

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

Legislative Document

No. 138

H.P. 102

House of Representatives, February 13, 1989

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

Reference to the Joint Standing Committee on Appropriations and Financial Affairs suggested and printing ordered under Joint Rule 18.

Ed Pert

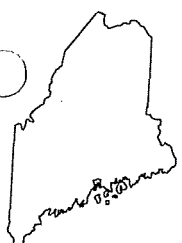
EDWIN H. PERT, Clerk

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-NINE

**An Act to Implement Certain Recommendations of the State
Compensation Commission.**

(EMERGENCY)



1 **Emergency Preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
3 as emergencies; and

5 Whereas, the State Compensation Commission has recommended,
among other things, salary increases for Maine's justices and
7 judges; and

9 Whereas, these salary increases will become payable within
weeks of adjournment of the First Regular Session of the 114th
11 Legislature; and

13 Whereas, in the judgment of the Legislature, these facts
create an emergency within the meaning of the Constitution of
15 Maine and require the following legislation as immediately
necessary for the preservation of the public peace, health and
17 safety; now, therefore,

19 **Be it enacted by the People of the State of Maine as follows:**

21 **Sec. 1. 3 MRSA §2, 3rd ¶,** as amended by PL 1985, c. 693, §5,
is further amended to read:

23 Each member of the Senate and House of Representatives shall
25 be entitled to a meal allowance in the amount of \$26 and a
housing allowance in the amount of \$34 for each day in attendance
27 at sessions of the Legislature and for each day he the member
occupies overnight accommodations away from home either
29 immediately preceding or immediately following attendance at
daily sessions of the Legislature. In lieu of the meal and
31 housing allowance, each member shall be entitled to a daily meal
allowance in the amount of \$26 and actual daily mileage
33 allowances in an amount up to but not exceeding \$34 per day.
Each member of the Senate shall also receive an annual allowance
35 for constituent services in the amount of \$1,000. Each member of
the House of Representatives shall also receive an annual
37 allowance for constituent services in the amount of \$500.

39 **Sec. 2. 3 MRSA §2, 6th¶,** as amended by PL 1985, c. 693, §5, is
further amended to read:

41 In addition to the salary paid for the first and 2nd regular
43 sessions of the Legislature, when a special session is called,
the members of the Senate and House of Representatives shall each
45 be paid ~~\$55~~ compensated \$100 for every day's attendance, expenses
and mileage ~~as-aforesaid~~ pursuant to this section.

47 **Sec. 3. 3 MRSA §162-B,** as enacted by PL 1983, c. 862, §§5 and
49 6, is amended to read:

51 **§162-B. Salaries of constitutional officers**

53 Notwithstanding any other provisions of law, the salaries of

1 the following state officials shall be at the salary ranges
2 indicated in this section. At the time of initial appointment,
3 the salary of the Secretary of State, ~~the State Auditor~~ and the
4 Treasurer of State shall be set at the first step of the
5 official's respective range. At the time of initial appointment,
6 the salary ~~salaries~~ of the Attorney General ~~and the State Auditor~~
7 shall be set at Step E of his ~~their~~ salary ~~range~~ ~~ranges~~. The
8 Legislative Council may adjust the salary of each official by one
9 step for each year of continuous service after the initial
10 appointment to office.

11 The salary ranges shall be as provided by law for
12 confidential employees who take the salary increase option
13 instead of state payment of retirement contribution. No other
14 state salary may be paid. These officials are not eligible for
15 state payment of employee retirement contributions.

16 1. Range 87. The salary of the following state officials
17 and employees shall be within salary range 87, ~~but shall not~~
18 ~~exceed Step G in that range:~~

19 A. Secretary of State; and

20 B. Treasurer of State.

21 2. Range 88. The salary of the State Auditor shall be
22 within salary range 88, but shall not exceed be less than Step G
23 E in that range.

24 3. Range 90. The salary of the Attorney General shall be
25 within salary range 90, but shall not be less than Step E and
26 ~~shall not exceed Step G in that range.~~

27 **Sec. 4. 3 MRSA §801, sub-§1-A** is enacted to read:

28 1-A. Waiver provision. Any Legislator may petition the
29 presiding officer for a waiver from the membership provisions of
30 subsection 1 if it can be demonstrated that membership in the
31 Maine Legislative Retirement System will create or exacerbate a
32 Legislator's federal income tax liability due to the ownership of
33 another retirement plan. The Office of the Executive Director of
34 the Legislative Council shall provide assistance as requested by
35 the Legislator or presiding officer. The presiding officer shall
36 respond to the Legislator's petition within 30 days and shall
37 provide copies of the decision to the Executive Director of the
38 Legislative Council and the Executive Director of the Maine State
39 Retirement System.

