

Judge Edward Stern of Bangor dies at 73

BANGOR — Retired Superior Court Judge Edward Stern, 73, died Saturday at a local hospital.

He was born in Bangor, the son of Hyman and Mamie Lipsky Stern, and attended the University of Maine and Harvard Law School. He was admitted to the Maine Bar in 1933, after which he engaged in private practice with his two brothers, Harry and Abraham Stern.

Mr. Stern was also a former judge of the Bangor Municipal Court. After many years of private practice, he was appointed judge of the Superior Court in 1972 by Gov. Kenneth Curtis. He retired in June 1980 to return to private practice with his son Marshall.

In 1964, he was elected a state senator, serving in the 102nd and 103rd Legislature. He was a former chairman of the State Government Committee and served on the Judiciary and Legal Affairs Committee.

Mr. Stern was a member of the Penobscot County Bar Association, the Maine State Bar Association, the American Bar Association, and the American Trial Lawyers Association. He was also a member and former director of the Maine Trial Lawyers Association.

He was a honorary member of the University of Maine "M" Club, and was a member and past president of the Congregation Beth Israel of Bangor.

Surviving are his wife, Mollie Rubin Stern; two sons, Marshall Stern of Bangor and Dean Stern of Los Angeles; a brother, Herbert Stern of Portland, and a sister, Edith Stern of Bangor.

Funeral services will be held at 2:30 p.m. Sunday at the Jewish Funeral Chapel, Center St., Bangor, with Rabbi Alan Kalinsky officiating. Interment will be in the Beth Israel Cemetery.

JUDGE EDWARD STERN

BANGOR — Judge Edward Stern, 73, died July 11, 1981, at a Bangor hospital. He was born in Bangor, Jan. 31, 1908, the son of Hyman and Mamie (Lipsky) Stern. He attended the University of Maine at Orono and Harvard Law School. He was admitted to the Maine Bar in 1933, after which he engaged in the private practice of law with his two brothers, Harry and Abraham Stern. He was appointed Bangor Municipal court Judge and later returned to private practice. He was appointed a Justice of the Maine Superior Court by Governor Curtis, retiring in June 1981, to return to a private practice with his son, Marshall Stern. Judge Stern was elected to the State Senate in 1964, serving in the 102nd and 103rd legislatures. He was chairman of the state government committee and was a member of the judiciary and legal affairs committee. He was a member of the Penobscot County Bar Association and the Maine State and American Bar Associations. He was a member of the Maine Trial Lawyers Association, of which he was a former director, and the American Trial Lawyers Association. He was an honorary member of the University of Maine "M" Club, elected because of his avid interest in sports. He was honored as Man of the Year by the Bangor Chapter, B'nai Brith, and was a member and past president of Congregation Beth Israel. He is survived by his wife, Mollie (Rubin) Stern of Bangor; two sons, Marshall Stern, Esq. of Bangor and Deane Stern of Los Angeles, Calif.; one brother, Herbert Stern of Portland; a sister, Miss Edith Stern of Bangor; nieces and nephews. Funeral services were held 2:30 p.m. Sunday at the Jewish Funeral Chapel, Center Street, with Rabbi Alan Kalinsky officiating. Interment was in Beth Israel Cemetery. Memorial week will be observed for the family only.

Retired Maine Justice Edward Stern is dead at 73

By A. Jay Higgins
Of the NEWS Staff

Widely known for his wit and common sense interpretation of the law, retired Maine Superior Court Justice Edward Stern died at a Bangor hospital today. He was 73. His wife, the former Mollie Rubin of Bangor, survives.

A Bangor native, Stern was the son of Herman and Mamie Lipsky Stern and grew up in the Queen City during a period when Bangor's importance as a mercantile center was replacing its former status as a lumber capital.

Recalled as studious and scholarly young man, Stern was a graduate of Bangor High School in 1926, the University of Maine at Orono in 1930, and he attended Harvard Law School but returned to Maine at the height of the Great Depression.

His grades were among the highest recorded when he passed the Maine bar examination. Exhibiting an early interest in the court system, Stern was the recorder of the Bangor Municipal Court from 1935 to 1939 under the administration of Gov. Louis J. Brann, the first Democratic

Maine governor since the close of the Civil War. During those years as recorder, Stern also served as acting judge of the municipal court for several months.

Upon leaving the municipal court, Stern joined his brothers Harry and Abraham Stern in private practice. During that time he acquired an interest in politics and became active in the Maine Democratic Party.

Stern's reputation as a lawyer grew during the following two decades. His sense of humor and penchant for a "common-sense approach" to law won him wide recognition.

In the early 50s Stern was among the first to support Edmund S. Muskie in his bid for the Democratic gubernatorial nomination. Later Stern served as a public administrator under Muskie from 1958 to 1962.

In 1964 and 1966 he was elected to the Maine State Senate and served as a member of the Judiciary Committee. His 1966 victory over Robert N. Haskell was considered a major win for Democrats in the Bangor area. Haskell was president of the Maine Senate at the time of his defeat. He served as chair-

man of the State Government Committee during the 102nd Legislature and was a member of the Legal Affairs Committee during the 103rd.

Stern has been credited with the passage of progressive legislation that greatly improved the status of the working men and women under Maine's Workman's Compensation laws.

"He was responsible for legislation resulting in the repeal of Maine's contributory negligence statute," said Bangor attorney Jerome B. Goldsmith. "The problem with the negligence statute was that if a claimant sought damages and was the slightest bit negligent, his claim was barred. Stern was responsible for the passage of comparative negligence legislation that assessed responsibility for injury on the basis of the greater degree of liability."

Stern was appointed to the Maine Superior Court in December, 1972, after his nomination by Gov. Kenneth M. Curtis. The Bangor jurist ruled on a number of noteworthy issues that later became points of contention in other states.

In May, 1974, Justice Stern ruled that

a 12-year-old Portland girl should be allowed to play Little League baseball on the basis that her exclusion from the national Little League Baseball Inc., of Lancaster, Pa., would violate her civil rights. He enjoined Little League Baseball Inc. from taking any action against the Portland league.

"But those who knew Justice Stern would not have been surprised," said Goldsmith. "He was an avid baseball enthusiast and was particularly fond of the Boston Red Sox—his love of baseball may have been only surpassed by his love for children."

In June, 1976, Justice Stern set a precedent in the controversial Maine spruce budworm spraying program when he denied an injunction to a group which sought to seek a ban on spraying in northern Maine.

Maine's jurisdiction of Indian lands was clearly decided in September, 1979 when the Maine Supreme Court upheld a decision reached by Justice Stern who ruled that state had no jurisdiction over Indian lands as defined by the federal government. The ruling was later validated by the passage of the Maine Indian land claims settlement by Congress.

Again on the issue of herbicide spraying, Justice Stern ordered the St. Regis Paper Co. of Bucksport to pay for hericide-damaged gardens in September, 1979. A number of gardens in Washington County had been poisoned by herbicides sprayed from the air on St. Regis timberland.

In one of his final decisions, Justice Stern attached \$1.6 million worth Saco property in January, 1980, to cover the same amount owed by that city to the Merrill Trust Co. of Bangor. The \$1.6 million had been borrowed from the Bangor bank for tax anticipation bonds issued by Saco during 1979.

Stern was a member of the Penobscot County Bar Association and the Maine State and American Bar Association. He was a member of the Maine Trial Lawyers Association, of which he was former director, and the American Trial Lawyers Association.

He was an honorary member of the University of Maine "M" Club, elected because of his avid interest in sport. He was honored as Man of the Year of the Bangor Chapter, B'nai Brith, and was a member and past president of Congregation Beth Israel.