

# MAINE STATE LEGISLATURE

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# 115th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1991

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Legislative Document

No. 1662

H.P. 1137

House of Representatives, April 24, 1991

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

Reference to the Joint Standing Committee on State and Local Government suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND NINETY-ONE

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

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(EMERGENCY)

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

4           Whereas, the State Compensation Commission has recommended,  
6 among other things, salary increases for Maine's justices and  
judges, constitutional officers, State Auditor and commissioners  
8 of the Public Utilities Commission and the Workers' Compensation  
Commission; and

10           Whereas, pursuant to the commission's recommendations, these  
12 salary increases should become payable as of July 1, 1991; and

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

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

22           **Sec. 1.** 2 MRSA §1, 4th ¶, as repealed and replaced by PL 1985,  
c. 693, §1, is amended to read:

24           The annual salary of the Governor shall must be reviewed in  
26 the ~~3rd~~ 2nd year of each gubernatorial term in office by the  
State Compensation Commission.

28           **Sec. 2.** 2 MRSA §6-A, sub-§1, as amended by PL 1985, c. 737,  
30 Pt. C, §5, is further amended to read:

32           1. **Chair.** The salary of the chairman chair of the  
commission shall ~~be~~ is within salary range 91, step G, for fiscal  
34 year 1987; and salary range 91, step H, for fiscal year 1988, and  
annually thereafter; except that, effective July 1, 1991, the  
36 salary of the chair of the commission is equal to 102.5% of  
salary range 91, step H, upon completion of the 3rd year of the  
38 chair's first term.

40           **Sec. 3.** 2 MRSA §6-A, sub-§2-A is enacted to read:

42           2-A. Senior commission members. Effective July 1, 1991,  
the salary of a senior commission member is equal to 102.5% of  
44 salary range 90, step H. For the purposes of this section,  
"senior commission member" means any commissioner, other than the  
46 chair, who has completed the 3rd year of a first term.

48           **Sec. 4.** 2 MRSA §7, sub-§2, ¶A, as amended by PL 1989, c. 502,  
Pt. A, §5, is further amended to read:

50           A. For the chair, a salary within salary range 91, step G,  
52 for fiscal year 1987; and a salary within salary range 91,

2 step H, for fiscal year 1988, and annually thereafter;  
3 except that, effective July 1, 1991, a salary equal to  
4 102.5% of the salary range 91, step H, upon completion of  
5 the 3rd year of the chair's first term;

6 Sec. 5. 2 MRSA §7, sub-§2, ¶B, as amended by PL 1985, c. 693,  
7 §§4 and 14, is further amended to read:

8 B. For the members, a salary within salary range 90, step  
9 G, for fiscal year 1987; and a salary within salary range  
10 90, step H, for fiscal year 1988, and annually thereafter;  
11 ; and

12 Sec. 6. 2 MRSA §7, sub-§2, ¶C is enacted to read:

13 C. Effective July 1, 1991, for senior commission members, a  
14 salary equal to 102.5% of salary range 90, step H. For the  
15 purposes of this section, "senior commission member" means  
16 any member, other than the chair, who has completed the 3rd  
17 year of a first term.

18 Sec. 7. 3 MRSA §2-A, sub-§2, as amended by PL 1985, c. 693,  
19 §7, is further amended to read:

20 2. Duties of commission. Not later than May 1st of every  
21 odd-numbered year and January 15th of every even-numbered year,  
22 the commission shall submit to the Legislature an interim report  
23 of the commission and not later than November 15th of every  
24 even-numbered year, a final report of the commission. The reports  
25 shall must contain: A a description of the commission's  
26 activities; the recommendations of the commission; the reasons  
27 for its recommendations; drafts of any legislation required to  
28 implement its recommendations; and any other material that  
29 commission members may wish to submit.

30 Prior to reporting as required in this subsection, and subsequent  
31 to giving public notice, the commission shall hold a public  
32 hearing on the report. Subsequent to reporting, the commission  
33 shall meet, if requested, with the Governor, the Legislative  
34 Council and legislative committees to discuss the report.

35 The report shall must contain recommendations for: All all  
36 compensation of the Governor, justices and judges, constitutional  
37 officers, Legislators, Clerk and Assistant Clerk of the House of  
38 Representatives, Secretary and Assistant Secretary of the Senate  
39 and representatives of Indian tribes, including, but not limited  
40 to, all payments for salaries, meals, housing, travel, mileage,  
41 constituent services and all other expenses and allowances,  
42 including additional payments made for additional services by any  
43 justice, judge, constitutional officer, President of the Senate,  
44 Speaker of the House of Representatives and members of  
45 legislative leadership. As established in Title 2, section 1, in  
46

2 the 3<sup>rd</sup> 2<sup>nd</sup> year of each gubernatorial term of office, the report  
shall must contain a recommendation for all compensation of the  
Governor. The report may contain other recommendations.

