

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 322**

S. P. 145

In Senate, February 6, 1979

Referred to the Committee on Appropriations and Financial Affairs. Sent down for concurrence and 1,800 ordered printed.

Presented by Senator Collins of Knox.

Cosponsor: Senator Conley of Cumberland.

MAY M. ROSS, Secretary of the Senate

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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**AN ACT to Increase the Compensation for Legislators, Justices, Judges and District Attorneys.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the present level of compensation for members of the Judiciary is inadequate; and

Whereas, it is vitally necessary that the compensation for judges, justices and district attorneys of this State be adjusted to levels in keeping with their duties and responsibilities; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

**Sec. 1. 3 MRSA § 2, first sentence,** as repealed and replaced by PL 1975, c. 750, § 1, is amended to read:

Each member of the Senate and House of Representatives, beginning with the ~~first Wednesday after the first Tuesday of January, 1977~~ **convening of the 110th Legislature in 1981** and thereafter, shall receive ~~\$4,500~~ **\$5,200** in the first year and ~~\$2,500~~ **\$2,900** in the 2nd year of each biennium, and shall be paid for travel at each legislative session once each week at the same rate per mile to and from his place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike provided they have a receipt for payment of the tolls, such tolls to be reimbursed where Legislators used the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments.

**Sec. 2. 3 MRSA § 2, 3rd ¶**, as repealed and replaced by PL 1975, c. 750, § 1, is amended to read:

Each member of the Senate and House of Representatives shall receive a meal and housing allowance in the amount of ~~\$25~~ **\$30** for each day in attendance at sessions of the Legislature and for each day he occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. In lieu of the meal and housing allowance, each member shall be entitled to a daily meal allowance in the amount of ~~\$12~~ **\$15** and actual daily mileage allowances in an amount up to but not exceeding ~~\$13~~ **\$15** per day. Each member shall also receive an annual allowance for constituent services in the amount of \$200.

**Sec. 3. 3 MRSA § 2, 5th ¶**, as repealed and replaced by PL 1975, c. 750, § 1, is amended to read:

In addition to the salary paid for the first and 2nd regular sessions of the Legislature, when a special session is called, the members of the Senate and House of Representatives shall each be paid ~~\$25~~ **\$29** for every day's attendance, expenses and mileage as aforesaid.

**Sec. 4. 3 MRSA § 2, 7th ¶**, as repealed and replaced by PL 1975, c. 750, § 1, is amended to read:

The member of the Penobscot Indian Tribe and the member of the Passamaquoddy Indian Tribe elected to represent his tribe at the Legislature shall receive a compensation of ~~\$25~~ **\$29** for each day's attendance during the first and 2nd regular sessions and allowance for meals, housing and travel expenses as any other member of the Senate and House of Representatives for attendance at each legislative session. For the duration of any special session of the Legislature, they shall receive the same allowances, including housing, meal and constituent service allowances, as any other member of the Senate and House of Representatives.

**Sec. 5. 3 MRSA § 2, 9th ¶**, as repealed and replaced by PL 1975, c. 750, § 1, is amended to read:

The President of the Senate, the Speaker of the House of Representatives, the floor leaders and their assistants and members of a committee, with the approval of the President of the Senate or the Speaker of the House as to members of a committee, may also meet on days when the Legislature is not in daily session at any convenient location within the State. Each member of the Senate and House of Representatives shall receive ~~\$25~~ **\$29** for every day's attendance when meetings or daily sessions are held, a meal and housing allowance in the amount of ~~\$25~~ **\$30** for each day in attendance at such meetings or daily sessions and for each day he occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature and actual daily mileage allowances which shall be paid at the same rate paid to state employees. In lieu of the meal and housing allowance, each member shall be entitled to a daily meal allowance in the amount of ~~\$12~~ **\$15** and actual daily mileage allowances in an amount up to but not exceeding ~~\$13~~ **\$15** per day.

