## MAINE STATE LEGISLATURE

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## NINETY-FIRST LEGISLATURE

## Legislative Document

No. 24

H. P. 19

House of Representatives, January 19, 1943.
Referred to Committee on Judiciary. Sent up for concurrence.

HARVEY R. PEASE, Clerk.
Presented by Mr. Maxwell of Bangor.

## STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED FORTY-THREE

AN ACT Relating to Active Retired Justices of the Supreme Judicial and Superior Courts.

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

R. S. c. 91, § 76, amended. Section 76 of chapter 91 of the revised statutes is hereby amended to read as follows:

'Sec. 76. Active retired justices of supreme judicial and superior courts. Any justice of the supreme judicial court or of the superior court who having attained the age of 70 years and having served as such justice on either or both of said courts for at least 7 consecutive years resigns his said office, or ceases to serve at the expiration of any term thereof, shall be eligible for appointment as an active retired justice of such the court from which he so resigns or ceases to serve as hereinafter provided. The governor with the advice and consent of the council may upon being notified of the retirement of any such justice under the provisions of this section appoint such justice to be an active retired justice of the supreme judicial court or of the superior court as the case may be, for a term of 7 years from such appointment, unless sooner removed, and such justice so appointed and designated shall thereupon constitute a part of the court from which he has retired and shall have the same jurisdiction and be subject to the same restrictions therein as before retirement, except that he shall act only

in such cases and matters and hold court only at such terms and times as he may be directed and assigned to by the chief justice of the supreme judicial court, and said chief justice is hereby empowered and authorized to so assign and designate any such active retired justice of the supreme judicial court as to his services and may direct as to which term of the law court he shall attend, and if the chief justice so orders, he may hear all matters and issue all orders, notices, decrees, and judgments in vacation that any justice of the supreme judicial court or of the superior court is authorized to hear or issue, either at law or in equity. Any active retired justice of the superior court may be directed by the chief justice to hold any term of the superior court in any county and when so directed shall have authority and jurisdiction therein the same as if he were the regular justice of said court; and whenever the chief justice of the supreme judicial court so orders, may hear all matters and issue all orders, notices, and decrees and judgments in vacation that any justice of said superior court is authorized to hear and issue.

The provisions of this paragraph shall apply to the present and former justices of said courts. Provided, however, that such justice shall within I year after attaining the age of 70 years, and serving as such justice for at least 7 consecutive years, cease to serve as such justice.'