

MAINE STATE LEGISLATURE

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EIGHTY-THIRD LEGISLATURE

House Document

No. 135

H. P. 526

House of Representatives, Feb. 11, 1927.

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

CLYDE R. CHAPMAN, Clerk.

Presented by Mr. Wing of Auburn.

STATE OF MAINE

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

AN ACT Relating to Active Retired Justices of the Supreme
Judicial Court.

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 chapter forty-seven of
3 the public laws of nineteen hundred and twenty-three, is
4 hereby amended by inserting in the twentieth line thereof
5 after the words "in any county" the following: 'and if the
6 chief justice so orders, he may hear all matters and issue
7 all orders, notices, decrees, and judgments, in vacation that
8 any justice of the supreme judicial court is authorized to
9 hear or issue, either at law or in equity,' so that said sec-
10 tion when amended shall read as follows:

'Sect. 7. *Justices eligible to retirement may be appointed
2 as active retired justices; tenure; duties and authority; com-
3 pensation fixed; act effective as to justices now in service.*

4 Any justice of the supreme judicial court or any superior
5 court who having attained the age of seventy years and
6 having served as such justice for at least seven consecutive
7 years resigns his said office, or ceases to serve at the ex-
8 piration of any term thereof, shall be eligible for appoint-
9 ment as an active retired justice of such court as herein-
10 after provided. The governor with the advice and consent
11 of the council may upon being notified of the retirement
12 of any such justice under the provisions of this section ap-
13 point such justice to be an active retired justice of the su-
14 preme judicial court or of the superior court as the case
15 may be, for a term of seven years from such appointment,
16 unless sooner removed, and such justice so appointed and
17 designated shall thereupon constitute a part of the court
18 from which he has retired and shall have the same juris-
19 diction and be subject to the same restrictions therein as
20 before retirement, except that he shall act only in such cases
21 and matters and hold court only at such terms and times
22 as he may be directed and assigned to by the chief justice
23 of the supreme judicial court, and said chief justice is here-
24 by empowered and authorized to so assign and designate
25 any such active retired justice of the supreme judicial court
26 as to his services and may direct as to which term of the
27 law court he shall attend, and which *nisi prius* term he shall

28 hold in any county, and if the chief justice so orders, he
29 may hear all matters, and issue all orders, notices, decrees,
30 and judgments in vacation that any justice of the supreme
31 judicial court is authorized to hear or issue, either at law
32 or in equity. Any active retired justice of either of the
33 superior courts may be directed by such chief justice to
34 hold any term of the superior court in any county and
35 when so directed shall have authority and jurisdiction there-
36 in the same as if he were the regular justice of said court.
37 Said active retired justice so appointed shall receive during
38 the rest of his life a salary equal to three-fourths of that
39 of the regular justice of such court, to be paid in the same
40 manner as the salaries of said justices are paid. The pro-
41 visions of this paragraph shall apply to present and former
42 justices of said courts. Provided, however, that such jus-
43 tice shall within one year after attaining the age of seventy
44 years, and serving as such justice for at least seven con-
45 secutive years, cease to serve as such justice. Any justice
46 of the supreme judicial court or superior court, who hav-
47 ing attained the age of seventy years, and having served
48 as such justice for at least seven consecutive years, con-
49 tinues to serve as such justice for more than one year shall
50 waive his right to the compensation hereinbefore mentioned
51 and shall make no claim therefor at the close of his term
52 of service as such justice, whether such term of service is
53 ended by resignation or by the expiration of the term for
54 which he is appointed. This act shall be effective in the

55 case of any justice of either of said courts now in service
56 who shall reach the age of seventy-one years before this
57 act becomes effective; provided, however, that he shall con-
58 tinue as a justice of either of said courts until after this
59 act becomes a law. Any justice retired under the pro-
60 visions of this section who is not appointed to be an active
61 retired justice as herein provided shall receive annually an
62 amount equal to three-fourths of the salary which shall by
63 law be payable annually to the justices of said courts, re-
64 spectively, during the remainder of the life of such retired
65 justice, to be paid in the same manner as the salaries of the
66 justices of said courts are paid.'