

MAINE STATE LEGISLATURE

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NEW DRAFT

EIGHTY-FIRST LEGISLATURE

SENATE

NO. 161

In Senate, March 1, 1923.

Reported by Mr. Hinckley from Committee on Judiciary and
laid on table to be printed under joint rules.

L. ERNEST THORNTON, Secretary.

Presented by Senator Hinckley of Cumberland.

STATE OF MAINE

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

AN ACT Providing for Retirement of Justices of the Supreme
and Superior Courts and Their Reappointment as Active
Retired Justices.

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 twen-
3 ty-six of the public laws of nineteen hundred nineteen, and
4 by chapters seven and two hundred six of the public laws
5 of nineteen hundred twenty-one, is hereby further amended
6 by striking out all of said section and inserting in place
7 thereof the following:

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

‘The governor with the advice and consent of the council
2 may upon being notified of the retirement of any such jus-
3 tice under the provisions of this section appoint such jus-
4 tice 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 shall
8 thereupon constitute a part of the court from which he has
9 retired and shall have the same jurisdiction and be subject
10 to the same restrictions therein as before retirement except
11 that he shall act only in such cases and matters and hold
12 court only at such terms and times as he may be directed
13 and assigned to by the chief justice of the supreme judicial
14 court and said chief justice is hereby empowered and au-
15 thorized to so assign and designate any such active retired
16 justice of the supreme judicial court as to his services and
17 may direct as to which term of the law court he shall at-
18 tend, and which nisi prius term he shall hold in any county.
19 Any active retired justice of either of the superior courts
20 may be directed by such chief justice to hold any term of

21 the superior court in any county and when so directed shall
22 have authority and jurisdiction therein the same as if he
23 were the regular justice of said court.

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

7 is not appointed to be an active retired justice as herein
8 provided shall receive annually an amount equal to three-
9 fourths of the salary which shall by law be payable annu-
10 ally to the justices of said courts, respectively, during the
11 remainder of the life of such retired justice, to be paid in
12 the same manner as the salaries of the justices of said courts
13 are paid.'