40 **Sec. 5. 4 MRSA §4, sub-§2**, as amended by PL 1983, c. 863, Pt.
41 B, §5, 45, is repealed and the following enacted in its place:

42 2. Associate justice; salary. Each Associate Justice of
43 the Supreme Judicial Court shall receive a salary as follows:

- 1 A. For fiscal year 1989, \$77,300;
- 3 B. For fiscal year 1990, \$82,827;
- 5 C. For fiscal year 1991, \$88,749; and
- 7 D. For fiscal year 1992 and thereafter, \$95,000.

9 **Sec. 6. 4 MRSA §4, sub-§2-A** is enacted to read:

11 2-A. Cost-of-living adjustment. Effective July 1, 1992 and
13 every July 1st thereafter, the State Court Administrators shall
15 adjust the salaries of Maine's associate justices and associate
17 judges by any percentage change in the Consumer Price Index from
19 January 1st to December 31st of the previous year, but only to a
21 maximum increase or decrease of 4%. The State Court
23 Administrator shall determine the cost of these adjustments;
25 notify the State Budget Officer and the Director of the Office of
27 Fiscal and Program Review of these costs; and include them in the
29 Judicial Department's budget requests, as necessary. For
 purposes of this subsection, "Consumer Price Index" means the
 Consumer Price Index for Urban Wage Earners and Clerical Workers:
 United States City Average, All items, 1967=100, as compiled by
 the United States Department of Labor, Bureau of Labor
 Statistics; or, if the index is revised or superseded, the
 Consumer Price Index shall be the index represented by the Bureau
 of Labor Statistics as reflecting most accurately changes in the
 purchasing power of the dollar by consumers.

31 **Sec. 7. 4 MRSA §6-B**, as amended by PL 1983, c.416, §1, is
 further amended to read:

33 **§6-B. Per diem compensation for Active Retired Justices of the**
35 **Supreme Judicial Court**

37 Any Active Retired Justice of the Supreme Judicial Court,
39 who performs judicial service at the direction and assignment of
41 the Chief Justice of the Supreme Judicial Court, shall be
43 compensated for those services at the rate of \$75 \$150 per day or
45 \$45 \$90 per 1/2 day, provided that the total per diem
 compensation and retirement pension received by an Active Retired
 Justice of the Supreme Judicial Court in any calendar year may
 does not exceed the annual salary of a Justice of the Supreme
 Judicial Court.

47 **Sec. 8. 4 MRSA §102, sub-§2**, as amended by PL 1983, c.863, Pt.
 B, §§6, 45, is repealed and the following enacted in its place:

49 2. Associate justice; salary. Each Justice of the Superior
51 Court shall receive a salary as follows:

- 1 A. For fiscal year 1989, \$73,100;
3 B. For fiscal year 1990, \$78,217;
5 C. For fiscal year 1991, \$83,692; and
7 D. For fiscal year 1992 and thereafter, \$89,500.

9 **Sec. 9.4 MRSA §102, sub-§2-A** is enacted to read:

11 2-A. Cost-of-living adjustment. The salaries of the
13 associate justices shall be adjusted as established in Title 4,
15 section 4, subsection 2-A.

17 **Sec. 10.4 MRSA, §104-A**, as amended by PL 1983, c.416, §2, is
19 further amended to read:

21 **§104-A. Per diem compensation for Active Retired Superior Court**
23 **Justices**

25 Any Active Retired Justice of the Superior Court, who
27 performs judicial service at the direction and assignment of the
29 Chief Justice of the Supreme Judicial Court, shall be compensated
31 for those services at the rate of \$75 ~~\$150~~ per day or \$45 ~~\$90~~ per
33 1/2 day, provided that the total per diem compensation and
35 retirement pension received by an Active Retired Justice of the
37 Superior Court in any calendar year may does not exceed the
39 annual salary of a Justice of the Superior Court.

