

MAINE STATE LEGISLATURE

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L.D. 2108

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STATE AND LOCAL GOVERNMENT

Reported by: *REPORT C*

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STATE OF MAINE
SENATE
118TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "*B*" to S.P. 781, L.D. 2108, Bill, "An Act to Have a Referendum on Whether or Not an Independent Public Commission Should be Established to Set Legislative Pay"

Amend the bill by striking out the title and substituting the following:

'An Act to Establish an Independent Public Commission to Set Legislative Pay'

Further amend the bill by striking out all of section 1 and inserting in its place the following:

'Sec. 1. 3 MRSA §2, as amended by PL 1997, c. 309, §1, is further amended to read:

§2. Salary, expenses and travel of Members of the Legislature and representatives of Indian tribes

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December 1990 and thereafter, is entitled to \$10,500 in the first year and \$7,500 in the 2nd year of each biennium, except that if a Legislator who is a recipient of retirement benefits from the federal Social Security Administration files a written request with the

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2 Executive Director of the Legislative Council within one week
3 after the biennium commences, the Legislator is entitled to
4 \$9,000 in each year of the biennium. In addition, each
5 Legislator is entitled to be paid for travel at each legislative
6 session once each week at the same rate per mile to and from that
7 Legislator's place of abode as state employees receive, the
8 mileage to be determined by the most reasonable direct route,
9 except that Legislators may be reimbursed for tolls paid for
10 travel on the Maine Turnpike provided they have a receipt for
11 payment of the tolls, such tolls to be reimbursed when
12 Legislators use the Maine Turnpike in traveling to and from
13 sessions of the Legislature or in performance of duly authorized
14 committee assignments. Each Legislator is entitled to mileage on
15 the first day of the session, and such amounts of salary and
16 expenses at such times as the Legislature may determine during
17 the session, and the balance at the end thereof.

18 ~~The first regular session of the Legislature, after its~~
19 ~~convening, shall adjourn no later than the 3rd Wednesday in June~~
20 ~~and the 2nd regular session of the Legislature shall adjourn no~~
21 ~~later than the 3rd Wednesday in April. The Legislature, in case~~
22 ~~of emergency, may by a vote of 2/3 of the members of each House~~
23 ~~present and voting, extend the date for adjournment for the first~~
24 ~~or 2nd regular session by no more than 5 legislative days, and in~~
25 ~~case of further emergency, may by a vote of 2/3 of the members of~~
26 ~~each House present and voting, further extend the date for~~
27 ~~adjournment by 5 additional legislative days. The times for~~
28 ~~adjournment for the first and 2nd regular sessions may also be~~
29 ~~extended for one additional legislative day for the purpose of~~
30 ~~considering possible objections of the Governor to any bill or~~
31 ~~resolution presented to him by the Legislature under the~~
32 ~~Constitution, Article IV, Part Third, Section 2.~~

34 Except as provided in this section, each member of the
35 Senate and House of Representatives is entitled to a meal
36 allowance in the amount of \$32 and a housing allowance in the
37 amount of \$38 for each day in attendance at sessions of the
38 Legislature and for each day the member occupies overnight
39 accommodations away from home either immediately preceding or
40 immediately following attendance at daily sessions of the
41 Legislature. ~~The presiding officers may establish reasonable~~
42 ~~policies regarding allowances for meals and overnight~~
43 ~~accommodations for the day immediately preceding the session,~~
44 ~~which may include policies regarding whether an allowance is~~
45 ~~paid, whether the full amount or a portion of the statutory~~
46 ~~allowance is paid and whether receipts are required. In lieu of~~
47 ~~the meal and housing allowance, each member is entitled to a~~
48 ~~daily meal allowance in the amount of \$32 and actual daily~~
49 ~~mileage allowances in an amount up to but not exceeding \$38 per~~
50 ~~day. Each member of the Senate also receives an annual allowance~~

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2 for constituent services in the amount of \$1,000, \$650 at the
start of each regular session and \$350 in the month following
4 adjournment of the regular session. Each member of the House of
Representatives also receives an annual allowance for constituent
6 services in the amount of \$750, \$500 at the start of each regular
session and \$250 in the month following adjournment of the
regular session.

