

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1990

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Legislative Document

No. 5

S.P. 16

In Senate, December 5, 1990

Reference to the Committee on State and Local Government suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

Presented by President PRAY of Penobscot.  
Cosponsored by Senator CLARK of Cumberland.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY

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An Act to Provide a Salary Payment Option for Legislators.

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(EMERGENCY)



Emergency preamble. Whereas, Acts of the Legislature do not  
2 become effective until 90 days after adjournment unless enacted  
as emergencies; and

4  
Whereas, certain Legislators receive Social Security  
6 retirement benefits; and

8  
Whereas, the current system of unequal annual payments of a  
Legislator's salary causes a reduction of Social Security  
10 retirement benefits in the first year of the biennium; and

12  
Whereas, unless this legislation takes effect immediately,  
this problem will adversely affect retired Legislators this year;  
14 and

16  
Whereas, in the judgment of the Legislature, these facts  
create an emergency within the meaning of the Constitution of  
18 Maine and require the following legislation as immediately  
necessary for the preservation of the public peace, health and  
20 safety; now, therefore,

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

24 **3 MRSA §2, first ¶, as affected by PL 1989, c. 878, Pt. D,**  
§§14 and 15, is amended to read:

26  
Each member of the Senate and House of Representatives,  
28 beginning with the first Wednesday of December 1990 and  
thereafter, ~~shall receive~~ is entitled to \$10,500 in the first  
30 year and \$7,500 in the 2nd year of each biennium, ~~and shall~~  
except that if a Legislator who is a recipient of retirement  
32 benefits from the federal Social Security Administration files a  
written request with the Executive Director of the Legislative  
34 Council within one week after the biennium commences, the  
Legislator is entitled to \$9,000 in each year of the biennium.  
36 In addition, each Legislator is entitled to be paid for travel at  
each legislative session once each week at the same rate per mile  
38 to and from that Legislator's place of abode as state employees  
receive, the mileage to be determined by the most reasonable  
40 direct route, except that Legislators may be reimbursed for tolls  
paid for travel on the Maine Turnpike provided they have a  
42 receipt for payment of the tolls, such tolls to be reimbursed  
when Legislators use the Maine Turnpike in traveling to and from  
44 sessions of the Legislature or in performance of duly authorized  
committee assignments. Each Legislator is entitled to mileage on  
46 the first day of the session, and such amounts of salary and  
expenses at such times as the Legislature may determine during  
48 the session, and the balance at the end thereof.

50 **Emergency clause.** In view of the emergency cited in the  
preamble, this Act takes effect when approved.

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## STATEMENT OF FACT

6           This bill creates an optional method of payment of a  
Legislator's salary if a Legislator is a recipient of Social  
8   Security retirement benefits. Current law provides for a salary  
of \$10,500 in the first year of the biennium and \$7,500 in the  
10 2nd year. This bill allows a qualified Legislator to elect to  
receive a salary of \$9,000 in each year of the biennium. The  
12 Legislator must notify the Executive Director of the Legislative  
Council, in writing, of the Legislator's desire to pursue this  
14 optional method of payment. This notice must be provided within  
one week of the commencement of the biennium or the Legislator's  
16 salary remains in unequal amounts for each year of the biennium.  
This option allows a Legislator the option of ensuring that the  
18 Legislator's Social Security retirement benefits will not be  
adversely affected by legislative service.

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