

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)

D. OF R.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

L.D. 289

(Filing No. S- 214)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A " to S.P. 91, L.D. 289,
Bill, "AN ACT to Implement the Recommendations of the
State Compensation Commission."

Amend the bill by striking out everything after
the enacting clause and inserting in its place the
following:

'Sec. 1. 2 MRSA §1, last ¶, as amended by PL
1983, c. 477, Pt. E, sub-pt. 24, §§1 and 2, is re-
pealed and the following enacted in its place:

Until the first Wednesday of January, 1987, the
Governor shall receive an annual salary of \$35,000.
Beginning the first Wednesday of January, 1987, the
Governor shall receive an annual salary of \$70,000.

The annual salary of the Governor shall be re-
viewed in the 2nd year of each gubernatorial term in
office by the State Compensation Commission.

Sec. 2. 2 MRSA §6-A, sub-§1, as amended by PL
1983, c. 863, Pt. B, §§1 and 45, is further amended
to read:

1. Chairman. The salary of the chairman of the
commission shall be ~~\$48,400~~ \$50,820.

Sec. 3. 2 MRSA §6-A, sub-§2, as amended by PL
1983, c. 863, Pt. B, §§2 and 45, is further amended
to read:

2. Commission members. The salary of members of
the commission shall be ~~\$46,800~~ \$49,140.

Sec. 4. 2 MRSA §7, sub-§2, ¶¶A and B, as enacted
by PL 1983, c. 863, Pt. B, §§4 and 45, are amended

COMMITTEE AMENDMENT " A " to S.P. 91, L.D. 289

1 to read:

2 A. For the chairman, ~~\$46,210~~ \$48,520;

3 B. For the members, ~~\$45,030~~ \$47,282.

4 Sec. 5. 3 MRSA §2-A, sub-§1, as amended by PL
5 1983, c. 812, §2 and c. 853, Pt. D, §§1 and 2, is re-
6 pealed and the following enacted in its place:

7 1. State Compensation Commission established.
8 There is established the State Compensation Commis-
9 sion, to consist of 5 members appointed in January of
10 every odd-numbered year as follows: Two members shall
11 be appointed by the President of the Senate; 2 mem-
12 bers shall be appointed by the Speaker of the House
13 of Representatives; and one member shall be appointed
14 by a majority of the preceding 4 commissioners and
15 shall serve as chairman of the commission. The 5 mem-
16 bers shall be residents of the State, appointed from
17 the public. No one may be appointed who is a Legisla-
18 tor at the time of his appointment.

19 All members shall be appointed for terms to coincide
20 with the legislative biennium. Vacancies shall be
21 filled in the same manner as the original appoint-
22 ments, for the balance of the unexpired term. The
23 commission shall be appointed in January at the First
24 Regular Session of each Legislature.

25 The commission may request staff support from the
26 Legislative Council.

27 The members of the commission shall be compensated as
28 authorized by Title 5, chapter 379.

29 Sec. 6. 3 MRSA §2-A, sub-§2, as amended by PL
30 1983, c. 853, Pt. D, §§1 and 2, is further amended to
31 read:

32 2. Duties of commission. Not later than May 1st
33 of every odd-numbered year and January 15th of every

D. OF R.

COMMITTEE AMENDMENT " A " to S.P. 91, L.D. 289

1 even-numbered year, the commission shall submit to
2 the Legislature an interim report of the commission
3 and not later than November 15th of every even-
4 numbered year, a final report of the commission .
5 The reports shall contain: A description of the com-
6 mission's activities; the recommendations of the com-
7 mission; the reasons for its recommendations; drafts
8 of any legislation required to implement its recom-
9 mendations; and any other material that commission
10 members may wish to submit.

11 Prior to reporting as required in this subsection,
12 and subsequent to giving public notice, the commis-
13 sion shall hold a public hearing on the report. Sub-
14 sequent to reporting, the commission shall meet, if
15 requested, with the Governor, the Legislative Council
16 and legislative committees to discuss the report.

17 The report shall contain recommendations for: All
18 compensation of the Governor, justices and judges,
19 constitutional officers, Legislators, Clerk and As-
20 sistant Clerk of the House of Representatives, Secre-
21 tary and Assistant Secretary of the Senate and repre-
22 sentatives of Indian tribes, including, but not lim-
23 ited to, all payments for salaries, meals, housing,
24 travel, mileage, constituent services and all other
25 expenses and allowances, including additional pay-
26 ments made for additional services by any justice,
27 judge, constitutional officer, President of the Sen-
28 ate, Speaker of the House of Representatives and mem-
29 bers of legislative leadership. As established in
30 Title 2, section 1, in the 2nd year of each gubernatorial
31 term of office, the report shall contain a
32 recommendation for all compensation of the Governor.
33 The report may contain other recommendations.

