

# MAINE STATE LEGISLATURE

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# EIGHTY - THIRD LEGISLATURE

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**Senate Document**

**No. 30**

S. P. 88

In Senate, Feb. 2, 1927.

Referred to Committee on Judiciary and 1000 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Oakes of Cumberland.

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## STATE OF MAINE

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

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AN ACT to Amend Section Seven of Chapter One Hundred and Seventeen as Amended by Chapter Forty-seven of the Public Laws of Nineteen Hundred and Twenty-three.

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

Section 1. Section seven of chapter one hundred and  
2 seventeen of the revised statutes as amended by chapter  
3 forty-seven of the public laws of nineteen hundred and  
4 twenty-three is hereby amended by substituting for the word  
5 "superior" wherever it appears in said section the word  
6 'circuit.'

Sect. 2. Section seven of said chapter one hundred and  
2 seventeen as amended is also further amended by inserting  
3 after the words "Justices of said Court" in the twenty-fourth

4 line of said section the following: 'Any active retired Justice  
5 of said Circuit Court whenever such Chief Justice so orders  
6 may hear all matters and issue all orders, notices, decrees,  
7 and judgments in vacation that any Justice of said Circuit  
8 Court is authorized to hear and issue,' so that said section,  
9 when amended, shall read as follows:

'Sect. 7. *Justices Eligible to Retirement May Be Ap-*  
2 *pointed as Active Retired Justices; Tenure; Duties and*  
3 *Authority; Compensation Fixed; Act Effective as to Justices*  
4 *Now in Service.* Any Justice of the supreme Judicial Court  
5 or any Circuit Court who having attained the age of seventy  
6 years and having served as such Justice for at least seven  
7 consecutive years resigns his said office, or ceases to serve  
8 at the expiration of any term thereof, shall be eligible for  
9 appointment as an active retired Justice of such court as  
10 hereinafter provided. The Governor with the advice and  
11 consent of the council may upon being notified of the retire-  
12 ment of any such Justice under the provisions of this section  
13 appoint such Justice to be an active retired Justice of the  
14 Supreme Judicial Court or of the Circuit 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 jurisdic-  
19 tion and be subject to the same restrictions therein as before  
20 retirement, except that he shall act only in such cases and  
21 matters and hold court only at such terms and times as he

22 may be directed and assigned to by the Chief Justice of the  
23 Supreme Judicial Court, and said Chief Justice is hereby  
24 empowered and authorized to so assign and designate any  
25 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. Any active retired Justice of either  
29 of the Circuit Courts may be directed by such Chief Justice  
30 to hold any term of the Circuit Court in any county and  
31 when so directed shall have authority and jurisdiction there-  
32 in the same as if he were the regular Justice of said Court.  
33 Any active retired Justice of said Circuit Court whenever  
34 such Chief Justice so orders may hear all matters and issue  
35 all orders, notices, decrees, and judgments in vacation that  
36 any Justice of said Circuit Court is authorized to hear and  
37 issue. Said active retired Justice so appointed shall receive  
38 during the rest of his life a salary equal to three-fourths of  
39 that of a regular Justice of such Court, to be paid in the  
40 same manner as the salaries of said Justices are paid. The  
41 provisions of this paragraph shall apply to present and  
42 former Justices of said Courts. Provided, however, that  
43 such Justice shall within one year after attaining the age  
44 of seventy years, and serving as such Justice for at least  
45 seven consecutive years, cease to serve as such Justice.  
46 Any Justice of the Supreme Judicial Court or Circuit Court,  
47 who having attained the age of seventy years, and having  
48 served as such Justice, for at least seven consecutive years,

49 continues to serve as such Justice for more than one year  
50 shall waive his right to the compensation hereinbefore men-  
51 tioned and shall make no claim therefor at the close of his  
52 term of service as such Justice, whether such term of serv-  
53 ice is ended by resignation or by the expiration of the term  
54 for 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 act  
57 becomes effective; provided, however, that he shall continue  
58 as a Justice of either of said Courts until after this act  
59 becomes a law. Any Justice retired under the provisions  
60 of this section who is not appointed to be an active retired  
61 Justice as herein provided shall receive annually an amount  
62 equal to three-fourths of the salary which shall by law be  
63 payable annually to the Justices of said Courts, respectively,  
64 during the remainder of the life of such retired Justice, to  
65 be paid in the same manner as the salaries of the Justices of  
66 said Courts are paid.'