

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE COMPENSATION IN MAINE: SOME FIRST STEPS...



A Report to the 106th Maine Legislature By
The Commission on Legislative Compensation

JF
536
.M20
1973
c.2

DECEMBER 1973



STATE OF MAINE
LEGISLATIVE COMPENSATION COMMISSION
STATE HOUSE
AUGUSTA, MAINE 04330

DR. RICHARD E. MORGAN, CHAIRMAN
SOUTH HARPSWELL

MRS. BROOKS BROWN, JR.
AUGUSTA

JOSEPH A. D'ALFONSO
PORTLAND

FLOYD HARDING
PRESQUE ISLE

MRS. MARK KNOWLES
WINTHROP CENTER

MRS. WILLARD LINSOTT
BREWER

ROBERT A. G. MONKS
CAPE ELIZABETH

MRS. ROBERT ROBINSON
ORONO

MRS. PHILIP E. TUKEY
BANGOR

NANCY ROSS, STAFF ASSISTANT

December 1973

To the Members of the
106th Legislature:

I am pleased to submit for your consideration the Report of the Legislative Compensation Commission. The Commission makes a number of recommendations directed at strengthening the Maine Legislature.

We claim no perfection for any of our recommendations, but we can say that they were reached after careful study of the tasks that Maine legislators perform, and that the dollar figures mentioned are, in all cases, the most modest we could in conscience suggest.

It was our working assumption that the people of Maine are prepared to pay for excellent legislative performance, but that the relationship between such performance and compensation was an imperfect one. Put bluntly, lavish pay alone may not secure high performance, and may, under certain circumstances, have the reverse effect.

It is in this spirit that we can say that what follows represents a solid Commission consensus on necessary minimums.

STATE OF MAINE

In House February 13, 1973~~Ordered,~~

WHEREAS, the median compensation paid to state legislators in the 50 states is in excess of \$14,500 per biennium; and

WHEREAS, Maine's biennial compensation of \$3,500 ranks forty-third in the nation, far below the national average; and

WHEREAS, Maine Legislators should be compensated for their services to the People of the State of Maine in a fair, just and reasonable manner; and

WHEREAS, legislative salaries ought not be so low as to discourage citizens from seeking office nor so high as to give sole reason for that pursuit; and

WHEREAS, determination of what is fair, just and reasonable compensation for the Legislature is a difficult task which ought to be resolved by a group of citizens independent of the Legislature; now, therefore, be it

ORDERED, the Senate concurring, that there is created a Legislative Compensation Commission consisting of 9 public members, all residents of the State, chosen from the public at large without regard to political affiliation in the following manner; 3 to be appointed by the President of the Senate; 3 to be appointed by the Speaker of the House of Representatives and 3 to be appointed by the Governor. No members of the commission shall be an officer or employee of the federal, state, county, municipal or other unit of government, to which government funds are appropriated. Vacancies shall be filled in the same manner as the original appointments for the unexpired

NAME:

TOWN:

term and the commission shall elect one of its members chairman; and be it further

ORDERED, that it shall be the purpose of the commission, among any others, that the commission may determine pursuant to the terms of this Order to

a. Review and evaluate the work done by the Members of the Maine State Legislature and compare the level of work performed and compensation received with other policy-makers within the State, including, but not limited to, heads of state departments, businessmen, executives and others charged with the responsibility of determining policies for large organizations;

b. Consult with recognized authorities in the area of legislative compensation, such as other state governments, The Council of State Governments and other service organizations for the purpose of drawing upon their experiences;

c. Recommend to the Legislature compensation which it deems fair and equitable in view of the services rendered to the People of the State;

d. Make a recommendation concerning the compensation for expenses for legislative officers;

e. And for the purpose of this inquiry, any subject or matter adjudged by the commission to be relevant or germane to the subjects of its study or helpful to it in the consummation of the work hereunder shall be deemed within the scope of the commission's inquiry hereunder; and be it further

ORDERED, that the commission shall report the results of its investigation and study to the next special session of the 106th

D. OF. E.

Legislature; and be it further

ORDERED, that all state departments and agencies are respectfully requested to provide the commission to the extent possible with any needed information and assistance and make available to the commission, as needed, the services of persons knowledgeable in the field, and be it further

ORDERED, that the members of the commission be compensated for time spent in attendance of meetings and when engaged in performance of duties under instructions of the commission and authorization by its chairman at the rate of \$25 per day and actual expenses incurred in the performance of their duties under this Order, such sums to be paid out of the Legislative Account; and be it further

ORDERED, that the commission shall have the authority to employ professional and clerical assistance within the limits of funds provided; and be it further

ORDERED, that there is allocated to the committee from the Legislative Account the sum of \$5,000 to carry out the purposes of this Order.