34 Sec. 7. 4 MRSA §1302, sub-§3, ¶C, as amended by
35 PL 1983, c. 863, Pt. B, §§19 and 45, is repealed.

36 Sec. 8. 4 MRSA §1351, sub-§§1 and 3, as amended
37 by PL 1983, c. 863, Pt. B, §§22 and 45, are further
38 amended to read:

COMMITTEE AMENDMENT "A" to S.P. 91, L.D. 289

1 1. Age 60. Any member may retire on or after his
2 60th birthday if he has at least 10 years of credit-
3 able service as a judge;

4 3. Early retirement. Any member who has com-
5 pleted at least 25 years of creditable service, as a
6 judge, may retire any time before his 60th birthday.
7 The retirement allowance shall be determined in ac-
8 cordance with section 1352, except that it shall be
9 reduced by multiplying the retirement allowance by a
10 fraction which represents the ratio of the amount of
11 a life annuity due at age 60 to the amount of a life
12 annuity due at the age of retirement. The tables of
13 annuities in effect at the date of retirement shall
14 be used for this purpose.

15 Sec. 9. 4 M RSA §1352, sub-§4, as repealed and
16 replaced by PL 1983, c. 863, Pt. B, §§24 and 45, is
17 repealed and the following enacted in its place:

18 4. Minimum benefit. Each judge in service on
19 December 1, 1984, who is 50 years of age or older on
20 that date shall be entitled to a minimum benefit
21 equal to 75% of the salary as of June 30, 1984, for
22 the position from which the judge retired, increased
23 by 6%, compounded annually, for each year or part of
24 a year served subsequent to June 30, 1984, up to and
25 including June 30, 1989, the total shall be increased
26 by an amount equal to the cost-of-living factor
27 granted the previous September, as determined pursu-
28 ant to section 1358, compounded annually.

29 Sec. 10. 4 M RSA §1358, as amended by PL 1983, c.
30 863, Pt. B, §§36 and 45, is further amended to read:

31 §1358. Cost-of-living and other adjustments

32 1. Cost-of-living adjustments. Retirement Ex-
33 cept as provided in subsection 2, paragraph A,
34 retirement allowances under this chapter shall be ad-
35 justed as follows.

COMMITTEE AMENDMENT " A " to S.P. 91, L.D. 289

1 A. The board shall automatically adjust allow-
2 ances, beginning in September 1985, and each Sep-
3 tember thereafter, by any percentage change in
4 the Consumer Price Index from July 1st through
5 June 30th, but only to a maximum annual increase
6 or decrease of 4%. The board shall determine the
7 cost of these adjustments and shall include them
8 in their budget requests, if necessary.

9 B. Whenever the annual percentage change in the
10 Consumer Price Index from July 1st to June 30th
11 exceeds 4%, the board shall adjust allowances as
12 set out in paragraph A and shall report the ad-
13 justment and the actual increase or decrease in
14 the Consumer Price Index to the Legislature dur-
15 ing February of the following year.

16 C. Adjustments under this section shall be ap-
17 plied to the allowances of all retirees who have
18 been retired for at least 6 months before the ad-
19 justment takes effect. Beneficiaries of deceased
20 retirees shall be eligible for the adjustment
21 provided in this section at the same time the de-
22 ceased retiree would have been eligible.

23 D. The amount of a retirement allowance payable
24 under this chapter shall not be less than the
25 retiree received on the effective date of his re-
26 tirement.

27 2. Retirement allowances. Retirement allowances
28 under section 1352, subsection 4.

29 A. Beginning in July 1985, and each July there-
30 after, through July 1989, retirement allowances
31 under section 1352, subsection 4, shall be in-
32 creased by 6% compounded annually.

33 B. Beginning in September 1990, and each Septem-
34 ber thereafter, retirement allowances under sec-
35 tion 1352, subsection 4, shall be adjusted as

D. OF R.

COMMITTEE AMENDMENT " A " to S.P. 91, L.D. 289

1 to the General Fund.

