

MAINE STATE LEGISLATURE

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1 SECOND REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 2217

6
7 H.P. 1567

House of Representatives, March 17, 1986

8 Submitted by the State Compensation Commission pursuant to the Maine
Revised Statutes, Title 3, section 2-A.

9 Referred to the Committee on Appropriations and Financial Affairs. Sent
up for concurrence and ordered printed.

10 EDWIN H. PERT, Clerk

11
12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-SIX
16

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

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

22 Sec. 1. 2 MRSA §1, last ¶, as amended by PL
23 1983, c. 477, Pt. E, sub-pt. 24, §§1 and 2, is re-
24 pealed and the following enacted in its place:

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

29 The annual salary of the Governor shall be re-
30 viewed in the 3rd year of each gubernatorial term in
31 office by the State Compensation Commission.

32 Sec. 2. 2 MRSA §6-A, sub-§1, as amended by PL
33 1983, c. 863, Pt. B, §§1 and 45, is further amended
34 to read:

1 1. Chairman. The salary of the chairman of the
2 commission shall be \$48,400 within salary range 91,
3 step G, for fiscal year 1987; and salary range 91,
4 step H, for fiscal year 1988, and annually
5 thereafter.

6 Sec. 3. 2 MRSA §6-A, sub-§2, as amended by PL
7 1983, c. 863, Pt. B, §§2 and 45, is further amended
8 to read:

9 2. Commission members. The salary of members of
10 the commission shall be \$46,800 within salary range
11 90, step G, for fiscal year 1987; and salary range
12 90, step H, for fiscal year 1988, and annually
13 thereafter.

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

17 A. For the chairman, \$46,210 a salary within
18 salary range 91, step G, for fiscal year 1987;
19 and a salary within salary range 91, step H, for
20 fiscal year 1988; and annually thereafter;

21 B. For the members, \$45,030 a salary within sal-
22 ary range 90, step G, for fiscal year 1987; and a
23 salary within salary range 90, step H, for fiscal
24 year 1988; and annually thereafter.

25 Sec. 5. 3 MRSA §2, as amended by PL 1985, c.
26 166, is further amended to read:

27 §2. Salary, expenses and travel of Members of the
28 Legislature and representatives of Indian tribes

29 Each member of the Senate and House of Represen-
30 tatives, beginning with the first Wednesday of Decem-
31 ber, 1984 and thereafter, shall receive \$7,500 \$9,000
32 in the first year and \$4,000 \$6,000 in the 2nd year
33 of each biennium, and shall be paid for travel at
34 each legislative session once each week at the same
35 rate per mile to and from his place of abode as state
36 employees receive, the mileage to be determined by
37 the most reasonable direct route, except that Legis-
38 lators may be reimbursed for tolls paid for travel on

1 the Maine Turnpike provided they have a receipt for
2 payment of the tolls; such tolls to be reimbursed
3 where Legislators use the Maine Turnpike in traveling
4 to and from sessions of the Legislature or in per-
5 formance of duly authorized committee assignments.
6 Each Legislator is entitled to mileage on the first
7 day of the session, and such amounts of his salary
8 and expenses at such times as the Legislature may de-
9 termine during the session, and the balance at the
10 end thereof.

11 The first regular session of the Legislature, af-
12 ter its convening, shall adjourn no later than the
13 3rd Wednesday in June and the 2nd regular session of
14 the Legislature shall adjourn no later than the 3rd
15 Wednesday in April. The Legislature, in case of
16 emergency, may by a vote of 2/3 of the members of
17 each House present and voting, extend the date for
18 adjournment for the first or 2nd regular session by
19 no more than 5 legislative days, and in case of fur-
20 ther emergency, may by a vote of 2/3 of the members
21 of each House present and voting, further extend the
22 date for adjournment by 5 additional legislative
23 days. The times for adjournment for the first and 2nd
24 regular sessions may also be extended for one addi-
25 tional legislative day for the purpose of considering
26 possible objections of the Governor to any bill or
27 resolution presented to him by the Legislature under
28 the Constitution, Article IV, Part Third, Section 2.