41 **Sec. 11.4 MRSA §157, sub-§4**, as repealed and replaced by PL
43 1983, c.863, Pt. B, §§7, 45, is repealed and the following
45 enacted in its place:

47 4. Associate judge; salary. Each Associate Judge of the
49 District Court shall receive a salary as follows:

- 51 A. For fiscal year 1989, \$70,176;
53 B. For fiscal year 1990, \$75,088;
55 C. For fiscal year 1991, \$80,344; and
57 D. For fiscal year 1992 and thereafter, \$85,920.

59 **Sec. 12.4 MRSA §157, sub §4-A** is enacted to read:

61 4-A. Cost-of-living adjustment. The salaries of the
63 associate judges shall be adjusted as established in Title 4,
65 section 4, subsection 2-A.

67 **Sec. 13.4 MRSA §157-D**, as enacted by PL 1983, c.853, Pt. C,
69 §§13, 18, is amended to read:

1 **§157-D. Active retired judges; compensation**

3 Any Active Retired Judge of the District Court, who performs
4 judicial service at the direction and assignment of the Chief
5 Judge of the District Court, shall be compensated for those
6 services at the rate of \$75 ~~\$150~~ per day or \$45 ~~\$90~~ per 1/2 day,
7 provided that the total per diem compensation and retirement
8 pension received by an Active Retired Judge of the District Court
9 in any calendar year may does not exceed the annual salary of a
10 Judge of the District Court.

11 **Sec. 14. Appropriation.** The following funds are appropriated
12 from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
15 AUDIT, DEPARTMENT OF		
17 Audit-Departmental Bureau		

19 Personal Services	\$ 11,184	\$ 11,757
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21 Provides funds for the salary
22 and related costs of the
23 State Auditor per the Maine
24 Revised Statutes, Title 3,
25 section 162-B.

27 **JUDICIAL DEPARTMENT**

29 **Courts - Supreme, Superior,**
31 **District and Administrative**

33 Personal Services	\$470,794	\$870,471
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35 Provides funds to increase
36 the annual salary for
37 justices and judges and to
38 increase the per diem
39 compensation for active
40 retired justices and judges
41 beginning July 1, 1989.

43 **LEGISLATURE**

45 **Legislature**

47 All Other		\$ 17,500
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49 Provides funds for the
50 increased constituent service
51 allowance for Senators.

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TOTAL APPROPRIATIONS

\$481,978

\$899,728

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

FISCAL NOTE

Enactment of this legislation will require a General Fund appropriation of \$481,978 in fiscal year 1990 and \$899,728 in fiscal year 1991 to fund a Step E appointment for the State Auditor, salary increases for Maine's justices and judges, an increase in per diem for Maine's active retired justices and judges and an increase in the constituent service allowance for Senators.

The cost-of-living adjustment for Maine's justices and judges will create additional costs for the Judicial Department budget starting in fiscal year 1993, the exact nature of which cannot be determined at this time.

An increase in legislative compensation for special sessions from \$55 per day to \$100 per day will create an additional cost to the legislative account in the next biennium, the exact nature of which cannot be determined at this time.

STATEMENT OF FACT

This bill implements the recommendations of the State Compensation Commission made in its final report as follows:

The State Compensation Commission has recommended 3 changes in legislative compensation effective with the seating of the 115th Legislature, including: authorizing special session compensation at the rate of \$100 per legislative day; increasing the annual constituent service allowance for Senators by \$500 to \$1,000; and creating a waiver provision from mandatory membership in the Maine Legislative Retirement System for those members with a tax conflict.

The commission has recommended eliminating statutory language that prohibits the constitutional officers from reaching the top two steps of their salary ranges. Also, the commission has recommended that the State Auditor, like the Attorney General, be allowed to start at Step E of the salary range in recognition of the professional certification requirements for the position.

The commission has recommended the implementation of a 3-year salary increase schedule for Maine's justices and judges. This schedule will build upon the schedule authorized by

1 the 11th Legislature in 1984 and which concludes on June 30,
3 1989. The commission also has recommended that the per diem
5 compensation of retired justices and judges be increased from \$75
7 to \$150.

9 Further information on these recommendations, as well as
other nonstatutory recommendations of the commission, may be
found in the State Compensation Commission's final report dated
November 15, 1988.