

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 FIRST REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 289

8 S.P. 91

In Senate, January 30, 1985

9 Reference to the Committee on Appropriations and Financial Affairs
10 suggested and ordered printed.

11 JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Pray of Penobscot.

12
13 STATE OF MAINE
14

15 IN THE YEAR OF OUR LORD
16 NINETEEN HUNDRED AND EIGHTY-FIVE
17

18 AN ACT to Implement the Recommendations
19 of the State Compensation Commission.
20

21 **Emergency preamble.** Whereas, Acts of the Legis-
22 lature do not become effective until 90 days after
23 adjournment unless enacted as emergencies; and

24 Whereas, delayed appointments in the past to the
25 State Compensation Commission have severely limited
26 the time available for the commission to accomplish
27 its statutory mandated objectives; and

28 Whereas, the appointment of members to this com-
29 mission should be made in January in order that these
30 objectives be met; and

31 Whereas, certain of the commission's recommenda-
32 tions are scheduled to take effect prior to the expi-
33 ration of the 90-day period; and

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 Sec. 1. 2 MRSA §1, last ¶, as amended by PL
10 1983, c. 477, Pt. E, sub-pt. 24, §§1 and 2, is re-
11 pealed and the following enacted in its place:

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

16 The annual salary of the Governor shall be re-
17 viewed in the 3rd year of each gubernatorial term in
18 office by the State Compensation Commission. The
19 recommendation of the commission shall be incorpo-
20 rated into the appropriations for the Governor's ac-
21 count unless not passed by both chambers of the Leg-
22 islature.

23 Sec. 2. 2 MRSA §6-A, sub-§1, as amended by PL
24 1983, c. 863, Pt. B, §§1 and 45, is further amended
25 to read:

26 1. Chairman. The salary of the chairman of the
27 commission shall be ~~\$48,400~~ \$53,240.

28 Sec. 3. 2 MRSA §6-A, sub-§2, as amended by PL
29 1983, c. 863, Pt. B, §§2 and 45, is further amended
30 to read:

31 2. Commission members. The salary of members of
32 the commission shall be ~~\$46,800~~ \$51,480.

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

36 A. For the chairman, ~~\$46,210~~ \$50,831;

1 B. For the members, ~~45,030~~ 49,533.

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

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

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

23 The commission may request staff support from the
24 Legislative Council.

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

27 Sec. 6. 3 MRSA §2-A, sub-§2, as amended by PL
28 1983, c. 853, Pt. D, §§1 and 2, is further amended to
29 read:

30 2. Duties of commission. Not later than May 1st
31 of every odd-numbered year and January 15th of every
32 even-numbered year, the commission shall submit to
33 the Legislature an interim report of the commission
34 and not later than November 15th of every even-
35 numbered year, a final report of the commission.
36 The reports shall contain: A description of the com-
37 mission's activities; the recommendations of the com-
38 mission; the reasons for its recommendations; drafts
39 of any legislation required to implement its recom-
40 mendations; and any other material that commission
41 members may wish to submit.

1 Prior to reporting as required in this subsection,
2 and subsequent to giving public notice, the commis-
3 sion shall hold a public hearing on the report. Sub-
4 sequent to reporting, the commission shall meet, if
5 requested, with the Governor, the Legislative Council
6 and legislative committees to discuss the report.

7 The report shall contain recommendations for: All
8 compensation of the Governor, justices and judges,
9 constitutional officers, Legislators, Clerk and As-
10 sistant Clerk of the House of Representatives, Secre-
11 tary and Assistant Secretary of the Senate and repre-
12 sentatives of Indian tribes, including, but not lim-
13 ited to, all payments for salaries, meals, housing,
14 travel, mileage, constituent services and all other
15 expenses and allowances, including additional pay-
16 ments made for additional services by any justice,
17 judge, constitutional officer, President of the Sen-
18 ate, Speaker of the House of Representatives and mem-
19 bers of legislative leadership. As established in
20 Title 2, section 1, in the 3rd year of each guberna-
21 torial term of office, the report shall contain a
22 recommendation for all compensation of the Governor.
23 The report may contain other recommendations.

