

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**  
AS PASSED BY THE

**ONE HUNDRED AND TENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
December 3, 1980 to June 19, 1981

**AND AT THE**

**FIRST SPECIAL SESSION**  
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN  
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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION

of the  
ONE HUNDRED AND TENTH LEGISLATURE

1981

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

**Sec. 1.** 15 MRSA § 2114, as amended by PL 1979, c. 663, § 109, is repealed and the following enacted in its place:

**§ 2114. Defendant shall make election of jury trial**

**In all Class D and E criminal proceedings, the defendant may waive his right to jury trial and elect to be tried in the District Court, as provided by rule of the Supreme Judicial Court. An appeal to the Superior Court following trial and conviction in the District Court shall be only on questions of law.**

**Sec. 2. Effective date.** This Act shall be effective on January 1, 1982, provided that the Supreme Judicial Court is authorized to take necessary action to provide for the implementation of the Act upon enactment.

Effective January 1, 1982, unless otherwise indicated

## CHAPTER 488

H. P. 1497 — L. D. 1617

### AN ACT Relating to Retirement for Justices and Judges.

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

**Sec. 1.** 4 MRSA § 5, first ¶, first sentence, as last amended by PL 1971, c. 64, § 1, is further amended to read:

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 years, or after attaining the age of 65 years and after having served as a justice on either of ~~said~~ those courts, or both, for at least 12 years, shall receive annually during the remainder of his life, whether or not he is appointed an Active Retired Justice as provided in section 6, an amount equal to 3/4 of the currently effective annual salary of a Justice or Chief Justice of the Supreme Judicial Court, as the case may be, to be paid in the same manner as the salaries of the justices of ~~said~~ that court are paid.

**Sec. 2.** 4 MRSA § 5, first ¶, as last amended by PL 1971, c. 64, § 1, is further amended by adding after the 3rd sentence a new sentence to read:

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 60 years and after having served as a justice on either the Supreme Judicial Court or the

**Superior Court, or both, for at least 20 years, shall receive annually during the remainder of his life, whether or not he is appointed an Active Retired Justice, as provided in section 6, an amount actuarially equivalent to the benefits he would have received if he had retired at the age of 65 years with 12 years, to be paid in the same manner as the salaries of the justices of that court are paid.**

**Sec. 3. 4 MRSA § 103, first ¶, first sentence, as amended by PL 1975, c. 285, is further amended to read:**

**Any Justice of the Superior 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 such justice or judge on either the Superior Court or the District Court, or both, for at least 7 years, or after attaining the age of 65 years and after having served as such justice or judge on either the Superior Court or the District Court, or both, for at least 12 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective annual salary of a Justice of the Superior Court, to be paid in the same manner as the salaries of the justices of said that court are paid.**

**Sec. 4. 4 MRSA § 103, first ¶, as last amended by PL 1977, c. 564, § 13, is further amended by adding after the 3rd sentence a new sentence to read:**

**Any Justice of the Superior Court who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 60 years and after having served as a justice on either the Superior Court or the District Court, or both, for at least 20 years, shall receive annually during the remainder of his life an amount actuarially equivalent to the benefits he would have received if he had retired at the age of 65 years with 12 years, to be paid in the same manner as the salaries of the justices of that court are paid.**

**Sec. 5. 4 MRSA § 157-A, first ¶, first sentence, as enacted by PL 1973, c. 417, § 2, is amended to read:**

**Any Judge of the District 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 such judge for at least 7 years, or after attaining the age of 65 years and after having served as such judge for at least 12 years, shall receive annually during the remainder of his life an amount equal to 3/4 of the currently effective annual salary of a Judge of the District Court, to be paid in the same manner as the salaries of the judges of said that court are paid.**

**Sec. 6. 4 MRSA § 157-A, first ¶, as enacted by PL 1973, c. 417, § 2, is amended by adding after the 3rd sentence a new sentence to read:**

**Any Judge of the District Court who resigns his office or ceases to serve at the expiration of any term thereof, after attaining the age of 60 years and after having served as a judge of that court for at least 20 years, shall receive annually during the remainder of his life an amount actuarially equivalent to the benefits he would**

have received if he had retired at the age of 65 years with 12 years, to be paid in the same manner as the salaries of the judges of that court are paid.

**Sec. 7. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1982-83

JUDICIAL DEPARTMENT

Personal Services \$42,000

**Sec. 8. Effective date.** This Act shall take effect on July 1, 1982.

Effective July 1, 1982

CHAPTER 489

S. P. 158 — L. D. 366

AN ACT to Provide one Additional Judgeship for the District Court.

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

**Sec. 1.** 4 MRSA § 157, first sentence, as repealed and replaced by PL 1979, c. 544, § 7, is amended to read:

The Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, shall appoint to the District Court 6 judges at large and 15 judges.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1981-82	1982-83
JUDICIAL DEPARTMENT		
Positions	(1)	(1)
Personal Services	\$36,400	\$39,300
All Other	5,500	5,900
Total	\$41,900	\$45,200

Effective September 18, 1981