4  
6 **Sec. 8. 3 MRSA §162-B, first ¶**, as enacted by PL 1983, c. 862,  
§§5 and 6, is amended to read:

8 Notwithstanding any other provisions of law, the salaries of  
the following state officials shall-be are at the salary ranges  
10 indicated in this section. At the time of initial appointment,  
the salary of the Secretary of State and the Treasurer of State  
12 shall-be are set at the Step C D of the official's respective  
range. At the time of initial appointment, the salaries of the  
14 Attorney General and the State Auditor shall-be are set at Step E  
of their salary ranges. The Legislative Council may adjust the  
16 salary of each official by one step for each year of continuous  
service after the initial appointment to office.

18  
20 **Sec. 9. 3 MRSA §162-B, sub-§§1 and 2**, as enacted by PL 1983, c.  
862, §§5 and 6, are amended to read:

22 1. **Range 89.** The salary of the following state officials  
and employees shall-be is within salary range 88 89, but shall  
24 may not be less than Step C D in that range:

26 A. Secretary of State; and

28 B. Treasurer of State.

30 2. **Range 90.** The salary of the State Auditor shall-be is  
within salary range 89 90, but shall may not be less than Step E  
32 in that range.

34 **Sec. 10. 4 MRSA §4, sub-§2**, as repealed and replaced by PL  
1989, c. 596, Pt. C, §§1 and 8, is amended to read:

36 2. **Associate justice; salary.** Each Associate Justice of  
38 the Supreme Judicial Court shall-receive is entitled to a salary  
as follows:

40 A. For fiscal year years 1989-90 and thereafter 1990-91,  
42 \$80,392+ ; and

44 F. For fiscal years 1991-92, 1992-93 and 1993-94, the  
46 salary listed in subsection 2, paragraph A, increased by 3%  
in each year of those years, once the adjustment required by  
48 subsection 2-A has been made.

50 **Sec. 11. 4 MRSA §102, sub-§2**, as repealed and replaced by PL  
1989, c. 596, Pt. C, §§2 and 8, is amended to read:

52 2. **Associate justice; salary.** Each Associate Justice of  
the Superior Court shall-receive is entitled to a salary as  
54 follows:

2 A. For fiscal year years 1989-90 and thereafter 1990-91,  
\$76,024-; and

4 F. For fiscal years 1991-92, 1992-93 and 1993-94, the  
6 salary listed in subsection 2, paragraph A, increased by 3%  
8 in each of those years, once the adjustment required by  
subsection 2-A has been made.

10 **Sec. 12. 4 MRSA §157, sub-§4**, as repealed and replaced by PL  
1989, c. 596, Pt. C, §§3 and 8, is amended to read:

12 **4. Associate judge; salary.** Each Associate Judge of the  
14 District Court ~~shall receive~~ is entitled to a salary as follows:

16 A. For fiscal year years 1989-90 and thereafter 1990-91,  
\$72,983-; and

18 B. For fiscal years 1991-92, 1992-93 and 1993-94, the  
20 salary listed in subsection 2, paragraph A, increased by 3%  
22 in each of those years, once the adjustment required by  
subsection 2-A has been made.

24 **Sec. 13. 5 MRSA §285, sub-§7**, as amended by PL 1989, c. 776,  
§1, is further amended to read:

26 **7. Payment by State.** Except as otherwise provided in this  
28 subsection, the State, through the commission, shall pay 100% of  
30 only the employee's share of this health plan, except for  
32 Legislators, for whom the State shall pay 50% ~~60%~~ of the health  
34 plan premium for dependent coverage. For any person appointed to  
a position after November 1, 1981, who is employed less than full  
time, the State shall pay a share of the employee's share reduced  
pro rata to reflect the reduced number of work hours.

36 **Sec. 14. Legislative intent.** It is the intent of the Legislature  
38 that, beginning with the 116th Legislature, members of the  
Legislature are entitled to state payment of basic life insurance  
coverage.

40 **Sec. 15. Appropriation.** The following funds are appropriated  
42 from the General Fund to carry out the purposes of this Act.

	1991-92	1992-93
<b>AUDIT, DEPARTMENT OF</b>		
<b>Audit - Departmental Bureau</b>		
Personal Services	\$5,108	\$5,414
Provides funds to implement a		

