

# MAINE STATE LEGISLATURE

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**EIGHTY-SECOND LEGISLATURE**

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**H. P. No. 203**

**H. D. No. 38**

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House of Representatives, Jan. 29, 1925.

Referred to Committee on Judiciary and 500 copies ordered printed. Sent up for concurrence.

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Curtis of Brewer.

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**STATE OF MAINE**  
**IN THE YEAR OF OUR LORD ONE THOUSAND NINE**  
**HUNDRED AND TWENTY-FIVE**

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AN ACT to Amend Section Seven of Chapter One Hundred and Seventeen of the Revised Statutes, Relating to Compensation of Active Retired Justices.

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

Section seven of chapter one hundred and seventeen of  
2 the revised statutes, as amended by section seven of chap-  
3 ter forty-seven of the public laws of nineteen hundred and  
4 twenty-three is hereby amended by inserting after the word  
5 "paid" in the twenty-ninth line thereof the words: 'and in  
6 addition thereto the sum of twenty-five dollars per day  
7 when and while holding court beyond the limits of the  
8 county in which said justice resides, which said sum shall  
9 include and cover travel and all other expenses; the same

10 to be paid upon filing with the state treasurer a certificate  
11 of the clerk of courts in which said court is held, setting  
12 out the number of days required for holding said court  
13 by said justice,' so that said section as amended shall read  
14 as follows:

'Any justice of the supreme judicial court or any superior  
2 court who having attained the age of seventy years and  
3 having served as such justice for at least seven consecu-  
4 tive years resigns his said office, or ceases to serve at the  
5 expiration of any term thereof, shall be eligible for appoint-  
6 ment as an active retired justice of such court as herein-  
7 after provided. The governor with the advice and consent  
8 of the council may upon being notified of the retirement  
9 of any such justice under the provisions of this section  
10 appoint such justice to be an active retired justice of the  
11 supreme judicial court or of the superior court as the case  
12 may be, for a term of seven years from such appointment,  
13 unless sooner removed, and such justice so appointed and  
14 designated shall thereupon constitute a part of the court  
15 from which he is retired and shall have the same jurisdic-  
16 tion and be subject to the same restrictions therein as be-  
17 fore retirement except that he shall act only in such cases  
18 and matters and hold court only at such terms and times  
19 as he may be directed and assigned to by the chief justice  
20 of the supreme judicial court, and said chief justice is  
21 hereby empowered and authorized to so assign and desig-  
22 nate any such active retired justice of the supreme judicial

23 court as to his services and may direct as to which term  
24 of the law court he shall attend, and which nisi prius term  
25 he shall hold in any county. Any active retired justice of  
26 either of the superior courts may be directed by such chief  
27 justice to hold any term of the superior court in any county  
28 and when so directed shall have authority and jurisdiction  
29 therein the same as if he were the regular justice of said  
30 court. Said active retired justice so appointed shall re-  
31 ceive during the rest of his life a salary equal to three-  
32 fourths of that of the regular justice of such court, to be  
33 paid in the same manner as the salaries of said justices are  
34 paid and in addition thereto the sum of twenty-five dollars  
35 per day when and while holding court, beyond the limits  
36 of the county in which said justice resides, which said sum  
37 shall include and cover travel and all other expenses; the  
38 same to be paid upon filing with the state treasurer a cer-  
39 tificate of the clerk of courts in which said court is held  
40 setting out the number of days required for holding said  
41 court by said justice. The provisions of this paragraph  
42 shall apply to present and former justices of said courts.  
43 Provided, however, that such justice shall within one year  
44 after attaining the age of seventy years, and serving as  
45 such justice for at least seven consecutive years, cease to  
46 serve as such justice. Any justice of the supreme judicial  
47 court or superior court, who having attained the age of  
48 seventy years, and having served as such justice for at least  
49 seven consecutive years, continues to serve as such justice

50 for more than one year shall waive his rights to the com-  
51 pensation hereinbefore mentioned and shall make no claim  
52 therefor at the close of his term of service as such justice,  
53 whether such term of service is ended by resignation or  
54 by the expiration of the term for which he is appointed.  
55 This act shall be effective in the case of any justice of  
56 either of said courts now in service who shall reach the  
57 age of seventy-one years before this act becomes effective;  
58 provided, however, that he shall continue as a justice of  
59 either of said courts until after this act becomes a law.  
60 Any justice retired under the provisions of this section who  
61 is not appointed to be an active retired justice as herein  
62 provided shall receive annually an amount equal to three-  
63 fourths of the salary which shall by law be payable an-  
64 nually to the justices of said courts, respectively, during  
65 the remainder of the life of such retired justice, to be paid  
66 in the same manner as the salaries of the justices of said  
67 courts are paid.'