29 Each member of the Senate and House of Represen-
30 tatives shall be entitled to a meal allowance in the
31 amount of \$26 and a housing allowance in the amount
32 of ~~\$24~~ \$34 for each day in attendance at sessions of
33 the Legislature and for each day he occupies over-
34 night accommodations away from home either immediate-
35 ly preceding or immediately following attendance at
36 daily sessions of the Legislature. In lieu of the
37 meal and housing allowance, each member shall be en-
38 titled to a daily meal allowance in the amount of \$26
39 and actual daily mileage allowances in an amount up
40 to but not exceeding ~~\$24~~ \$34 per day. Each member
41 shall also receive an annual allowance for constitu-
42 ent services in the amount of ~~\$330~~ \$500.

43 Each member of the Senate and House of Represen-
44 tatives shall be reimbursed for actual regular

1 airfare expenses from his place of abode to Augusta
2 for one trip each week when the Legislature is in
3 regular session and, when the Legislature is not in
4 regular session, for days when meetings or daily ses-
5 sions are held, provided that: The distance from his
6 place of abode to Augusta is more than 150 miles, the
7 mileage is determined by the most reasonable direct
8 route; the Legislator submits a receipt of actual ex-
9 penses to the Executive Director of the Legislative
10 Council; and, where commercial flights are available,
11 the total flight cost does not exceed the cost of a
12 commercial flight.

13 The President of the Senate and the Speaker of
14 the House of Representatives shall receive an addi-
15 tional 50% above regular compensation, the majority
16 and minority leaders of the Senate and House of Rep-
17 resentatives shall receive an additional 25% above
18 regular compensation and the assistant majority and
19 minority leaders of the Senate and House of Represent-
20 atives shall receive an additional 12 1/2% above
21 regular compensation.

22 In addition to the salary paid for the first and
23 2nd regular sessions of the Legislature, when a spe-
24 cial session is called, the members of the Senate and
25 House of Representatives shall each be paid \$50 \$55
26 for every day's attendance, expenses and mileage as
27 aforesaid.

28 No additional expenses shall may be paid to Leg-
29 islators from the Legislative Account unless autho-
30 rized by the President of the Senate or Speaker of
31 the House of Representatives during any regular ses-
32 sion.

33 The member of the Penobscot Indian Tribe and the
34 member of the Passamaquoddy Indian Tribe elected to
35 represent his tribe at the Legislature shall receive
36 a compensation of \$77 \$100 for each day's attendance
37 during the first and 2nd regular sessions and allow-
38 ance for meals, constituent service, housing and
39 travel expenses as any other member of the Senate and
40 House of Representatives for attendance at each leg-
41 islative session. For the duration of any special
42 session of the Legislature, they shall receive the
43 same allowances, including housing, meal and travel

1 expenses, as any other member of the Senate and House
2 of Representatives.

3 The President of the Senate or the Speaker of the
4 House shall, at all times, whether the Legislature be
5 in session or not, have the authority to approve ac-
6 counts and vouchers for payment.

7 The President of the Senate, the Speaker of the
8 House of Representatives, the floor leaders and their
9 assistants and members of a committee, with the ap-
10 proval of the President of the Senate or the Speaker
11 of the House as to members of a committee, may also
12 meet on days when the Legislature is not in daily
13 session at any convenient location within the State.
14 Each member of the Senate and House of Representa-
15 tives shall receive ~~\$50~~ \$55 for every day's attend-
16 ance when meetings or daily sessions are held, a meal
17 allowance in the amount of \$26 and a housing allow-
18 ~~ance in the amount of \$24 whereby actual lodging ex-~~
19 penses will be reimbursed at the single-room rate,
20 provided that a receipt is submitted to the Executive
21 Director of the Legislative Council for each day in
22 attendance at such meetings or daily sessions and for
23 each day he occupies overnight accommodations away
24 from home either immediately preceding or immediately
25 following attendance at daily sessions of the Legis-
26 lature and actual daily mileage allowances which
27 shall be paid at the same rate paid to state employ-
28 ees. In lieu of the meal and housing allowance, each
29 member shall be entitled to a daily meal allowance in
30 the amount of \$26 and actual daily mileage allow-
31 ances.

