

MAINE STATE LEGISLATURE

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1 (New Draft of H.P. 1567, L.D. 2217)
2 SECOND REGULAR SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2389

7
8 H.P. 1696

House of Representatives, April 12, 1986

9 Reported by the Minority from the Committee on Appropriations and
10 Financial Affairs and printed under Joint Rule 2. Original bill submitted by
the State Compensation Commission pursuant to the Maine Revised Statutes
Annotated, Title 3, section 2-A.

11 EDWIN H. PERT, Clerk

12
13 STATE OF MAINE
14

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

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

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

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

26 Until the first Wednesday of January 1987, the
27 Governor shall receive an annual salary of \$35,000.
28 Beginning the first Wednesday of January 1987, the
29 Governor shall receive an annual salary of \$60,000.

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

33 Sec. 2. 2 MRSA §6-A, sub-§1, as amended by PL
34 1983, c. 863, Pt. B, §§1 and 45, is further amended
35 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~~ \$5,000 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~~ \$30 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~~ \$30 per day. Each member
41 shall also receive an annual allowance for constitu-
42 ent services in the amount of ~~\$330~~ \$400.

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 and reimbursement shall be capped at commercial
9 flight rates

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

19 In addition to the salary paid for the first and
20 2nd regular sessions of the Legislature, when a spe-
21 cial session is called, the members of the Senate and
22 House of Representatives shall each be paid ~~\$50~~ \$55
23 for every day's attendance, expenses and mileage as
24 aforesaid.

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

30 The member of the Penobscot Indian Tribe and the
31 member of the Passamaquoddy Indian Tribe elected to
32 represent his tribe at the Legislature shall receive
33 a compensation of ~~\$77~~ \$80 for each day's attendance
34 during the first and 2nd regular sessions and allow-
35 ance for meals, constituent service, housing and
36 travel expenses as any other member of the Senate and
37 House of Representatives for attendance at each leg-
38 islative session. For the duration of any special
39 session of the Legislature, they shall receive the
40 same allowances, including housing, meal and travel
41 expenses, as any other member of the Senate and House
42 of Representatives.

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

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

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

35 If a member of the Legislature dies or otherwise
36 vacates the office, the successor is entitled to a
37 salary from the date of seating, computed as follows:
38 One hundred and ~~fifty~~ eighty dollars per week times
39 the number of weeks remaining in the calendar year if
40 the vacancy occurs in the first year and ~~\$80~~ \$100 per
41 week for the number of weeks remaining in the calen-
42 dar year if the vacancy occurs in the 2nd year.

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

4 1. State Compensation Commission established.
5 There is established the State Compensation Commis-
6 sion, to consist of 5 members appointed in January of
7 every odd-numbered year as follows: One member shall
8 be appointed by the President of the Senate; one mem-
9 ber shall be appointed by the Speaker of the House of
10 Representatives; one member shall be appointed by the
11 Senate Minority Leader; one member shall be appointed
12 by the House Minority Leader; and one member shall be
13 appointed by a majority of the preceding 4 commis-
14 sioners and shall serve as chairman of the commis-
15 sion. The 5 members shall be residents of the State,
16 appointed from the public. No one may be appointed
17 who is a Legislator at the 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-
41 tions; and any other material that commission members
42 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 gubernatorial
21 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. 8. 4 MRSA §1302, sub-§3, ¶C, as amended by
25 PL 1983, c. 863, Pt. B, §§19 and 45, is repealed.

26 Sec. 9. 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. 10. 4 MRSA §1352, sub-§4, as repealed and
2 replaced by PL 1983, c. 863, Pt. B, §§24 and 45, is
3 repealed and the following enacted in its place:

4 4. Minimum benefit. Each judge in service on
5 December 1, 1984, who is 50 years of age or older on
6 that date shall be entitled to a minimum benefit
7 equal to 75% of the salary as of June 30, 1984, for
8 the position from which the judge retired, increased
9 by 6% compounded annually, for each year or part of a
10 year served subsequent to June 30, 1984, up to and
11 including June 30, 1989. The total shall be in-
12 creased by an amount equal to the cost-of-living fac-
13 tor granted the previous September, as determined
14 pursuant to section 1358, compounded annually.

15 Sec. 11. 4 MRSA §1358, as amended by PL 1983, c.
16 863, Pt. B, §§36 and 45, is further amended to read:

17 §1358. Cost-of-living and other adjustments

18 1. Cost-of-living adjustments. Retirement Except
19 as provided in subsection 2, paragraph A, retirement
20 allowances under this chapter shall be adjusted as
21 follows.

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

30 B. Whenever the annual percentage change in the
31 Consumer Price Index from July 1st to June 30th
32 exceeds 4%, the board shall adjust allowances as
33 set out in paragraph A and shall report the ad-
34 justment and the actual increase or decrease in
35 the Consumer Price Index to the Legislature dur-
36 ing February of the following year.

37 C. Adjustments under this section shall be ap-
38 plied to the allowances of all retirees who have
39 been retired for at least 6 months before the ad-
40 justment takes effect. Beneficiaries of deceased

1 retirees shall be eligible for the adjustment
2 provided in this section at the same time the de-
3 ceased retiree would have been eligible.