HOUSE OF REPRESENTATIVES
READ AND PASSED

IN SENATE CHAMBER

HP 665

FEB 13 1973

FEB 14 1973

SENT UP FOR CONCURRENCE

READ AND PASSED
IN CONCURRENCE

HARRY N. STARDRANCH, Secretary

E. Louis ...

(Stillings)

NAME:

TOWN: Berwick

Richard Stillings

OUTLINE

Report of the Legislative Compensation Commission

Part I

Introduction: The Commission's charge -- how the task was defined and how the Commission went about it.

Part II

Legislative salaries: Should Maine continue the present levels of compensation, or should we take a new approach -- what should that be and why?

Part III

Expense allowances: Are the allowances for meals, lodging and mileage adequate, and if not, how should they be adjusted?

Part IV

Services to Legislators: How should secretarial assistance be provided during session? A typing pool? Should there be modest allowance for clerical assistance out of session? Are research services still in need of improvement?

Part V

Providing for the future: Should there be provision for periodic review of legislative compensation? Should there be a continuing Commission? How should it be organized? What should its powers be?

PART I

Introduction

At its organizational meeting on April 17, 1973, the Commission set about obtaining materials concerning legislative compensation and compensation commissions in other states. In addition, materials on incomes in Maine (both public and private sectors) were requested.

Meeting on May 22, the members of the Commission received and discussed the materials requested in April, and requested the Chairman arrange the following further steps:

- (1) develop and distribute bibliographies of recent materials on state legislatures generally;
- (2) develop and administer a mail questionnaire to the members of the 106th Legislature concerning their jobs, problems, and thoughts on compensation;
- (3) schedule several days of hearings in mid-September in which the Commission might hear in person from members of the Legislature.

Bibliographic materials were circulated over the summer; the questionnaire was administered and the results tabulated and distributed to the members in late August. Hearings were held in Augusta on September 12 and 13, and were well attended. Thirty Senators and Representatives appeared, and a number of others sent statements for the Commission's files.

These hearings were followed by a series of Commission meetings during which the testimony received and the materials gathered

over the summer were studied and discussed.

A series of three public hearings were scheduled: in Presque Isle, on October 23; at Portland, on October 25; and at Bangor, on October 29. In addition, during this period members of the Commission personally engaged a number of present and former Maine legislators to solicit their views of the issues as they seemed to be emerging from the hearings and the Commission discussions. On the basis of this information the Commission concludes as follows:

(1) The present salary is not realistic in this day of rising costs and lengthening sessions, and it does not reflect the heavy demands and high importance of the position of state legislator. Expense allowances also appear unrealistic.

(2) The present Legislature lacks representation from many age and income groups within the population. The Commission feels that it is in the best interest of the State to take steps to broaden the opportunity for service in the Legislature. The ideal situation would be one in which every capable and interested citizen, regardless of economic circumstance, would be able to serve in the Legislature. The ideal may be beyond our grasp, but the gap between ideal and reality in Maine is now so great that narrowing it is morally imperative.

(3) The job of the Maine legislator, in session and out, is becoming more demanding, and services to the legislator must be increased to keep pace.

PART II

Legislative Salaries

It is the conclusion of the Commission that the present token legislative salary of \$3,500 per biennium no longer meets the requirements of the State of Maine. However well it has served us in the past, it appears to the Commission, after extensive study, to be vulnerable to the following objections:

Far too many income, employment and age groups are prevented or discouraged from serving. While it is clear to the Commission that no conceivable scheme of compensation can make it possible for all citizens of Maine to serve in the Legislature with equal ease, the fact that perfect equality of opportunity is impossible should not prevent us from reducing somewhat the present gross inequalities.

Not only does the present token compensation severely restrict service in the Legislature, it also places very undesirable burdens on the time and energies of those who do serve at present and are dependent on one or more jobs to maintain themselves. The Commission heard of night shifts, weekend work, depressing searches for temporary out-of-session employment to replace the job lost because an employer could not retain a man or woman who had to be away in Augusta during the session. Clearly this discourages many from serving. It should be emphasized that the only reason we do not find much more of this in the present Legislature is that

so few persons of modest means and with family responsibilities try at all. The modest salary increases for legislators of the 107th which this Commission recommends will not, alone, be adequate to sustain a man or woman with any family responsibilities. Such a person will still have to have or find some employment out of session. But our proposal will relieve some of the grinding, hand-to-mouth problems which some legislators now experience in piecing out a survival income. Testimony also indicated that it would be easier to recruit able candidates as legislative compensation is increased.

