

Commission Members

Sandra Featherman, Chair

Edwin Clift

Horace A. Hildreth, Jr.



**JUDICIAL COMPENSATION COMMISSION**

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**DRAFT  
Summary of Meeting of May 22, 2008  
Room 126, State House**

Convened: 1:40 p.m.

Members present: Dr. Sandra Featherman, Chair  
Edwin Clift, Commissioner  
Horace A. Hildreth, Jr., Commissioner

Staff: J. Timothy Leet, Legislative Analyst, Office of Fiscal and Program Review

Others present: Kathy Morin, Manager, Actuarial and Legislative Affairs, Maine Public  
Employees Retirement System  
Colleen McCarthy Reid, Legislative Analyst, Office of Policy and Legal  
Analysis  
Judge Robert Clifford, Judge, Judicial Department  
Judge Michael Westcott, Active Retired Judge, Judicial Department

- Judicial Compensation Commission Chair Sandra Featherman called the meeting to order at 1:40 p.m.
- Commission member introductions were made.
- Chair Featherman proceeded with opening remarks.
- The first item on the agenda was discussion of Active Retired Judge Michael Westcott's letter of September 28, 2007.
- Tim Leet, commission staff, indicated that this letter requests a recalculation of retirement benefits for five retired judges. They are John Atwood, Howard Dana, Jr., Paul Rudman, Ronald Russell and Michael Westcott. The issue is including the authorized but unfunded cost-of-living adjustment of fiscal years 2003-04 and 2004-05 as earned income for the five judges.
- Tim Leet further explained to the commission members that these five judges do not qualify for a recalculation of retirement benefits pursuant to PL 2007, c. 449 because that Act applies to judges who retire on or after September 20, 2007. The above mentioned judges retired prior to September 2007.

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- There was a brief discussion on the intent of PL 2007, c. 449, “An Act To Address an Inequity in the Judicial Retirement System.”
- Kathy Morin, Manager, Actuarial and Legislative Affairs, Maine Public Employees Retirement System, explained to the commission that the request for the five judges is a policy change and the cost implications to do this prospectively is a one-time expense of approximately \$60,000. She stated that this is an unfunded liability. She further stated that to apply this provision retroactively will cost about \$16,000 to \$17,000, which is in addition to the above mentioned \$60,000 prospective cost. (Note: The retroactive estimate of between \$16,000 and \$17,000 provides retroactivity back to the dates of retirement for the five judges. If the change is retroactive to September 20, 2007, the cost will be less than the \$16,000 to \$17,000.)
- Active Retired Judge Michael Westcott was asked to address the commission. He briefly explained that he is merely requesting what he believes is fair.
- After a brief discussion, Horace Hildreth, Jr. made a motion to have the five judges receive the same benefit offered in PL 2007, c. 449.
- This motion was seconded by Edwin Clift and passed unanimously.
- Commission Chair Sandra Featherman asked Tim Leet to provide information at the next meeting on what is the next step or what is required to implement the recommendation to have the five judges receive the same benefit offered in PL 2007, c. 449.
- Colleen McCarthy Reid, staff member to the Right-To-Know Advisory Committee briefed the Judicial Compensation Commission with a handout outlining specific duties and other information. She explained that the Advisory Committee is charged with helping the Joint Standing Committee on Judiciary review and evaluate the statutory provisions that except records from the definition of “public record” including 4 MRSA §1701, sub-§7. She further explained that despite the commission not completing their questionnaire, the Right-To-Know Advisory Committee voted to continue this public records exception without change as reflected on page 12 of its second Annual Report dated January 2008.
- Commission Chair Sandra Featherman asked Tim Leet to develop language that allows the Commission recommendation regarding the five judges and the recalculation of their benefits to be retroactive to September 20, 2007.
- Dr. Sandra Featherman asked to have the Judicial Department update the data from the Commission’s last report to the Legislature and provide that information to the Commission at the next meeting.
- The Commission established September 16, 2008 at 2:00 p.m. in Room 126 of the State House as the next meeting date.