8
10 Each member of the Senate and House of Representatives shall
must be reimbursed for actual regular airfare expenses from his
12 the member's place of abode to Augusta for one round trip each
week when the Legislature is in regular session and, when the
14 Legislature is not in regular session, for days when meetings or
daily sessions are held, provided that--~~The~~ the distance from his
16 the place of abode to Augusta is more than 150 miles, the mileage
is determined by the most reasonable direct route and
reimbursement ~~will be~~ is capped at commercial flight rate.

18
20 The President of the Senate and the Speaker of the House of
Representatives shall receive an additional 50% above regular
22 compensation, the majority and minority leaders of the Senate and
House of Representatives shall receive an additional 25% above
24 regular compensation and the assistant majority and minority
leaders of the Senate and House of Representatives shall receive
an additional 12 1/2% above regular compensation.

26
28 In addition to the salary paid for the first and 2nd regular
sessions of the Legislature, when a special session is called,
30 the members of the Senate and House of Representatives shall--each
be are compensated \$100 for every day's attendance, expenses and
mileage pursuant to this section.

32
34 ~~No additional expenses may be paid to Legislators from the
Legislative Account unless authorized by the President of the
Senate or Speaker of the House of Representatives during any
36 regular session.~~

38 The member of the Penobscot Indian Nation and the member of
40 the Passamaquoddy Indian Tribe elected to represent their tribes
at the Legislature shall receive a compensation of \$110 for each
42 day's attendance during the first and 2nd regular sessions and
allowance for meals, constituent service, housing and travel
44 expenses as any other member of the Senate and House of
Representatives for attendance at each legislative session. For
46 the duration of any special session of the Legislature, they
shall receive the same allowances, including housing, meal and
48 travel expenses, as any other member of the Senate and House of
Representatives.

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2 ~~The President of the Senate or the Speaker of the House~~
shall, ~~at all times, whether the Legislature be in session or~~
4 ~~not, have the authority to approve accounts and vouchers for~~
payment.

6 ~~The President of the Senate, the Speaker of the House of~~
Representatives, ~~the floor leaders and their assistants and~~
8 ~~members of a committee, with the approval of the President of the~~
Senate or the Speaker of the House of Representatives as to
10 ~~members of a committee, may also meet on days when the~~
Legislature is not in daily session at any convenient location
12 within the State. Each member of the Senate and House of
Representatives shall ~~receive~~ receives \$55 for every day's
14 attendance when meetings or daily sessions are held, a meal
allowance in the amount of \$32 and a housing allowance whereby
16 actual lodging expenses will be reimbursed at the single-room
rate, provided that a receipt is submitted to the Executive
18 Director of the Legislative Council for each day in attendance at
such meetings or daily sessions and for each day that member
20 occupies overnight accommodations away from home either
immediately preceding or immediately following attendance at
22 daily sessions of the Legislature and actual daily mileage
allowances which shall must be paid at the same rate paid to
24 state employees. In lieu of the meal and housing allowance, each
member shall ~~be~~ is entitled to a daily meal allowance in the
26 amount of \$32 and actual daily mileage allowances.

28 ~~The expenses of members~~ Members of the Legislature traveling
outside the State shall ~~be~~ are reimbursed for their actual
30 expenses provided that the expense vouchers are approved by the
President of the Senate or the Speaker of the House of
32 Representatives.

34 If a member of the Legislature dies or otherwise vacates the
office, the successor is entitled to a salary from the date of
36 seating, computed as follows: two hundred ten dollars per week
times the number of weeks remaining in the calendar year if the
38 vacancy occurs in the first year and \$150 per week for the number
of weeks remaining in the calendar year if the vacancy occurs in
40 the 2nd year.

