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**Public Law**  
123rd Legislature  
First Regular Session

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**Chapter 449**  
**S.P. 574 - L.D. 1630**

**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 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 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. 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. Personal Services funds carried forward.** Notwithstanding any other provision of law, up to \$75,000 in unencumbered balance of Personal Services in the Judicial Department's General Fund account in fiscal year 2006-07 does not lapse and may be carried forward into fiscal year 2007-08.

**Sec. 5. 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.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
Personal Services	\$188,147	\$195,672
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GENERAL FUND TOTAL	\$188,147	\$195,672

**Courts - Supreme, Superior, District and Administrative 0063**

Initiative: Deappropriates, on a one-time basis, funds no longer needed in the 2008-09 biennium.

<b>GENERAL FUND</b>	<b>2007-08</b>	<b>2008-09</b>
Personal Services	(\$188,147)	(\$195,672)
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GENERAL FUND TOTAL	(\$188,147)	(\$195,672)

Effective September 20, 2007