

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

Sec. 1. 4 MRSA §1201, sub-§9, as amended by PL 1983, c. 863, Pt. B, §§8 and 45, is further amended to read:

9. Earnable compensation. "Earnable compensation" means the annual salary as a judge. Any money paid by the State under an annuity contract for the future benefit of a judge ~~shall~~must be considered part of the judge's earnable compensation. The earnable compensation of a member retired with a disability retirement allowance under section 1353 ~~shall~~must be assumed, for the purposes of determining benefits under this chapter, to be continued after ~~his~~the member's date of termination of service at the same rate as received immediately prior thereto, subject to the same percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 1358. Beginning July 1, 2003, earnable compensation for a judge includes the salary that would have been paid for a judge in the given year if the cost-of-living adjustments in fiscal year 2003-04 and fiscal year 2004-05 had been funded.

Sec. 2. 4 MRSA §1304, as amended by PL 1993, c. 410, Pt. L, §4, is further amended to read:

§ 1304. Employees' contributions

On and after July 1, 1993, each member in service shall contribute at a rate of 7.65% of earnable compensation, except that judges whose earnable compensation includes imputed cost-of-living adjustments under section 1201, subsection 9, shall contribute based on the compensation actually paid.

Sec. 3. Application. This Act applies to judges who retire on or after the effective date of this Act.

Sec. 4. Appropriations and allocations. The following appropriations and allocations are made.

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative 0063

Initiative: Appropriates funds for the increase in the employers' contribution due to the provision that allows judges to include as earnable compensation imputed salary based upon cost-of-living adjustments that were not funded in fiscal year 2003-04 and fiscal year 2004-05.

GENERAL FUND	2007-08	2008-09
Personal Services	\$223,984	\$232,943
GENERAL FUND TOTAL	\$223,984	\$232,943

SUMMARY

This amendment replaces the bill.

This amendment addresses the fact that cost-of-living adjustments were not provided to judges in fiscal year 2003-04 and fiscal year 2004-05. This amendment requires the calculation of compensation for retirement benefits to consider the judges' compensation as including the cost-of-living adjustments. The unfunded liability costs associated with this legislation will be paid from the surplus in the Maine Judicial Retirement System. The employee contribution is based on the compensation actually paid and not on the imputed cost-of-living adjustments.

This amendment applies to judges who retire on or after the effective date of this Act.

This amendment also adds an appropriations and allocations section to the bill.

FISCAL NOTE REQUIRED

(See attached)