

MAINE STATE LEGISLATURE

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JUDICIARY

Reported by: Senator MILLS of Smerset for the Committee.

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**STATE OF MAINE
SENATE
117TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT " A" to S.P. 536, L.D. 1474, Bill, "An Act to Establish the Maine Judicial Compensation Commission"

Amend the bill in section 1 in that part designated "§1701." in subsection 1 in the 4th and 5th lines (page 1, lines 14 and 15 in L.D.) by striking out the following: "establish, subject to approval by the Senate and the House of Representatives," and inserting in its place the following: 'study and make recommendations concerning'

Further amend the bill in section 1 in that part designated "§1701." in subsection 2 in the last line (page 1, line 25 in L.D.) by striking out the following: "any" and inserting in its place the following: 'the same'

Further amend the bill in section 1 in that part designated "§1701." in subsection 2 by inserting at the end a new sentence to read: 'The initial appointments must be made within 10 days of the effective date of this section.'

Further amend the bill in section 1 in that part designated "§1701." by striking out all of subsection 3 and inserting in its place the following:

'3. Terms of office. The initial member appointed by the Speaker of the House serves until December 31, 1996. The initial member appointed by the President of the Senate serves until December 31, 1997. The initial member appointed by the Governor serves until December 31, 1998. After the initial appointments,

2 members serve for terms of 4 years, beginning January 1, 1997 for
3 the member appointed by the Speaker of the House, beginning
4 January 1, 1998 for the member appointed by the President of the
5 Senate and beginning January 1, 1999 for the member appointed by
6 the Governor. Members are limited to 2 consecutive terms.'

8 Further amend the bill in section 1 in that part designated
9 "~~§1701.~~" by striking out all of subsections 7, 8 and 9 and
10 inserting in their place the following:

12 '7. Meeting; quorum; concurrence. The Executive Director
13 of the Legislative Council shall call the first meeting of the
14 commission no later than 5 days after the appointments are made.
15 For all subsequent meetings, the commission shall meet, either in
16 person or by teleconference, on the call of the chair or on the
17 request of at least 2 members. The presence of at least 2
18 members is required to conduct a meeting. The concurrence of at
19 least 2 members is required for any formal action taken by the
20 commission. The working papers, draft reports and other papers
21 of the commission in the possession of a legislative employee are
22 excepted from the definition of public records in accordance with
23 Title 1, section 402, subsection 3, paragraph C.

24 8. Administration. The Legislative Council shall provide
25 staff support for the commission when the Legislature is not in
26 session.

28 9. Reimbursement. Notwithstanding Title 5, section
29 12002-A, members are entitled to reimbursement for actual and
30 necessary expenses related to the travel to and from commission
31 meetings when the expenses are approved by the chair and
32 submitted to the Executive Director of the Legislative Council
33 and are entitled to reimbursement for reasonable expenses
34 incurred in the exercise of their powers under subsection 13 when
35 approved by the Executive Director. The reimbursement must be
36 made from the funds of the administrative office of the court
37 system upon the request of the Executive Director. Other
38 expenses may not be reimbursed by state funds.'

40 Further amend the bill in section 1 in that part designated
41 "~~§1701.~~" by striking out all of subsection 11.

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43 Further amend the bill in section 1 in that part designated
44 "~~§1701.~~" in subsection 13 in the first paragraph in the last line
45 (page 3, line 9 in L.D.) by inserting after the following:
46 "factors" the following: 'as they apply specifically in this
47 State and where relevant elsewhere'
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COMMITTEE AMENDMENT "A" to S.P. 536, L.D. 1474

Further amend the bill in section 1 in that part designated "~~§1701.~~" by striking out all of subsection 14 and inserting in its place the following:

'14. Biennial report required. No later than December 1st of each odd-numbered year, the commission shall make its biennial report to the joint standing committees of the Legislature having jurisdiction over appropriations matters and judicial matters. The biennial report must include findings, conclusions and recommendations as to the proper salary and benefits, including retirement, to be paid from the State Treasury and other sources for all justices and judges of this State. The commission is authorized to submit with its report any proposed legislation the commission determines necessary to implement these recommendations.'

Further amend the bill in section 1 in that part designated "~~§1701.~~" by renumbering the subsections to read consecutively.

Further amend the bill in section 1 by inserting after that part designated "~~§1701.~~" the following:

'§1702. Repeal.

This chapter is repealed December 31, 1999.'

Further amend the bill by striking out all of section 2 and inserting in its place the following:

'Sec. 2. 5 MRSA §12004-G, sub-§23-A is enacted to read:

<u>23-A.</u>	<u>Judicial</u>	<u>Expenses</u>	<u>4 MRSA</u>
<u>Judiciary</u>	<u>Compensation</u>	<u>Only</u>	<u>§1701'</u>
	<u>Commission</u>		

Further amend the bill by inserting at the end before the statement of fact the following:

'FISCAL NOTE

The additional costs to provide staff support to the Judicial Compensation Commission can be absorbed by the Legislature utilizing existing budgeted resources.

The Judicial Department will incur some minor additional costs to reimburse the expenses of commission members. These costs can be absorbed within the department's existing budgeted resources.'

STATEMENT OF FACT

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This amendment establishes a Judicial Compensation Commission similar to that presented in the original bill but gives the commission only the limited authority to make recommendations and propose legislation in its biennial report. The amendment adds a sunset provision to repeal the Maine Revised Statutes, Title 4, chapter 35 in 1999 and the terms of the commission members are shortened to 4 years accordingly. A standard method of convening the first meeting is provided and language is added to clarify the limited availability of staff and expenses for commission members. The amendment also specifies that the commission is to report to the joint standing committees of the Legislature having jurisdiction over appropriations matters and judicial matters. The amendment also adds a fiscal note to the bill.