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

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

29 1. Age 60. Any member may retire on or after his
30 60th birthday if he has at least 10 years of credit-
31 able service as a judge;

32 3. Early retirement. Any member who has com-
33 pleted at least 25 years of creditable service, as a
34 judge, may retire any time before his 60th birthday.
35 The retirement allowance shall be determined in ac-
36 cordance with section 1352, except that it shall be
37 reduced by multiplying the retirement allowance by a
38 fraction which represents the ratio of the amount of
39 a life annuity due at age 60 to the amount of a life
40 annuity due at the age of retirement. The tables of
41 annuities in effect at the date of retirement shall
42 be used for this purpose.

1 Sec. 9. 4 MRSA §1358, sub-§1, ¶E is enacted to
2 read:

3 E. This adjustment shall not be added for bene-
4 fits calculated pursuant to section 1352, subsec-
5 tion 4.

6 Sec. 10. Appropriation. The following funds are
7 appropriated from the General Fund to carry out the
8 purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
9		
10	<u>EXECUTIVE DEPARTMENT</u>	
11	Administration-Executive-	
12	Governor's Office	
13	Personal Services	\$12,140
14	Provides funds for	
15	salary increase to	
16	the Governor effec-	
17	tive the first	
18	Wednesday in January	
19	of 1987.	
20	<u>WORKERS' COMPENSATION COMMISSION</u>	
21	Workers' Compensation Commission	
22	Personal Services	\$49,120 \$49,310
23	Provides funds for	
24	salary increases to	
25	the commissioner and	
26	associate commission-	
27	ers effective July 1,	
28	1985. Also provides	
29	funds for the retire-	
30	ment costs to the	
31	Workers' Compensation	
32	Commission associated	
33	with that salary in-	
34	crease. All funds	
35	not used for these	
36	purposes shall revert	

1 to the General Fund.

2 Sec. 11. 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.

9 1985-86 1986-87

10 PUBLIC UTILITIES COMMISSION
11 REGULATORY FUND

12 Personal Services \$17,170 \$17,240

13 Provides funds for
14 salary increases to
15 the commissioner and
16 associate commis-
17 sioners 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 a \$17,170 Public Utilities Commis-
34 sion Regulatory Fund allocation in fiscal year
35 1985-86 and a \$17,240 allocation in fiscal year
36 1986-87 to fund a 10% salary increase for the Public
37 Utilities Commissioners. Section 4 of this bill will
38 require a \$49,120 General Fund appropriation in fis-

1 cal year 1985-86 and a \$49,310 appropriation in fis-
2 cal year 1986-87 to fund a 10% salary increase for
3 the Workers' Compensation Commissioners.

4 STATEMENT OF FACT

5 This bill implements the recommendations of the
6 final report of the State Compensation Commission as
7 follows.

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

15 In addition, it provides a new method for periodic
16 review and revision of the Governor's salary. The
17 State Compensation Commission will review the salary
18 of and establish a salary level for the Governor ev-
19 ery 4 years. That salary shall be incorporated into
20 the appropriations for the Governor's account, sub-
21 ject to passage by the Legislature.

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

30 3. Workers Compensation Commissioners (Section
31 4): The State Compensation Commission recommends a
32 10% salary increase for the commissioners, effective
33 July 1, 1985, to recognize the state employee salary
34 adjustments and the additional duties which have been
35 required of the commissioners.

36 4. State Compensation Commissioner (Section 5):
37 This section establishes a January appointing date
38 for members of the State Compensation Commission.
39 Delayed appointments in the past have severely lim-

1 ited the time available for the members and their
2 staff to accomplish their statutory mandated objec-
3 tives.

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

16 Further details of the State Compensation Commis-
17 sion's recommendations may be found in the final re-
18 port.

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