42 ~~Legislators can purchase one set of the Maine Revised~~
Statutes Annotated at the State's cost, which shall not be resold.

44 This section is repealed on the date a compensation level
46 becomes effective for the 120th Legislature or a subsequent
Legislature, pursuant to section 2-C.'

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Further amend the bill in section 3 in that part designated "§2-C." in subsection 1 in the 2nd line from the end (page 1, line 34 in L.D.) by striking out the following: "and"

Further amend the bill in section 3 in that part designated "§2-C." in subsection 1 in the last line (page 1, line 35 in L.D.) by inserting after the following: "party" the following: 'and one must be a member who is not enrolled in any political party. One of the members must have demonstrated professional experience in administration of employee compensation and retirement benefits'

Further amend the bill in section 3 in that part designated "§2-C." in subsection 2 in the first line (page 1, line 41 in L.D.) by striking out the following: "4" and inserting in its place the following: '3'

Further amend the bill in section 3 in that part designated "§2-C." in subsection 4 by striking out the first 4 lines (page 2, lines 1 to 4 in L.D.) and inserting in their place the following:

'4. Duties of commission: report. The commission shall hold at least 4 public meetings in different areas of the State to gather information from the public about the barriers to running for the Legislature. At those public hearings, the commission shall solicit recommendations for eliminating those barriers. The commission must issue a report by March 1, 2000 and every 4th year thereafter, to the Legislative Council and to the joint standing committee of the Legislature having jurisdiction over state and local government matters. The report must contain:'

Further amend the bill in section 3 in that part designated "§2-C." in subsection 4 in paragraph C in the first line (page 2, line 17 in L.D.) by inserting after the following: "recommendations" the following: ', which must include encouraging persons representing a cross-section of the population of the State to run for the Legislature'

Further amend the bill in section 3 in that part designated "§2-C." by striking out all of subsection 7 and inserting in its place the following:

'7. Establishment of legislative compensation. Upon receipt of a commission report pursuant to subsection 4, the Legislative Council shall direct legislative staff to draft a joint order approving the commission's recommendation for legislative compensation and directing the joint standing committee of the Legislature having jurisdiction over

2 appropriations and financial affairs to include the recommended
3 level of compensation in the budget for the next legislative
4 biennium. The Chair of the Legislative Council shall introduce
5 the joint order, which must be tabled pending the report pursuant
6 to paragraph B.

7 A. The joint standing committee of the Legislature having
8 jurisdiction over state and local government matters shall
9 hold a public hearing and record its vote on the joint
10 order. Committee members may propose that the order be
11 passed as presented, not passed or passed as amended with a
12 level of compensation lower than that recommended by the
13 commission. The committee may not propose to lower
14 compensation to a level below that in effect prior to
15 issuance of the commission's report. The committee may not
16 propose a level of compensation higher than that proposed by
17 the commission.

18 B. The joint standing committee of the Legislature having
19 jurisdiction over state and local government matters shall
20 report its vote on the joint order to the Senate and House
21 of Representatives, which those bodies shall take into
22 account in considering the joint order.

23 A compensation level is established through enactment of
24 legislation describing and funding that compensation level. A
25 compensation level established pursuant to this section continues
26 in effect until a different level is established pursuant to this
27 section. Until a compensation level is first established
28 pursuant to this section, the level established by section 2
29 continues in effect.

30 8. Commission repeal. Subsections 1 to 7 are repealed
31 March 1, 2002. The level of compensation last established
32 pursuant to this section remains in effect until changed by
33 legislation.'

34 Further amend bill in section 3 in that part designated
35 "§2-D." by striking out all of subsection 7 (page 3, lines 40 and
36 41 in L.D.)

