

MAINE STATE LEGISLATURE

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118th MAINE LEGISLATURE

SECOND REGULAR SESSION-1998

Legislative Document

No. 2108

S.P. 781

In Senate, January 20, 1998

An Act to Have a Referendum on Whether or Not an Independent Public Commission Should be Established to Set Legislative Pay.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

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 President LAWRENCE of York.

Cosponsored by Senators: KILKELLY of Lincoln, NUTTING of Androscoggin, PINGREE of Knox, Representatives: AHEARNE of Madawaska, MITCHELL of Vassalboro, SAXL of Portland.

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

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4 **Sec. 1.** 3 MRSA §2, as amended by PL 1997, c. 309, §1, is repealed.

6 **Sec. 2.** 3 MRSA §2-B, sub-§2, ¶B, as enacted by PL 1997, c. 506, §1, is amended to read:

8 B. The recommendations of the commission for all regular
10 and special sessions of the next Legislature concerning:

12 ~~(1) Compensation of Legislators and representatives of~~
14 ~~Indian tribes, including, but not limited to, all~~
16 ~~payments for salaries, meals, housing, travel, mileage~~
18 ~~and all other expenses and allowances; additional~~
 ~~service as President of the Senate, as Speaker of the~~
 ~~House or as a member of leadership; and for constituent~~
 ~~services; and~~

20 (2) Compensation for the Attorney General, the
22 Secretary of State, the Treasurer of State and the
 State Auditor;

24 **Sec. 3.** 3 MRSA §§2-C and 2-D are enacted to read:

26 **§2-C. Legislative Compensation Commission; establishment of**
28 **legislative compensation**

30 **1. Legislative Compensation Commission; membership.** The
32 Legislative Compensation Commission established in Title 5,
34 section 12004-G, subsection 26-E and referred to in this section
36 as the "commission," consists of 5 members appointed by the
38 Governor. Of those 5 members, one must be a member of one of the
40 2 major political parties, and one must be a member of the other
42 major political party.

44 A person may not be appointed who is a former Legislator or who
46 is a Legislator, lobbyist or lobbyist employer at the time of the
48 appointment.

48 **2. Terms.** Each member must be appointed for a term of 4
 years, except that of the 5 initial appointed members 2 must be
 appointed for a term of 4 years, one must be appointed for a term
 of 3 years, one must be appointed for a term of 2 years and one
 must be appointed for a term of one year.

3. Compensation. The members of the commission are
 entitled to compensation in accordance with Title 5, chapter 379.

2 4. Duties of commission. The commission must issue its
first report no later than November 30, 1999. No later than
November 30th of every odd-numbered year thereafter, the
4 commission shall issue a report. The report must contain:

6 A. A description of the commission's activities;

8 B. The recommendations of the commission for all regular
and special sessions of the next Legislature concerning
10 compensation of Legislators and representatives of the
Indian tribes, including, but not limited to, all payments
12 for: salaries, meals, housing, travel, mileage and all
other expenses and allowances; additional service as
14 President of the Senate, as Speaker of the House or as a
member of leadership; and for constituent services;

16 C. The reasons for its recommendations; and

18 D. Any other material and recommendations that commission
20 members may wish to submit.

22 5. Appointments; meetings. The 5 initial appointments by
the Governor must be made no later than 45 days following the
24 effective date of this section. The Executive Director of the
Legislative Council must be notified once the selections have
26 been made. Within 15 days of the appointment of the initial 5
members, the Chair of the Legislative Council shall call and
28 convene the first meeting of the commission.

30 6. Staff assistance. The commission shall request staff
assistance from the Legislative Council.

32 7. Establishment of legislative compensation. Beginning
with the report issued on November 30, 1999, the recommendations
34 contained in the commission's report regarding compensation,
expenses and allowances take effect for all regular and special
36 sessions of the next Legislature convening in December following
the general election in what is designated the first regular
38 session of the Legislature, unless the next Legislature enacts
legislation specifically overriding the commission's
40 recommendations.

42 §2-D. General provisions

44 1. Adjournment. The first regular session of the
46 Legislature, after its convening, shall adjourn no later than the
3rd Wednesday in June and the 2nd regular session of the
48 Legislature shall adjourn no later than the 3rd Wednesday in
April. The Legislature, in case of emergency, may by a vote of
50 2/3 of the members of each House present and voting extend the

2 date for adjournment for the first or 2nd regular session by no
4 more than 5 legislative days and, in case of further emergency,
6 may by a vote of 2/3 of the members of each House present and
8 voting further extend the date for adjournment by 5 additional
10 legislative days. The times for adjournment for the first and 2nd
12 regular sessions may also be extended for one additional
14 legislative day for the purpose of considering possible
16 objections of the Governor to any bill or resolution presented to
18 the Governor by the Legislature under the Constitution of Maine,
20 Article IV, Part Third, Section 2.

22 2. Day preceding session. The presiding officers may
24 establish reasonable policies regarding allowances for meals and
26 overnight accommodations for the day immediately preceding the
28 session, which may include policies regarding whether an
30 allowance is paid, whether the full amount or a portion of the
32 allowance is paid and whether receipts are required.

34 3. Additional expenses. Additional expenses may not be
36 paid to Legislators from the Legislative Account unless
38 authorized by the President of the Senate or Speaker of the House
40 during any regular session.

42 4. Approval of accounts and vouchers. The President of the
44 Senate or the Speaker of the House, at all times, whether the
46 Legislature is in session or not, has the authority to approve
48 accounts and vouchers for payment.

50 5. Meeting when not in daily session. The President of the
52 Senate, the Speaker of the House, the floor leaders and their
54 assistants and members of a committee, with the approval of the
56 President of the Senate or the Speaker of the House as to members
58 of the committee, may also meet on days when the Legislature is
60 not in daily session at any convenient location within the State.