2 Sec. 12. Allocation from the Public Utilities
3 Commission Regulatory Fund. Income not otherwise al-
4 located from the Public Utilities Commission Regula-
5 tory Fund is allocated for the fiscal year ending
6 June 30, 1986, and the fiscal year ending June 30,
7 1987, and shall be segregated, apportioned and ex-
8 pended as designated in the following schedule.

	<u>1985-86</u>	<u>1986-87</u>
9		
10	<u>PUBLIC UTILITIES COMMISSION</u>	
11	<u>REGULATORY FUND</u>	
12	Personal Services	\$8,585 \$8,620
13	Provides funds for	
14	salary increases to	
15	the commissioner and	
16	associate commission-	
17	ers effective July 1,	
18	1985. Also provides	
19	funds for the retire-	
20	ment costs to the	
21	Public Utilities Com-	
22	mission associated	
23	with those salary in-	
24	creases.	

25 Emergency clause. In view of the emergency cited
26 in the preamble, this Act shall take effect when ap-
27 proved, except sections 2, 3 and 4, which shall take
28 effect July 1, 1985.

29 FISCAL NOTE

30 Section 1 of this bill will require a \$12,140
31 General Fund appropriation in fiscal year 1986-87 to
32 fund a salary increase for the Governor. Sections 2
33 and 3 will require an \$8,585 Public Utilities Commis-

COMMITTEE AMENDMENT " A " to S.P. 91, L.D. 289

1 sion Regulatory Fund allocation in fiscal year
2 1985-86 and an \$8,620 allocation in fiscal year
3 1986-87 to fund a 5% salary increase for the Public
4 Utilities Commissioners. Section 4 of this bill will
5 require a \$24,580 General Fund appropriation in fis-
6 cal year 1985-86 and a \$24,675 appropriation in fis-
7 cal year 1986-87 to fund a 5% salary increase for the
8 Workers' Compensation Commissioners.'

9 STATEMENT OF FACT

10 This amendment implements the recommendations of
11 the final report of the State Compensation Commission
12 as follows.

13 1. Governor (Sections 1 and 6): It increases
14 the Governor's salary to \$70,000, effective in Janu-
15 ary, 1987. This increase is designed to compensate
16 for the steady erosion in purchasing power over the
17 last 10 years and to return the gubernatorial salary
18 level to one that is comparable to gubernatorial sal-
19 aries in peer states.

20 In addition, it provides a new method for periodic
21 review and revision of the Governor's salary. The
22 State Compensation Commission will review the salary
23 of and establish a salary level for the Governor ev-
24 ery 4 years.

25 2. Public Utilities Commissioners (Sections 2
26 and 3): After review of the responsibilities of the
27 commissioners, the need to recruit and retain
28 talented professionals, and the constraints that the
29 commissioners' salaries place on the professional
30 staff of the commission, the State Compensation Com-
31 mission recommended the salary level of the commis-
32 sioners be increased 10% effective July 1, 1985. This
33 amendment recommends a 5% salary increase effective
34 July 1, 1985.

35 3. Workers' Compensation Commissioners (Section

COMMITTEE AMENDMENT "A " to S.P. 91, L.D. 289

1 4): The State Compensation Commission recommends a
2 10% salary increase for the commissioners, effective
3 July 1, 1985. This amendment recommends a 5% salary
4 increase effective July 1, 1985.

5 4. State Compensation Commission (Section 5):
6 This section establishes a January appointing date
7 for members. Delayed appointments in the past have
8 severely limited the time available for the members
9 and their staff to accomplish their statutory
10 mandated objectives.

11 5. Judicial Retirement (Sections 7, 8, 9 & 10):
12 These sections clarify the language regarding the
13 minimum retirement benefit for judges in the transi-
14 tion zone to ensure that cost-of-living adjustments
15 are not added to the retirement benefit twice. These
16 sections also allow any prior state service to be
17 used to determine eligibility for retirement purposes
18 as a judge. Current law allows only judicial service
19 to be used to determine eligibility for retirement as
20 a judge. In either case, prior state service may be
21 used to calculate the benefits of a judge, once the
22 judge is eligible for retirement.

23 Further details of the State Compensation Commis-
24 sion's recommendations may be found in the final re-
25 port.

26

4046053185

Reported by the Majority for the Committee on Appropriations
and Financial Affairs. Reproduced and Distributed Pursuant
to Senate Rule 12.
(6/4/85) (Filing No. S-214)