37 Further amend the bill in section 6 in subsection 3 in the
38 2nd line (page 4, line 38 in L.D.) by striking out the
39 following: "subsection 7"

40 Further amend the bill in section 6 in subsection 3 in the
41 6th and 7th lines (page 4, lines 42 and 43 in L.D.) by striking
42 out the following: "subsection 7"

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Further amend the bill in section 8 in subsection 7 in the last line (page 5, line 10 in L.D.) by striking out the following: "subsection 7"

Further amend the bill by striking out all of section 9 and 10 and inserting in their place the following:

Sec. 9. Effective date. The sections of this Act that amend Title 5, section 12002, subsection 3 and Title 38, section 998, subsection 7 take effect when Title 3, section 2 is repealed.

Sec. 10. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1998-99

LEGISLATURE

Legislative Compensation Commission

Personal Services	\$2,200
All Other	5,000

Provides funds for the per diem and expenses of members and public hearing costs of the Legislative Compensation Commission.

**LEGISLATURE
TOTAL**

\$7,200'

Further amend the bill by inserting at the end before the summary the following:

FISCAL NOTE

1998-99

APPROPRIATIONS/ALLOCATIONS

General Fund	\$7,200
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The Legislature will require an additional General Fund appropriation of \$7,200 in fiscal year 1998-99 for the per diem and expenses of members and public hearing costs of the Legislative Compensation Commission. The estimated cost in fiscal year 1999-2000 will be approximately \$5,700, and includes

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2 funding for printing costs of the required report. Costs for
3 fiscal years 2000-01 and 2001-02 are expected to be \$4,200
4 annually. The additional costs associated with providing
5 staffing assistance to the commission can be absorbed by the
6 Legislature during any interim between sessions utilizing
7 existing budgeted resources. If the commission requests staffing
8 assistance during a legislative session, the Legislature may
9 require additional General Fund appropriations for contracted
10 staff services.

11
12 The bill requires that a joint order be presented to approve
13 the compensation recommendations of the commission. The future
14 costs of any salary increases that will be included in a joint
15 order and the impact of these salary increases on the
16 Legislature's budget can not be determined at this time.'

18 **SUMMARY**

20 This amendment is the minority report of the Joint Standing
21 Committee on State and Local Government.

22
23 The amendment removes the provision that gives the
24 Legislative Compensation Commission's recommendations on
25 compensation the force of law unless the Legislature specifically
26 overrides them. Instead, the amendment requires the commission
27 to report its recommendations to the Legislative Council and the
28 Joint Standing Committee on State and Local Government. The
29 Chair of the Legislative Council would introduce a joint order
30 adopting the recommendation and directing the Joint Standing
31 Committee on Appropriations and Financial Affairs to describe and
32 fund those levels in the budget for the next legislative
33 biennium. A public hearing on the joint order would be held by
34 the Joint Standing Committee on State and Local Government, which
35 would then vote on the order and report its vote to the Senate
36 and the House of Representatives. A new compensation level takes
37 effect if the joint order is approved by both bodies and budget
38 legislation including the new compensation takes effect. Until
39 a new level of compensation is established pursuant to the new
40 law, the current level of compensation remains in effect. The
41 amendment changes the date of the first report from November 30,
42 1999 to March 1, 2000 and requires the commission to report every
43 4 years rather than every 2 years.

44
45 The amendment requires the commission to hold 4 public
46 hearings around the State to solicit information from the public
47 about barriers to running for the Legislature and to solicit
48 recommendations for eliminating those barriers. The amendment
49 also repeals the commission on March 1, 2002 and provides that
50 compensation remains at the level in effect prior to the repeal.

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2 The amendment also changes the term of office for members of
4 the commission from 4 years to 3 years and adds a requirement
6 that one member of the commission be a person who is not enrolled
8 in any party. The amendment requires that one commission member
 be a person with professional experience in compensation and
 retirement benefits. The amendment also removes the requirement
 that the proposal be put out to referendum.

10 Finally, the amendment adds a fiscal note and an allocation
 section to the bill.