 1, 1984 who retires on or after July 1, 1997 may
36 not receive a benefit that exceeds 70% of the judge's average
final compensation, not including adjustments under section 1358,
38 except as provided in subsection 4.

40 **4. Minimum benefit.** Each judge in service on December 1,
1984, who is 50 years of age or older on that date shall-be is
42 entitled to a minimum benefit equal to 75% of the salary as of
June 30, 1984, for the position from which the judge retired,
44 increased by 6% compounded annually, for each year or part of a
year served subsequent to June 30, 1984, up to and including June
46 30, 1989. For each year or part of a year served after June 30,
1989, the allowance shall-be is increased by an amount equal to
48 the cost-of-living factor granted the previous September, as
determined pursuant to section 1358, compounded annually.

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