32 The expenses of members of the Legislature
33 traveling outside the State shall be reimbursed for
34 their actual expenses provided that the expense
35 vouchers are approved by the President of the Senate
36 or the Speaker of the House of Representatives.

37 If a member of the Legislature dies or otherwise
38 vacates the office, the successor is entitled to a
39 salary from the date of seating, computed as follows:
40 ~~One hundred and fifty~~ Two hundred dollars per week
41 times the number of weeks remaining in the calendar
42 year if the vacancy occurs in the first year and ~~\$80~~
43 \$100 per week for the number of weeks remaining in

1 the calendar year if the vacancy occurs in the 2nd
2 year.

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

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

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

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

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

28 Sec. 7. 3 MRSA §2-A, sub-§2, as amended by PL
29 1983, c. 853, Pt. D, §§1 and 2, is further amended
30 to read:

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

1 tions; and any other material that commission members
2 may wish to submit.

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

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

26 Sec. 8. 4 MRSA §1302, sub-§3, ¶C, as amended by
27 PL 1983, c. 863, Pt. B, §§19 and 45, is repealed.

28 Sec. 9. 4 MRSA §1351, sub-§§1 and 3, as amended
29 by PL 1983, c. 863, Pt. B, §§22 and 45, are further
30 amended to read:

31 1. Age 60. Any member may retire on or after his
32 60th birthday if he has at least 10 years of credit-
33 able service as a judge;

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

1 annuity due at the age of retirement. The tables of
2 annuities in effect at the date of retirement shall
3 be used for this purpose.

4 Sec. 10. 4 MRSA §1358, sub-§1, ¶E is enacted to
5 read:

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

9 Sec. 11. Appropriation. The following funds are
10 appropriated from the General Fund to carry out the
11 purposes of this Act.

12 1986-87

13 EXECUTIVE DEPARTMENT

14 Administration - Executive
15 - Governor's Office
16 Personal Services \$10,000
17 Provides funds for salary
18 increase to the Governor
19 effective the first
20 Wednesday in January of
21 1987.

22 LEGISLATURE

23 Legislature
24 Personal Services \$334,813
25 All Other 276,360
26 Total \$611,173
27 Provides funds for salary
28 and legislative expense
29 increases to be effective
30 in fiscal year 1987.

31 PUBLIC UTILITIES COMMISSION

32 Public Utilities Commission
33 Administration
34 Personal Services \$13,980

1 Provides funds for salary
2 increases for the chair-
3 man and commissioners of
4 the Public Utilities Com-
5 mission. Also provides
6 funds for the retirement
7 costs associated with
8 that salary increase.

9 WORKERS' COMPENSATION
10 COMMISSION

11 Personal Services \$58,340

12 Provides funds for salary
13 increases for the chair-
14 man and commissioners of
15 the Workers' Compensation
16 Commission. Also pro-
17 vides funds for the re-
18 tirement costs associated
19 with that salary in-
20 crease. All funds not
21 used for these purposes
22 shall lapse to the Gener-
23 al Fund.

24

25 TOTAL APPROPRIATION \$693,493

26 Sec. 12. Effective dates. Sections 2, 3 and 4
27 of this Act shall be effective on July 1, 1986. All
28 other sections of this Act shall be effective 90 days
29 after adjournment of the Legislature.

1

FISCAL NOTE

2 Section 1 of this bill requires a \$10,000 General
3 Fund appropriation in fiscal year 1986-87 to fund a
4 salary increase for the Governor. Sections 2 and 3
5 require a \$13,980 General Fund appropriation in fis-
6 cal year 1986-87 to fund a salary increase for the 3
7 Public Utilities Commission commissioners. Section 4
8 requires a \$58,340 General Fund appropriation to fund
9 the fiscal year 1986-87 salary increase for the 9
10 Workers' Compensation commissioners. Section 5 en-
11 acts salary and expense increases for Legislators and
12 will require a \$562,100 General Fund appropriation in
13 fiscal year 1986-87. Sections 6 to 10 will have no
14 significant fiscal impact.