While there is some sentiment within the Commission for annual, full-time salaries for legislators, it is felt that this recommendation may be premature and the Commission declines to make it. The Commission does view such annual salaries as a necessity should legislative work increase and sessions lengthen substantially.

It is, therefore, our recommendation that members of the Maine House and Senate receive a salary of \$5,000 for the regular session and \$2,500 for the special session. These salaries will be paid in installments as at present. The present \$25 per diem for attendance at committee meetings out of session should be retained.

It is further recommended that the President of the Senate and the Speaker of the House receive 50% above regular compensation, that the Majority and Minority Leaders of each House receive 25% above regular compensation, and that their Assistants receive 12½% above regular compensation.

PART III

Expense Allowances

The Commission recommends an increase in the expense allowance for members of the Legislature. The last increment in allowance for meals was amended in 1971 and became effective January 3, 1973. In light of inflationary realities, the consensus of those legislators interviewed, and the views expressed in public hearings held throughout the State, the Commission proposes a combined meal and housing allowance of \$25 per day.

This allowance should be paid to each legislator for each day he certifies to the Legislative Finance Office that he is resident in Augusta and the Legislature is in session. No receipts should be required. Each legislator may also receive such allowance for the day before a session day at the beginning of a session or when there has been a weekend or holiday break in the session which would allow the legislator to travel home.

Legislators who commute to and from their homes may receive a \$12 meal allowance for each day in Augusta on which the Legislature is in session. In addition, commuters may receive up to \$15 per day mileage at the regular rate.

\$30⁰⁰

PART IV

Services to Legislators

State legislators have another responsibility in addition to study and participation in legislative policy making. They should also be available to the constituencies that elected them. They are properly expected to perform services for citizens; most important, they are often the citizen's only link with the bureaucracy of state government. This continuing communication with the electorate should be considered one of the most important aspects of performance as a legislator.

A substantial amount of time is spent by legislators in performing these duties. Certainly the use of a telephone credit card has made communication faster and easier. But much more of this work really requires writing letters to constituents to answer questions or to give information. This is particularly difficult for those legislators who do not have secretarial help at home or at their places of business. In any case, these services should be the financial responsibility of the State, not of the individual members who cannot avail themselves of services free of charge.

The secretarial pool presently available at the State House is not adequate for the needs of 184 legislators. The clerical help is mostly used by the leadership or committee chairmen to conduct the business of the legislature. It is rarely available for other legislators to use for constituent services.

While these problems may seem relatively small, fulfilling these needs will help to make the legislature more efficient and more responsive to the electorate.

The Commission recommends a small allowance for each legislator to help pay for mileage and clerical help away from the State House. We suggest \$200 per year.

The Commission also recommends a budget of \$12,000 to provide a secretarial pool of five clerks available to legislators for constituent business. This pool would be needed only while the legislature is in session.

PART V

Providing for the Future

Whatever differences exist within the Commission on the question of moving immediately to annual full-time salaries, there is no doubt on anyone's part that the legislative compensation picture in Maine will need regular review in the future.

Given this need, and given the extreme embarrassment always involved in the Legislature's affirmatively acting to give its successor Legislature a substantial pay raise, it is recommended that the Constitution of the State be amended to provide for a Compensation Commission which:

(1) Would be composed of nine members, three chosen by the Governor, two by the President of the Senate, two by the Speaker of the House of Representatives, one by the Minority Leader of the Senate, and one by the Minority Leader of the House.

(2) These members would serve staggered three-year terms, the terms of the original appointees (one, two, or a full three-year term) to be decided by lot at the first meeting.

(3) The Commission will report to the regular session of the 108th Legislature and to each evenly numbered Legislature thereafter.

(4) \$5,000 for each quadrennial reporting period should be an adequate appropriation to sustain the work of the Commission.

(5) The Commission will elect its own Chairman.

(6) The Commission's recommendations as to legislative salaries and expenses shall go into effect unless the Legislature to which the recommendations are presented shall reject or reduce them.

(7) No Legislature may increase Commission recommendations, nor act independently of the Commission in setting salaries and expense allowances.