2	salary range change for the State Auditor.		
4	<b>DEPARTMENT OF AUDIT</b>		
	<b>TOTAL</b>	<u>\$5,108</u>	<u>\$5,414</u>
6			
8	<b>JUDICIAL DEPARTMENT</b>		
10	<b>Courts - Supreme, Superior, District and Administrative</b>		
12	Personal Services	\$159,175	\$322,248
14	Provides funds for a salary		
16	increase of 3% effective July		
18	1, 1991 and July 1, 1992, plus related retirement costs for the justices and judges.		
20	<b>JUDICIAL DEPARTMENT</b>		
	<b>TOTAL</b>	<u>\$159,175</u>	<u>\$322,248</u>
22			
24	<b>PUBLIC UTILITIES COMMISSION</b>		
26	<b>Public Utilities - Administrative Division</b>		
28	Personal Services	\$3,840	\$6,642
30	Provides funds to increase		
32	the salary and related costs		
34	of senior commission members		
36	pursuant to the Maine Revised Statutes, Title 2, section 6-A.		
38	<b>PUBLIC UTILITIES COMMISSION</b>		
	<b>TOTAL</b>	<u>\$3,840</u>	<u>\$6,642</u>
40	<b>SECRETARY OF STATE, DEPARTMENT OF THE</b>		
42	<b>Administration - Secretary of State</b>		
44	Personal Services	\$2,181	\$2,306
46	Provides funds to implement a		
48	salary range change for the		
50	Secretary of State.		
52	Represents a 50% General Fund share of the total costs.		

2	<b>DEPARTMENT OF THE SECRETARY OF STATE</b>		
	<b>TOTAL</b>	<u>\$2,181</u>	<u>\$2,306</u>
4			
6	<b>TREASURER OF STATE</b>		
	<b>Administration - Treasury</b>		
8			
	Personal Services	\$5,046	\$5,064
10			
12	Provides funds to implement a salary range change for the State Treasurer.		
14			
16	<b>TREASURER OF STATE TOTAL</b>	<u>\$5,046</u>	<u>\$5,064</u>
18	<b>WORKERS' COMPENSATION COMMISSION</b>		
20	<b>Workers' Compensation Commission</b>		
22			
	Personal Services	\$19,590	\$23,044
24			
26	Provides funds to increase the salary and related costs of senior commission members pursuant to the Maine Revised Statutes, Title 2, section 7.		
28			
30	<b>WORKERS' COMPENSATION COMMISSION TOTAL</b>	<u>\$19,590</u>	<u>\$23,044</u>
32			
34	<b>TOTAL APPROPRIATIONS</b>	<u>\$194,940</u>	<u>\$364,718</u>
36	Sec. 16. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.		
38			
		1991-92	1992-93
40			
42	<b>SECRETARY OF STATE, DEPARTMENT OF THE</b>		
44	<b>Administration - Motor Vehicles</b>		
46			
	Personal Services	\$2,181	\$2,306
48			
50	Provides funds to implement a salary range change for the Secretary of State. Represents a 50% Highway Fund share of the total costs.		
52			



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

4  
6                                   **FISCAL NOTE**

8           This bill requires a General Fund appropriation of \$194,940  
in fiscal year 1991-92 and \$364,718 in fiscal year 1992-93 to  
10 fund salary increases for the constitutional officers and the  
State Auditor, Maine's justices and judges and commissioners of  
12 the Public Utilities Commission and the Workers' Compensation  
Commission. This bill also requires a Highway Fund allocation of  
14 \$2,181 in fiscal year 1991-92 and \$2,306 in fiscal year 1992-93  
to fund 50% of the salary increase proposed for the Secretary of  
16 State.

18           In addition, this bill implements statutory language that  
will generate future costs to the General Fund in the 1994-95  
20 biennium. These future costs include implementing the 3rd-year  
salary increase of 3% for Maine's justices and judges,  
22 implementing state funding for Legislators' basic life insurance  
and increasing the State's share of the health plan premium for  
24 dependent coverage to 60%.

26                                   **STATEMENT OF FACT**

28           This bill implements the recommendations made in the State  
30 Compensation Commission's final report to the 114th Legislature  
on November 15, 1990, including:

32           1. Changing the State Compensation Commission's review of  
34 gubernatorial compensation from the 3rd year of each term to the  
2nd year;

36           2. Authorizing a salary increase for members of the Public  
38 Utilities Commission and the Workers' Compensation Commission  
upon their completion of their 3rd year of their first term. It  
40 is the intent of the Legislature that commissioners who completed  
their 3rd year of their first term prior to the effective date of  
42 these provisions are not eligible for retroactive salary  
increases;

44           3. Increasing the salary range assignments for the State  
46 Auditor, the Secretary of State and the Treasurer of State, and  
increasing the minimum step for initial appointments of the  
48 Secretary of State and the Treasurer of State;

50           4. Implementing a 3-year salary increase schedule of 3%  
each year, starting on July 1, 1991, fiscal year 1991-92; and  
52

2 5. Increasing the State's share of the health plan premium  
4 for dependent coverage from 50% to 60% as was done for state  
6 employees in the most recent collective bargaining agreements and  
8 providing state funding for Legislators' basic life insurance, as  
is provided currently for state employees.

Further information on these recommendations, as well as  
other administrative recommendations, may be found in the State  
Compensation Commission's final report, dated November 15, 1990.