4 D. The amount of a retirement allowance payable
5 under this chapter shall not be less than the
6 retiree received on the effective date of his re-
7 tirement.

8 2. Retirement allowances. Retirement allowances
9 under section 1352, subsection 4, shall be adjusted
10 as follows.

11 A. Beginning in July 1985 and each July thereaf-
12 ter, through July 1989, retirement allowances un-
13 der section 1352, subsection 4, shall be in-
14 creased by 6% compounded annually.

15 B. Beginning in September 1990 and each Septem-
16 ber thereafter, retirement allowances under sec-
17 tion 1352, subsection 4, shall be adjusted as
18 provided in subsection 1.

19 Sec. 12. 5 MRSA §285, sub-§7, as repealed and
20 replaced by PL 1981, c. 270, §1, is amended to read:

21 7. Payment by State. Except as otherwise pro-
22 vided in this subsection, the State, through the
23 board of trustees, shall pay 100% of only the
24 employee's share of this insurance, except for Legis-
25 lators, where the State shall pay 50% of the Legisla-
26 tors' health insurance premium for dependent
27 coverage. For any person appointed to a position af-
28 ter November 1, 1981, who is employed less than full
29 time, the State shall pay a share of the employee's
30 share reduced pro rata to reflect the reduced number
31 of work hours.

32 Sec. 13. Appropriation. The following funds are
33 appropriated from the General Fund to carry out the
34 purposes of this Act.

35 1986-87

36 EXECUTIVE DEPARTMENT

1 Administration - Executive
 2 - Governor's Office
 3 Personal Services \$5,000
 4 Provides funds for salary
 5 increase to the Governor
 6 effective the first
 7 Wednesday in January of
 8 1987.

9 LEGISLATURE

10 Legislature
 11 Personal Services \$367,000
 12 All Other 159,800
 13 Total \$526,800
 14 Provides funds for salary
 15 and legislative expense
 16 increases to be effective
 17 in fiscal year 1987.

18 PUBLIC UTILITIES COMMISSION

19 Public Utilities Commission
 20 Administration
 21 Personal Services \$13,980
 22 Provides funds for salary
 23 increases for the chair-
 24 man and commissioners of
 25 the Public Utilities Com-
 26 mission. Also provides
 27 funds for the retirement
 28 costs associated with
 29 that salary increase.

30 WORKERS' COMPENSATION
 31 COMMISSION

32 Personal Services \$58,340

1 Provides funds for salary
2 increases for the chair-
3 man and commissioners of
4 the Workers' Compensation
5 Commission. Also pro-
6 vides funds for the re-
7 tirement costs associated
8 with that salary in-
9 crease. All funds not
10 used for these purposes
11 shall lapse to the Gener-
12 al Fund.

13

14 TOTAL APPROPRIATION _____
\$604,120

15 Sec. 14. Effective dates. Sections 2, 3 and 4
16 of this Act shall be effective on July 1, 1986. All
17 other sections of this Act shall be effective 90 days
18 after adjournment of the Legislature.

19

FISCAL NOTE

20 Section 1 of this bill requires a \$5,000 General
21 Fund appropriation in fiscal year 1986-87 to fund a
22 salary increase for the Governor. Sections 2 and 3
23 require a \$13,980 General Fund appropriation in fis-
24 cal year 1986-87 to fund a salary increase for the 3
25 Public Utilities Commission commissioners. Section 4
26 requires a \$58,340 General Fund appropriation to fund
27 the fiscal year 1986-87 salary increase for the 9
28 Workers' Compensation commissioners. Sections 5 and
29 12 enact salary and expense increases for Legislators
30 and will require a \$526,800 General Fund appropria-
31 tion in fiscal year 1986-87. Sections 6 to 11 will
32 have no significant fiscal impact.

33

STATEMENT OF FACT

34 This new draft makes the following changes to the
35 bill:

1 1. Increases the Governor's salary to \$60,000,
2 effective January 1987, rather than the proposed
3 \$70,000;

4 2. Increases Legislators' salaries to \$5,000 in
5 the Second Regular Session, rather than the proposed
6 \$6,000;

7 3. Increases Legislators' housing and mileage
8 allowance to \$30 per day, rather than the proposed
9 \$34 per day;

10 4. Increases the constituent service allowance
11 to \$400, rather than the proposed \$500;

12 5. Amends the proposed air fare reimbursement
13 for Legislators by capping the reimbursement to com-
14 mercial air fare rates;

15 6. Increases the Indian Representative compensa-
16 tion to \$80 per day, rather than the proposed \$100
17 per day;

18 7. Amends the manner in which members of the
19 State Compensation Commission are appointed to allow
20 the Senate Minority Leader and House Minority Leader
21 to each appoint one member;

22 8. Clarifies the language concerning the minimum
23 retirement benefit for judges in the transition zone
24 to ensure that cost-of-living adjustments are not
25 added to the retirement benefit twice;

26 9. Allows Legislators' health insurance premiums
27 for dependent coverage to be reduced from 100% to
28 50%; and

29 10. Changes the appropriation section according-
30 ly.

31 7433041186