62 6. Purchase of Maine Revised Statutes Annotated.
64 Legislators may purchase one set at the State's cost of the Maine
66 Revised Statutes Annotated, which may not be resold.

68 7. Effective date. This section takes effect December 1,
70 2000.

72 Sec. 4. 5 MRSA §1666-A, as enacted by PL 1995, c. 113, §1, is
74 amended to read:

76 **§1666-A. Enactment of budget**

78 The Legislature shall review a biennial or supplemental
80 budget submitted to it in accordance with this chapter and enact
a budget no later than 30 days prior to the date of adjournment

prescribed in Title 3, section 2 2-D, except that, during the first year in office of a Governor-elect, the Legislature shall enact a budget no later than the first Friday in June.

Sec. 5. 5 MRSA §8072, sub-§7, as amended by PL 1997, c. 196, §2, is further amended to read:

7. Consideration by the Legislature. No later than 30 days before statutory adjournment of the Legislature as provided in Title 3, section 2 2-D, each joint standing committee of the Legislature shall submit to the Secretary of the Senate and the Clerk of the House of Representatives the committee's report on agency rules the committee has reviewed as provided in this section. The report must include a copy of the rule or rules reviewed, the committee's recommendation concerning final adoption of the rule or rules, a statement of the reasons for a recommendation to withdraw or modify the rule or rules and draft legislation for introduction in that session that is necessary to implement the committee's recommendation. A committee may decline to include in its report recommendations covering any rules submitted to it later than 45 days before statutory adjournment. If an adjournment date earlier than required by statute is anticipated, the Legislative Council may establish an earlier deadline for agencies to submit provisionally adopted rules for review, except that any earlier date established by the council may not be more than 75 days before statutory adjournment. If, before adjournment of the session at which a rule is reviewed, the Legislature fails to act on all or part of any rule submitted to it for review in accordance with this section, an agency may proceed with final adoption and implementation of the rule or part of the rule that was not acted on.

Sec. 6. 5 MRSA §12002, sub-§3, as amended by PL 1989, c. 600, Pt. B, §1, is further amended to read:

3. Legislative per diem. "Legislative per diem" means the per diem authorized by Title 3, section 2 2-C, subsection 7, that is paid to Legislators for every day's attendance at meetings held when the Legislature is not in daily session. For the purpose of this subsection, "legislative per diem" does not mean the compensation authorized by Title 3, section 2 2-C, subsection 7, that is paid to Legislators for every day's attendance at special sessions of the Legislature.

Sec. 7. 5 MRSA §12004-G, sub-§26-E is enacted to read:

<u>26-E.</u>	<u>Legislative</u>	<u>Legislative</u>	<u>3 MRSA</u>
<u>Legislature</u>	<u>Compensation</u>	<u>Per Diem</u>	<u>§2-C</u>
	<u>Commission</u>	<u>and Expenses</u>	

2 **Sec. 8. 38 MRSA §998, sub-§7**, as enacted by PL 1987, c. 470,
§2, is amended to read:

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6 **7. Compensation.** The commissioners shall may receive no
remuneration from the commission. They may be paid by the
8 commission a housing and meals per diem and be reimbursed for
actual travel expenses incurred in the conduct of the commission
10 business. These amounts ~~shall be~~ are determined as provided by
Title 3, section 2 2-C, subsection 7.

12 **Sec. 9. Effective date.** If this Act is approved by the voters
in accordance with section 11 of this Act, those sections of this
14 Act that repeal the Maine Revised Statutes, Title 3, section 2
and amend Title 5, section 1666-A, Title 5, section 8072,
16 subsection 7, Title 5, section 12002, subsection 3 and Title 38,
section 998, subsection 7 take effect December 1, 2000.

18 **Sec. 10. Statutory referendum procedure; submission at general**
20 election; form of question; effective date. This Act must be submitted
to the legal voters of the State of Maine at the next general
22 election in the month of November following passage of this Act.
The municipal officers of this State shall notify the inhabitants
24 of their respective cities, towns and plantations to meet, in the
manner prescribed by law for holding a general election, to vote
26 on the acceptance or rejection of this Act by voting on the
following question:

28 "Do you favor the creation of a Legislative Compensation
30 Commission, the members of which will be appointed by the
Governor, to make binding recommendations on the level of
32 compensation to be paid to members of the State Legislature?"

34 The legal voters of each city, town and plantation shall
vote by ballot on this question and designate their choice by a
36 cross or check mark placed within a corresponding square below
the word "Yes" or "No." The ballots must be received, sorted,
38 counted and declared in open ward, town and plantation meetings
and returns made to the Secretary of State in the same manner as
40 votes for members of the Legislature. The Governor shall review
the returns and, if it appears that a majority of the legal votes
42 are cast in favor of the Act, the Governor shall proclaim that
fact without delay, and, except as otherwise provided, this Act
44 takes effect 30 days after the date of the proclamation.

46 The Secretary of State shall prepare and furnish to each
city, town and plantation all ballots, returns and copies of this
48 Act necessary to carry out the purpose of this referendum.

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SUMMARY

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This bill establishes a Legislative Compensation Commission to review the current levels of compensation provided to Maine Legislators. The bill provides that the 5 members of the commission be appointed by the Governor, with at least one from each of the 2 major political parties. The bill specifies that no member of the commission may be a former Legislator or a Legislator, lobbyist or lobbyist employer at the time of the appointment. Under the bill, the commission's recommendations automatically take effect for the next legislative session. The changes proposed by this bill must be approved by the voters of the State in order to take effect.

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