

MAINE STATE LEGISLATURE

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120th MAINE LEGISLATURE

FIRST REGULAR SESSION-2001

Legislative Document

No. 561

H.P. 440

House of Representatives, February 6, 2001

**An Act to Correct the Judicial Retirement Laws Regarding
Administrative Court Judges.**

(EMERGENCY)

Submitted by the Judicial Department pursuant to Joint Rule 204.
Reference to the Committee on Judiciary suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND, Clerk

Presented by Representative LaVERDIERE of Wilton.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

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6 **Whereas,** corrections to the judicial retirement laws need to
be made before the effective date of Public Law 1999, chapter
547, Part B; and

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10 **Whereas,** in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
12 necessary for the preservation of the public peace, health and
safety; now, therefore,

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

16 **Sec. 1. 4 MRSA §1201, sub-§12,** as enacted by PL 1983, c. 853,
18 Pt. C, §§15 and 18 and amended by PL 1999, c. 547, Pt. B, §78 and
affected by §80, is further amended to read:

20 **12. Judge.** "Judge" means a Justice of the Supreme Judicial
22 Court or the Superior Court, any Judge of the District Court, any
~~District~~ Administrative Court Judge or any Associate ~~District~~
24 Administrative Court Judge who is actively serving as of December
1, 1984, or who is appointed subsequent to December 1, 1984, but
26 does not include Active Retired Judges.

28 **Sec. 2. 4 MRSA §1401, sub-§2,** as enacted by PL 1983, c. 853,
Pt. C, §§15 and 18 and amended by PL 1999, c. 547, Pt. B, §78 and
30 affected by §80, is further amended to read:

32 **2. Judge.** "Judge" means any Justice of the Supreme Judicial
Court or the Superior Court and any Judge of the District Court
34 who retired prior to December 1, 1984, and includes Active
Retired Judges who retired prior to December 1, 1984. "Judge"
36 also includes any ~~District~~ Administrative Court Judge or any
Associate ~~District~~ Administrative Court Judge who retired prior
38 to December 1, 1984.

40 **Sec. 3. 4 MRSA §1404,** as amended by PL 1983, c. 863, Pt. B,
§§39 and 45 and PL 1999, c. 547, Pt. B, §78 and affected by §80,
42 is further amended to read:

44 **§1404. Regular retirement benefits**

46 Any judge who resigned ~~his~~ that judge's office or ceased to
serve at the expiration of any term thereof, after attaining the
48 age of 70 years and after having served on the Supreme Judicial
Court, the Superior Court, the District Court, the ~~District~~
50 Administrative Court or any combination of that service, for at

2 least 7 years, or after attaining the age of 65 years and after
3 having served as a judge on those courts for at least 12 years,
4 or after attaining the age of 60 years and after having served as
5 a judge on those courts for at least 20 years, ~~shall~~ is entitled
6 to receive annually during the remainder of his that judge's
7 life, whether or not he that judge is appointed an Active Retired
8 Justice, a retirement benefit equal to 3/4 of the currently
9 effective annual salary to be paid in the same manner as the
10 salaries of the judges of that court from which he that judge
11 retired were paid prior to December 1, 1984. The right of any
12 judge drawing a retirement benefit to continue to receive it
13 shall-eease ceases immediately if he that judge acts as attorney
14 or counsel or in any action or legal proceeding in which the
15 State is an adverse party or has any interest adverse to the
16 person or persons in whose behalf he that judge acts.

17 **Sec. 4. 5 MRSA §18055, sub-§1, ¶C**, as corrected by RR 1999, c.
18 2, §4 and affected by §5, is amended to read:

19 C. Justices of the Supreme Judicial Court and the Superior
20 Court and Judges of the District Court and the
21 Administrative Court; and

22 **Sec. 5. 5 MRSA §18061, sub-§2, ¶B**, as amended by PL 1993, c.
23 386, §4 and PL 1999 c. 547, Pt. B, §78 and affected by §80, is
24 further amended to read:

25 B. The reduction set out in paragraph A, subparagraph (1)
26 does not apply to any Justice of the Supreme Judicial Court
27 or Superior Court, to any Judge of the District Court or
28 ~~District~~ Administrative Court, nor to any retired justice or
29 judge who was insured and who was living on September 14,
30 1979.

31 (1) The initial amount of basic life insurance that
32 continued into retirement for any justice or judge must
33 be continued in force at no cost to the justice or
34 judge until the justice or judge reaches 70 years of
35 age.

36 (2) When a justice or judge reaches 70 years of age,
37 the amount of insurance in force must be reduced to 25%
38 of the initial amount of basic life insurance that
39 continued into retirement. This reduction becomes
40 effective at 12:01 a.m. of the day following the date
41 on which the justice or judge reaches 70 years of age.

42 **Emergency clause.** In view of the emergency cited in the
43 preamble, this Act takes effect March 15, 2001.
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SUMMARY

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This bill corrects inadvertant revisions to judicial retirement laws caused by the merging of the Administrative Court with the District Court. This bill ensures that the judicial retirement laws continue to cover retired Administrative Court judges.

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