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**Public Law**  
124th Legislature  
First Regular Session

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**Chapter 254**  
**S.P. 184 - L.D. 488**

**An Act To Address an Inequity in the Judicial Retirement System**

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

**Sec. 1. 4 MRSA §1201, sub-§9**, as amended by PL 2007, c. 449, §1 and affected by §3, 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 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 must be assumed, for the purposes of determining benefits under this chapter, to be continued after 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 For a member who served as a judge any time between July 1, 2003 and June 30, 2005, earnable compensation ~~for a sitting judge as of June 30, 2005~~ 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. Payment by member.** For any judge or justice who retired prior to September 20, 2007, the salary imputed under this Act may be included in the earnable compensation of a member to whom this Act applies only if the member pays the full actuarial costs of including the imputed salary.

**Sec. 3. Calculation; implementation.** For any judge or justice who elects to make the payment as required by section 2, the Maine Public Employees Retirement System shall recalculate that judge's or justice's retirement benefits based on the effective retirement date of that judge or justice and must include the cost-of-living adjustments as set forth in the Maine Revised Statutes, Title 4, section 1201, subsection 9, as amended by this Act.

**Sec. 4. Retroactivity.** That section of this Act that amends the Maine Revised Statutes, Title 4, section 1201, subsection 9 applies retroactively to September 20, 2007.

Effective September 12, 2009