CHAPTER 29

JUDICIAL RETIREMENT PRIOR TO DECEMBER 1, 1984

§1401. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings. [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

1. Currently effective annual salary. "Currently effective annual salary" means the annual salary on June 30, 1984, of the position from which the judge retired, or if the judge died in office, the position that judge held at death, increased on July 1, 1984, and each succeeding July 1st, by 6% of the salary, as adjusted, on the immediately preceding June 30th.
[RR 2021, c. 1, Pt. B, §46 (COR).]

2. Judge. "Judge" means any Justice of the Supreme Judicial Court or the Superior Court and any Judge of the District Court who retired prior to December 1, 1984, and includes Active Retired Judges who retired prior to December 1, 1984. "Judge" also includes any Administrative Court Judge or any Associate Administrative Court Judge who retired prior to December 1, 1984.
[PL 2001, c. 12, §2 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B38,B45 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 12, §2 (AMD). RR 2021, c. 1, Pt. B, §46 (COR).

§1402. General provisions

1. Application. The retirement benefits of all judges who retired prior to December 1, 1984 are governed by this chapter.
[PL 2005, c. 386, Pt. R, §1 (NEW).]

2. Administration. Beginning on the effective date of this subsection, this chapter is administered by the Board of Trustees of the Maine Public Employees Retirement System. The trustees and the system are entitled to rely upon the books, records and reports provided to the board with respect to the payments, liabilities, beneficiary designations and all transactions conducted prior to the effective date of this subsection, and must be indemnified and held harmless by the State with respect to any such matters. On and after the effective date of this subsection, the Board of Trustees of the Maine Public Employees Retirement System is responsible for the payment of the retirement allowance under this section from the pre-1984 judicial retirement fund.
[PL 2005, c. 386, Pt. R, §1 (NEW); PL 2007, c. 58, §3 (REV).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2005, c. 386, §R1 (RPR). PL 2007, c. 58, §3 (REV).

§1403. Funding

1. No contributions. Benefits provided by this chapter are funded solely by the State. No contribution may be required of any judge.
[PL 2005, c. 386, Pt. R, §1 (NEW).]

2. Appropriations. The Board of Trustees of the Maine Public Employees Retirement System shall forward to the Executive Department for inclusion in its budget request an estimate of the amount needed to be appropriated to the pre-1984 judicial retirement fund that will be sufficient, when

combined with the amount in the fund, to provide the benefits payable out of the fund during the ensuing biennium.
[PL 2005, c. 386, Pt. R, §1 (NEW); PL 2007, c. 58, §3 (REV).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 2005, c. 386, §R1 (RPR). PL 2007, c. 58, §3 (REV).

§1404. Regular retirement benefits

Any judge who resigned that judge's office or ceased to serve at the expiration of any term thereof, after attaining the age of 70 years and after having served on the Supreme Judicial Court, the Superior Court, the District Court, the Administrative Court or any combination of that service, for at least 7 years, or after attaining the age of 65 years and after having served as a judge on those courts for at least 12 years, or after attaining the age of 60 years and after having served as a judge on those courts for at least 20 years, is entitled to receive annually during the remainder of that judge's life, whether or not that judge is appointed an Active Retired Justice, a retirement benefit equal to 3/4 of the currently effective annual salary to be paid in the same manner as the salaries of the judges of that court from which that judge retired were paid prior to December 1, 1984. The right of any judge drawing a retirement benefit to continue to receive it ceases immediately if that judge acts as attorney or counsel or in any action or legal proceeding in which the State is an adverse party or has any interest adverse to the person or persons in whose behalf that judge acts. [PL 2001, c. 12, §3 (AMD).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B39,B45 (AMD). PL 1999, c. 547, §B78 (AMD). PL 1999, c. 547, §B80 (AFF). PL 2001, c. 12, §3 (AMD).

§1405. Disability benefits

Any judge who, prior to that judge's retirement age, was unable, by reason of failing health, to perform that judge's duties and who was retired by majority of the justices of the court upon which that judge was sitting when retired must receive annually during the remainder of that judge's life a retirement benefit equal to 3/4 of the currently effective annual salary to be paid in the same manner as the salaries of the judges of that court from which that judge retired were paid prior to July 1, 1984.
[RR 2021, c. 1, Pt. B, §47 (COR).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW). PL 1983, c. 863, §§B40,B45 (AMD). RR 2021, c. 1, Pt. B, §47 (COR).

§1406. Survivor benefits

1. Survivors' benefits. Any spouse or any child or children of a judge who died prior to December 1, 1984, shall continue to receive 3/8 of the currently effective annual salary as follows:

A. To the surviving spouse, as long as that spouse is not the dependent of another person; or [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

B. To the child or children of the deceased judge under 18 years of age if there is no surviving spouse or upon the death of the surviving spouse or if the surviving spouse is or becomes the dependent of another person, payable until the youngest child reaches age 18. If more than one child under 18 years of age is eligible for this benefit, it shall be divided equally among them. [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]
[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

2. Benefit upon death of judge. Upon the death of a judge, 3/8 of the currently effective annual salary shall be paid as follows:

A. To the surviving spouse, as long as that spouse is not the dependent of another person; or [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

B. To the child or children of the deceased judge under 18 years of age if there is no surviving spouse or upon the death of the surviving spouse or if the surviving spouse is or becomes the dependent of another person, payable until the youngest child reaches age 18. If more than one child under 18 years of age is eligible for this benefit, it shall be divided equally among them. [PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

[PL 1983, c. 853, Pt. C, §§ 15, 18 (NEW).]

SECTION HISTORY

PL 1983, c. 853, §§C15,18 (NEW).

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