

# MAINE STATE LEGISLATURE

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STATE OF MAINE

SENATE

124TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 311, L.D. 803, Bill, "An Act To Authorize an Active Retired Justice or Judge To Conduct Arbitration and Chair Medical Malpractice Screening Panels"

Amend the bill by striking out all of sections 1 and 2 and inserting the following:

'Sec. 1. 4 MRSA §104, as amended by PL 1983, c. 853, Pt. C, §§9 and 18, is further amended to read:

§104. Active retired justices

Any Justice of the Superior Court who has retired from the court under this chapter in effect prior to December 1, 1984, or any Justice of the Superior Court who retires or terminates his that justice's service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Justice of the Superior Court. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, may appoint any eligible justice as an Active Retired Justice of the Superior Court for a term of 7 years, unless sooner removed. That justice may be reappointed for a like term. Any justice so appointed and designated shall thereupon constitute constitutes a part of the court from which he that justice has retired and shall have has the same jurisdiction and be is subject to the same restrictions therein as before retirement, except that he shall. An Active Retired Justice of the Superior Court may serve as an arbitrator and conduct arbitration in accordance with rules that may be adopted by the Supreme Judicial Court, except that nothing in this section requires the Supreme Judicial Court to adopt those rules. An Active Retired Justice of the Superior Court may chair screening panels in accordance with Title 24, chapter 21, subchapter 4-A. An Active Retired Justice of the Superior Court may act only in the cases and matters and hold court only at the terms and times as he may be that justice is directed and assigned to by the Chief Justice of the Supreme Judicial Superior Court. Any Active Retired Justice of the Superior Court may be directed by the Chief Justice to hold any term of the Superior Court in any county and when so directed shall have has authority and jurisdiction therein the same as if he that justice were the regular justice of that court. Whenever the Chief

COMMITTEE AMENDMENT

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Justice of the ~~Supreme Judicial~~ Superior Court so orders, that justice may hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice justice of that Superior Court is authorized to hear and issue. An Active Retired Justice of the Superior Court receives reimbursement for expenses actually and reasonably incurred in the performance of that justice's duties.

Sec. 2. 4 MRSA §157-B, as amended by PL 1983, c. 853, Pt. C, §§12 and 18, is further amended to read:

**§157-B. Active retired judges; appointment**

Any Judge of the District Court who has retired from the court under this chapter prior to December 1, 1984, or any Judge of the District Court who retires or terminates his that judge's service on the court in accordance with chapter 27, except for a disability retirement, is eligible for appointment as an Active Retired Judge of the District Court as provided. The Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over judiciary matters and to confirmation by the Legislature, may appoint any eligible judge to be an Active Retired Judge of the District Court for a term of 7 years, unless sooner removed. That judge may be reappointed for a like term. Any judge so appointed and designated ~~shall thereupon constitute~~ constitutes a part of the court from which ~~he~~ that judge has retired and ~~shall have~~ has the same jurisdiction and ~~be is~~ subject to the same restrictions therein as before retirement, ~~except that he shall.~~ An Active Retired Judge of the District Court may serve as an arbitrator and conduct arbitration in accordance with rules that may be adopted by the Supreme Judicial Court, except that nothing in this section requires the Supreme Judicial Court to adopt those rules. An Active Retired Judge of the District Court may chair screening panels in accordance with Title 24, chapter 21, subchapter 4-A. An Active Retired Judge of the District Court may act only in those cases and matters and hold court only at those sessions and times as he may be that judge is directed and assigned to by the Chief Judge of the District Court. Any Active Retired Judge of the District Court may be directed by the Chief Judge to hold any session of the District Court in any district and when so directed shall have has authority and jurisdiction therein the same as if he that judge were the regular judge of that court; and, whenever the Chief Judge of the District Court so orders, may hear all matters and issue all orders, notices, decrees and judgments that any Judge of that District Court is authorized to hear and issue. An Active Retired Judge shall receive of the District Court receives reimbursement for his expenses actually and reasonably incurred in the performance of his that judge's duties.'

**SUMMARY**

This amendment amends the law to allow an active retired justice or judge to chair medical malpractice screening panels in addition to those retired justices and judges who may perform those duties now. This amendment also would permit the Supreme Judicial Court to adopt rules that would permit an active retired justice or judge to conduct arbitration.

This amendment also includes technical changes to the Maine Revised Statutes, Title 4, section 104 to clarify that the Chief Justice of the Superior Court is authorized to direct and assign an Active Retired Justice of the Superior Court and that an Active Retired

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COMMITTEE AMENDMENT "A" to S.P. 311, L.D. 803

- 1 Justice of the Superior Court is entitled to reimbursement for expenses actually and
- 2 reasonably incurred in the performance of duties. These technical changes also make the
- 3 law as applied to an Active Retired Justice of the Superior Court compatible with Title 4,
- 4 section 157-B regarding an Active Retired Judge of the District Court.

**COMMITTEE AMENDMENT**