**Sec. 6. 4 MRSA § 4, first sentence**, as repealed and replaced by PL 1977, c. 696, § 19, is repealed and the following enacted in its place:

**Each Justice of the Supreme Judicial Court shall receive an annual salary of \$32,000 until June 30, 1979, and an annual salary of \$34,240 until June 30, 1980, and an annual salary of \$36,637 thereafter; and the Chief Justice of the Supreme Judicial Court shall receive an annual salary of \$33,500 until June 30, 1979, and an annual salary of \$35,845 until June 30, 1980, and an annual salary of \$38,354 thereafter.**

**Sec. 7. 4 MRSA § 102, first sentence**, as repealed and replaced by PL 1977, c. 696, § 20, is repealed and the following enacted in its place:

**Each Justice of the Superior Court shall receive an annual salary of \$31,500 until June 30, 1979, and an annual salary of \$33,705 until June 30, 1980, and an annual salary of \$36,064 thereafter.**

**Sec. 8. 4 MRSA § 157**, as last amended by PL 1977, c. 696, § 21, is repealed and the following enacted in its place:

**§ 157. Judges; appointment; salary; retirement**

**The Governor, subject to review by the Joint Standing Committee on Judiciary and to confirmation by the Legislature, shall appoint to the District Court 5 judges at large and 15 judges. At least one judge shall be appointed in each district who shall be a resident thereof, except that in District 3 there shall be 2 judges appointed who shall be residents thereof and except that in District 9 there shall be 2 judges appointed who shall be residents thereof. Each shall have a term of office of 7 years. Each judge shall receive an annual salary of \$29,000 until June 30, 1979, and an annual salary of \$31,030 until June 30, 1980, and an annual salary of \$33,202 thereafter; and the Chief Judge shall receive an annual salary of \$30,000 until June 30, 1979, and an annual salary of \$32,100 until June 30, 1980, and an annual salary of \$34,347 thereafter. The Chief Justice of the Supreme Judicial**

Court shall designate one of the judges as Chief Judge. Each judge shall be reimbursed for his expenses actually and reasonably incurred by him in performing his duties, upon presentation to the State Controller of a detailed statement of such expenses approved by the Chief Judge. The Chief Judge, with the advice and consent of the Chief Justice of the Supreme Judicial Court, shall designate one of the District Court Judges as Deputy Chief Judge. The Deputy Chief Judge shall receive compensation of \$500 annually in addition to his annual salary as District Court Judge.

To be eligible for appointment as a District Judge, a person must be a member of the bar of the State. The term "District Judge" shall include the Chief Judge and the judges at large.

A District Judge shall devote full time to his judicial duties. He shall not practice law during his term of office, nor shall he during such term be the partner or associate of any person in the practice of law.

Sec. 9. 30 MRSA § 2, sub-§ 2, as enacted by PL 1977, c. 67, § 3, is repealed and the following enacted in its place:

2. District attorneys' salaries. The district attorney for each of the prosecutorial districts, as described in section 553-A, shall receive an annual salary of \$23,500 until June 30, 1979, and an annual salary of \$25,145 until June 30, 1980, and an annual salary of \$26,905 thereafter. The district attorneys and their assistants shall receive their annual salaries from the State Treasury in biweekly payments on a date to be determined by the State Controller and in a sum which will, in a year aggregate, most nearly equal the annual salary.

Sec. 10. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of sections 1 to 5 of this Act:

1980-81

LEGISLATIVE DEPARTMENT

Legislature

Personal Services

\$146,078

All Other

93,000

Total

\$239,078

Sec. 11. Appropriation. The following funds shall be appropriated from the General Fund to carry out the purposes of sections 6 to 9 of this Act:

	1979-80	1980-81
JUDICIAL DEPARTMENT		
Supreme Judicial & Superior Courts		
Unallocated	\$ 71,042	\$147,052
District Court Administration		
Unallocated	52,877	109,452
Administrative Court		
Personal Services	4,918	10,180
DEPARTMENT OF ATTORNEY GENERAL		
Attorney General & District Attorneys		
Personal Services	13,160	27,240
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Total	\$141,997	\$293,924

**Emergency Clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved, except sections 1 to 5 and section 10, which shall become effective upon convening of the 110th Legislature in 1981.

#### STATEMENT OF FACT

The purpose of this bill is to increase the salaries of Legislators, justices, judges and district attorneys.

The salary increase for the Legislators will become effective for the 110th Legislature, and the salary increases for the justices, judges and district attorneys become effective in 2 steps — the first step is July 1, 1979 and the 2nd step is July 1, 1980.