

# MAINE STATE LEGISLATURE

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# 118th MAINE LEGISLATURE

## FIRST REGULAR SESSION-1997

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Legislative Document

No. 1228

S.P. 369

In Senate, February 25, 1997

**An Act to Establish the Permanent Compensation Policy Commission for  
Upper-level Positions in State Government and State Education  
Institutions.**

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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 Senator MILLS of Somerset.



2 which the position was originally filled under subsection 3. If  
4 a vacancy remains unfilled for more than 90 days, a temporary  
6 member of the commission must be appointed by a vote of the  
8 remaining commission members to serve with full powers of a  
commission member. A temporary member of the commission serves  
until the vacancy is filled by the public official with the power  
to appoint that member under subsection 2 and this subsection.

10 6. Prohibition on public service. A member of the  
12 commission may not hold any other public office or be an employee  
14 or member of any state department, agency, board or commission  
16 during the member's tenure on the commission. A violation of  
this subsection by a member of the commission results in  
immediate constructive resignation, and the resulting vacancy  
must be filled according to subsection 5.

18 7. Designation of chair. The members, by majority vote,  
20 shall designate a chair from among their number who shall serve  
for 2 years from the date of election or until a successor is  
designated by majority vote and assumes the responsibilities.

22 8. Meeting; quorum; concurrence. The Executive Director of  
24 the Legislative Council shall call the first meeting of the  
26 commission no later than 20 days after the appointments are  
made. For all subsequent meetings, the commission shall meet,  
28 either in person or by teleconference, on the call of the chair  
or on the request of at least 2 members. The presence of at  
least 2 members is required to conduct a meeting. The  
30 concurrence of at least 2 members is required for any formal  
action taken by the commission. The working papers, draft  
32 reports and other papers of the commission in the possession of a  
legislative employee are not public records under Title 1,  
section 402, subsection 3, paragraph C.

34 9. Administration. The Legislative Council shall provide  
36 staff support for the commission when the Legislature is not in  
session.

38 10. Reimbursement. Notwithstanding section 12002-A,  
40 members are entitled to reimbursement for actual and necessary  
42 expenses related to the travel to and from commission meetings  
when the expenses are approved by the chair and submitted to the  
44 Executive Director of the Legislative Council and are entitled to  
reimbursement for reasonable expenses incurred in the exercise of  
46 their powers under subsection 12 when approved by the executive  
director. The reimbursement must be made upon the request of the  
48 executive director. Other expenses may not be reimbursed by  
state funds.

2           11. No compensation. The members of the commission may not  
receive compensation for their services.

4           12. Directive of commission. The commission shall study  
and make recommendations with respect to all aspects of  
6 compensation of upper-level positions in State Government and  
state education institutions so that the compensation structure  
8 is adequate to ensure that the most highly qualified employees in  
this State, drawn from diverse life and professional experiences,  
10 are not deterred from serving or continuing to serve in State  
Government and do not become demoralized during service because  
12 of compensation levels that do not meet the criteria set forth in  
subsection 13.

14           13. Criteria for recommendations. In order to carry out  
16 its responsibilities under subsection 14 to make findings,  
conclusions and recommendations as to the proper salary and  
18 benefits for all upper-level positions in State Government and  
state education institutions to fulfill the directive of the  
20 commission as set out in subsection 12, the commission may  
consider the following factors as they apply specifically in this  
22 State and when relevant elsewhere:

24           A. The skill and experience required of the particular  
position at issue;

26           B. The time required of the particular position at issue;

28           C. The value of compensable service performed by  
30 upper-level employees, as determined by reference to  
compensation in other states and the Federal Government;

32           D. The value of comparable service performed in the private  
34 sector based on the responsibility and discretion required  
in the particular position at issue and the demand for those  
36 services in the private sector;

38           E. The compensation of similar positions in the private  
sector;

40           F. The Consumer Price Index and changes in that index;

42           G. The overall compensation presently received by other  
44 public officials and employees; and

46           H. Any other factors that are normally or traditionally  
48 taken into consideration in the determination of  
compensation.

2       14. Biennial report required. No later than December 1st  
3 of each even-numbered year, the commission shall make its  
4 biennial report to the joint standing committees of the  
5 Legislature having jurisdiction over appropriations and financial  
6 affairs and state and local government matters. The biennial  
7 report must include findings, conclusions and recommendations as  
8 to the proper salary and benefits, including retirement, to be  
9 paid from the State Treasury and other sources for all  
10 upper-level positions in State Government and state education  
11 institutions. The commission is authorized to submit with its  
12 report any proposed legislation the commission determines  
13 necessary to implement these recommendations.

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

16	<u>2-A. Ad-</u>	<u>Compensation</u>	<u>Expenses</u>	<u>5 MRSA</u>
	<u>ministration</u>	<u>Policy</u>	<u>Only</u>	<u>\$971</u>
18		<u>Commission</u>		

20

#### SUMMARY

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23       This bill establishes a permanent commission to study and  
24 recommend equitable policies and compensation for upper-level  
25 positions in State Government and state education institutions to  
26 ensure that those positions can attract the most highly qualified  
27 candidates. The commission is composed of 3 members appointed by  
28 the Governor, the President of the Senate and the Speaker of the  
29 House. Members may not hold any public office or be a member or  
30 employee of a state department, agency, board or commission. The  
commission must report by December 1st annually.