15

STATEMENT OF FACT

16 This bill implements the recommendations of the
17 interim report of the State Compensation Commission
18 as follows.

19 1. Governor, sections 1 and 7. It increases the
20 Governor's salary to \$70,000, effective in January,
21 1987. This increase is designed to compensate for
22 the steady erosion in purchasing power over the last
23 10 years and to return the gubernatorial salary level
24 to one that is comparable to gubernatorial salaries
25 in peer states.

26 In addition, it provides a new method for
27 periodic review and revision of the Governor's sala-
28 ry. The State Compensation Commission will review
29 the salary of and establish a salary level for the
30 Governor every 4 years.

31 2. Public Utilities Commission, sections 2 and
32 3. The State Compensation Commission has recommended
33 that the Public Utilities Commission chairman's sala-
34 ry, presently established in the Maine Revised Stat-
35 utes at \$48,400, be placed in salary range 91, step
36 G, \$53,185.60 in fiscal year 1987 and salary range
37 91, step H, \$55,785.60 in fiscal year 1988.

1 The salary for each of the 2 commissioners, pres-
2 ently established in the Maine Revised Statutes at
3 \$46,800, would be placed in salary range 90, step G,
4 \$50,148.80, in fiscal year 1987 and salary range 91,
5 step H, \$52,561.60, in fiscal year 1988.

6 3. Workers' Compensation Commission, section 4.
7 The State Compensation Commission has recommended
8 that the Workers' Compensation Commission chairman's
9 salary, presently \$46,210, be placed in salary range
10 91, step G, \$53,185.60, in fiscal year 1987 and sala-
11 ry range 91, step H, \$55,785.60, in fiscal year 1988.

12 The salary for each of the 8 commissioners, pres-
13 ently established in the Maine Revised Statutes at
14 \$45,030, would be placed in salary range 90, step G,
15 \$50,148.80, in fiscal year 1987 and salary range 91,
16 step H, \$52,561.60, in fiscal year 1988.

17 4. Legislators and Indian Representatives, sec-
18 tion 5. Lack of legislative action by the 112th Leg-
19 islature on Legislators' salaries and expenses will
20 preclude any possible increase until the 114th Legis-
21 lature. The State Compensation Commission has recom-
22 mended that Legislators' salaries increase from
23 \$7,500 to \$9,000 in the First Regular Session and
24 \$4,000 to \$6,000 in the Second Regular Session. In-
25 dian Representatives' compensation would increase
26 from \$77 per day to \$100 per day.

27 In addition, the following changes in legislative
28 expenses are recommended: Increasing the housing al-
29 lowance from \$24 to \$34 during the regular sessions,
30 or, for commuters, increasing the actual mileage re-
31 imbursement from \$24 to \$34; increasing the constitu-
32 ent service allowance from \$330 to \$500 per year; in-
33 creasing legislative per diem from \$50 to \$55; allow-
34 ing actual lodging expenses to be reimbursed, capped
35 at the single-room rate, when a Legislator must
36 travel to Augusta when the Legislature is not in reg-
37 ular session, provided that the Legislator files a
38 receipt; and providing vouchered reimbursement for
39 actual airfare costs to those Legislators living more
40 than 150 miles away, with a limit of once a week dur-
41 ing the regular sessions.

42 5. State Compensation Commission, section 6.

1 This section establishes a January appointing date
2 for members of the State Compensation Commission.
3 Delayed appointments in the past have severely lim-
4 ited the time available for the members and their
5 staff to accomplish their statutory mandated objec-
6 tives.

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

19 Further details of the State Compensation Commis-
20 sion's recommendations may be found in the final re-
21 port.

22 6543022686