

MAINE STATE LEGISLATURE

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N I N E T Y - S E V E N T H L E G I S L A T U R E

Legislative Document

No. 1067

S. P. 371

In Senate, March 1, 1955.

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

CHESTER T. WINSLOW, Secretary.

Presented by Senator Reid of Kennebec.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-FIVE

AN ACT Relating to Reserve List for Justices of Supreme Judicial and Superior Courts on Retirement.

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

Sec. 1. R. S., c. 103, § 5, amended. The 1st sentence of section 5 of chapter 103 of the revised statutes is hereby amended to read as follows:

'Any Justice of the Supreme Judicial Court who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served as a Justice on either the Supreme Judicial Court or the Superior Court, or both, for at least 7 consecutive years, shall receive annually during the remainder of his life ~~whether or not he is appointed an active retired Justice as provided in the following section~~ an amount equal to $\frac{3}{4}$ of the salary which was being paid to him at the termination of his service, to be paid in the same manner as the salaries of the Justices of said court are paid; provided, however, that such Justice shall terminate his service before his 71st birthday, unless he be a Justice who has attained or hereafter shall attain the age of 70 years during his continuance in office as such Justice under an appointment made prior to August 6, 1949, in which case to be entitled to compensation as aforesaid he shall terminate his service before his 72nd birthday.'

Sec. 2. R. S., c. 103, § 6, repealed and replaced. Section 6 of chapter 103 of the revised statutes is hereby repealed and the following enacted in place thereof:

'**Sec. 6. Reserve list.** Any Justice of the Supreme Judicial Court who has retired under the provisions of the preceding section shall be placed upon a reserve list by the Chief Justice. He may act in such cases and matters and hold

court only at such terms and times as the Chief Justice may assign and direct. When so assigned and directed he shall constitute a part of the court, whether Supreme Judicial or Superior, and shall have the same jurisdiction and be subject to the same restrictions therein as if he were not retired. The Chief Justice is empowered and authorized to so assign and designate such Justice 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 is authorized to hear or issue, either at law or in equity; and may direct such 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 so orders, may hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice of the Superior Court is authorized to hear and issue.

Such Justice shall, in addition to any retirement benefits he may receive, be paid \$20 per day spent in the performance of his assigned duties, and all necessary expenses.'

Sec. 3. R. S., c. 106, § 4, repealed and replaced. Section 4 of chapter 106 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 4. Reserve list. Any Justice of the Superior Court who has retired under the provisions of the preceding section shall be placed upon a reserve list by the Chief Justice of the Supreme Judicial Court. He may act in such cases and matters and hold court only at such terms and times as the Chief Justice may assign and direct. When so assigned and directed he shall constitute a part of the Superior Court, and shall have the same jurisdiction and be subject to the same restrictions therein as if he were not retired. The Chief Justice is empowered and authorized to direct such 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 so orders, may hear all matters and issue all orders, notices, decrees and judgments in vacation that any Justice of said Superior Court is authorized to hear and issue.

Such Justices shall, in addition to any retirement benefits he may receive, be paid \$20 per day spent in the performance of his assigned duties, and all necessary expenses.'