MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

FIRST REGULAR SESSION-1997

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.

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

JOY J. O'BRIEN Secretary of the Senate

Presented by Senator MILLS of Somerset.

Be it enacted by the People of the State of Maine as follows:
Sec. 1. 5 MRSA c.72 is enacted to read:
CHAPTER 72
COMPENSATION POLICY COMMISSION
COMPENSATION FOLICI COMMISSION
§971. Compensation Policy Commission
1. Commission established. The Compensation Policy
Commission, referred to in this chapter as the "commission," established by section 12004-G, subsection 2-A shall study and
make recommendations concerning the salary, benefits and retirement to be paid for all upper-level positions of State
Government and state education institutions.
2. Upper-level position. For the purposes of this chapter,
"upper-level position" means a position for which education
beyond a bachelor's degree is required or for which the beginning
salary of the pay range exceeds \$35,000 in fiscal year 1996-97.
"Upper-level position" includes all classified and unclassified
positions in any agency of State Government including executive
departments and agencies, independent agencies, public
instrumentalities, partisan and nonpartisan legislative agencies,
the University of Maine System, Maine Maritime Academy and the
Maine Technical College System.
3. Members. The commission consists of 3 members selected
from among the registered voters of the State; one is appointed
by the Governor, one by the President of the Senate and one by
the Speaker of the House. The public official with the power to
appoint a member is the person in office on the day that member's
term begins. The commission may not contain more than 2 members
of the same political party. The initial appointments must be
made within 10 days of the effective date of this section.
4. Terms of office. The initial member appointed by the
Speaker of the House serves until December 31, 1998. The initial
member appointed by the President of the Senate serves until
December 31, 1999. The initial member appointed by the Governor
serves until December 31, 2000. After the initial appointments,
members serve for terms of 4 years, beginning January 1, 1999 for
the member appointed by the Speaker of the House, beginning
January 1, 2000 for the member appointed by the President of the
Senate and beginning January 1, 2001 for the member appointed by
the Governor. Members are limited to 2 consecutive terms.
5. Vacancies. A vacancy on the commission must be filled
promptly for the remainder of the term in the same manner in

which the position was originally filled under subsection 3. If a vacancy remains unfilled for more than 90 days, a temporary member of the commission must be appointed by a vote of the 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.

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6. Prohibition on public service. A member of the commission may not hold any other public office or be an employee or member of any state department, agency, board or commission 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.

7. Designation of chair. The members, by majority vote, 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.

8. Meeting: quorum: concurrence. The Executive Director of the Legislative Council shall call the first meeting of the commission no later than 20 days after the appointments are made. For all subsequent meetings, the commission shall meet, 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 concurrence of at least 2 members is required for any formal action taken by the commission. The working papers, draft 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.

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

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

12. Directive of commission. The commission shale and make recommendations with respect to all aspect compensation of upper-level positions in State Governments tate education institutions so that the compensation is adequate to ensure that the most highly qualified employed this State, drawn from diverse life and professional expectage are not deterred from serving or continuing to serve in Government and do not become demoralized during service of compensation levels that do not meet the criteria set is subsection 13. 13. Criteria for recommendations. In order to case its responsibilities under subsection 14 to make for conclusions and recommendations as to the proper sale benefits for all upper-level positions in State Governments and education institutions to fulfill the directive commission as set out in subsection 12, the commission consider the following factors as they apply specifically State and when relevant elsewhere: A. The skill and experience required of the paraposition at issue; B. The time required of the particular position at issue;	cts of ent and ructure eyees in state because forth in erry out and ent and
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28 <u>C. The value of compensable service perfor</u>	
	sue;
30 <u>upper-level employees, as determined by refere</u> compensation in other states and the Federal Governmen	
32	
D. The value of comparable service performed in the	
34 sector based on the responsibility and discretion	•••
in the particular position at issue and the demand for	r those
services in the private sector;	
E. The compensation of similar positions in the sector:	private
40	
F. The Consumer Price Index and changes in that inde	
42	
G. The overall compensation presently received b	C.
44 <u>public officials and employees; and</u>	
H. Any other factors that are normally or tradi- taken into consideration in the determinat	
48 compensation.	y other

14. Biennial report required. No later than December 1st of each even-numbered year, the commission shall make its biennial report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs and state and local government 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 upper-level positions in State Government and state education institutions. The commission is authorized to submit with its report any proposed legislation the commission determines necessary to implement these recommendations.

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

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

SUMMARY

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