

MAINE STATE LEGISLATURE

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EIGHTY-FIRST LEGISLATURE

SENATE

NO. 144

In Senate, Feb. 23, 1923.

Referred to Committee on Judiciary and five hundred copies ordered printed. Sent down for concurrence.

L. ERNEST THORNTON, Secretary.

Presented by Senator Hussey of Aroostook.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND TWENTY-THREE

AN ACT to AMEND Section Seven, Chapter One Hundred and Seventeen, Revised Statutes, as Amended by Chapter Two Hundred and Twenty-six, Public Laws of 1919, and Chapters Seven and Two Hundred and Six, Public Laws of 1921, Relating to the Retirement and Compensation of Judges.

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

Section seven of chapter one hundred seventeen of the
2 revised statutes, as amended by chapter two hundred
3 twenty-six of the public laws of nineteen hundred nineteen,
4 and by chapters seven and two hundred six of the public
5 laws of nineteen hundred twenty-one, is hereby further

6 amended by striking out all of said section and inserting in
7 place thereof the following :

‘Sect. 7. Any justice of the supreme judicial court or any
2 superior court who having attained the age of seventy years
3 and having served as such justice for at least seven con-
4 secutive years resigns his said office, or ceases to serve at
5 the expiration of any term thereof shall be eligible for
6 appointment as an active retired justice of such court as
7 herein after provided.

‘The governor with the advice and consent of the council
2 may upon being notified of the retirement of any such
3 justice under the provisions of this section appoint such
4 justice to be an active retired justice of the supreme judicial
5 court or of the superior court as the case may be, for a
6 term of seven years from such appointment, unless sooner
7 removed, and such justice so appointed and designated
8 shall thereupon constitute a part of the court from which
9 he has retired and shall have the same jurisdiction and be
10 subject to the same restrictions therein as before retirement
11 except that he shall act only in such cases and matters and
12 hold court only at such terms and times as he may be
13 directed and assigned to by the chief justice of the supreme
14 judicial court and said chief justice is hereby empowered
15 and authorized to so assign and designate any such active
16 retired justice of the supreme judicial court as to his ser-
17 vices and may direct as to which term of the law court
18 he shall attend, and which nisi prius term he shall hold in

19 any county. Any active retired justice of either of the
20 superior courts may be directed by such chief justice to
21 hold any term of the superior court in any county and
22 when so directed shall have authority and jurisdiction there-
23 in the same as if he were the regular justice of said court.

‘Said active retired justice so appointed shall receive
2 during the rest of his life a salary equal to three-fourths
3 of that of the regular justice of such court to be paid in
4 the same manner as the salaries of said justices are paid.
5 The provisions of this paragraph shall apply to present
6 and former justices of said courts. Provided, however,
7 that such justice shall within one year after attaining the
8 age of seventy years, and serving as such justice for at
9 least seven consecutive years, cease to serve as such jus-
10 tice. Any justice of the supreme judicial court or superior
11 court, who having attained the age of seventy years, and
12 having served as such justice for at least seven consecutive
13 years, continues to serve as such justice for more than one
14 year shall waive his right to the compensation herein be-
15 fore mentioned and shall make no claim therefor at the
16 close of his term of service as such justice, whether such
17 term of service is ended by resignation or by the expira-
18 tion of the term for which he is appointed.

‘This act shall be effective in the case of any justice of
2 either of said courts now in service who shall reach the age
3 of seventy-one years before this act becomes effective;
4 provided, however, that he shall continue as a justice of

5 either of said courts until after this act becomes a law.
6 Any justice retired under the provisions of this section
7 who is not appointed to be an active retired justice as
8 herein provided shall receive annually an amount equal to
9 one-half of the salary which shall by law be payable
10 annually to the justices of said courts, respectively, during
11 the remainder of the life of such retired justice, to be paid
12 in the same manner as the salaries of the justices of said
13 courts are paid.'