

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1814

H.P. 1266

House of Representatives, April 3, 2007

An Act To Allow Legislative Pay To Be Set by the State Compensation Commission

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative TUTTLE of Sanford.
Cosponsored by Senator PERRY of Penobscot and
Representatives: Speaker CUMMINGS of Portland, FAIRCLOTH of Bangor, PILON of Saco,
PINGREE of North Haven, WEBSTER of Freeport, Senator: STRIMLING of Cumberland.

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

2 **Sec. 1. 1 MRSA §411, sub-§8**, as enacted by PL 2005, c. 631, §1, is amended to
3 read:

4 **8. Compensation.** Legislative members of the advisory committee are entitled to
5 receive the legislative per diem, as ~~defined in~~ determined pursuant to Title 3, section 2-2-
6 B, and reimbursement for travel and other necessary expenses for their attendance at
7 authorized meetings of the advisory committee. Public members not otherwise
8 compensated by their employers or other entities that they represent are entitled to receive
9 reimbursement of necessary expenses and, upon a demonstration of financial hardship, a
10 per diem equal to the legislative per diem for their attendance at authorized meetings of
11 the advisory committee.

12 **Sec. 2. 3 MRSA §2**, as amended by PL 2003, c. 20, Pt. F, §1 and c. 691, §1 and
13 affected by §2, is repealed and the following enacted in its place:

14 **§2. Salary, expenses and travel of members of the Legislature and representatives**
15 **of Indian tribes**

16 Each member of the Senate and the House of Representatives, beginning with the
17 first Wednesday of December 2008 and thereafter, is entitled to \$15,750 in the first year
18 and \$11,250 in the 2nd year of each biennium.

19 Compensation, including salary, allowances and expenses, for members of the
20 Legislature is disbursed pursuant to this section. Future changes in compensation are
21 determined by the State Compensation Commission pursuant to section 2-B.

22 **1. Payment.** During the first regular session of each legislative biennium, a member
23 of the Senate or the House of Representatives may elect to receive the first payment of
24 the annual allowance for constituent services in December following convening of the
25 Legislature by notifying the Executive Director of the Legislative Council in the manner
26 prescribed by the executive director. The Executive Director of the Legislative Council
27 shall inform Legislators of the choice available for payment of the allowance for
28 constituent services in the first year of the legislative biennium and of any tax
29 implications associated with exercising that choice.

30 **2. Compensation of Indian representatives.** The member of the Penobscot Indian
31 Nation and the member of the Passamaquoddy Indian Tribe elected to represent their
32 tribes at the Legislature must receive compensation for each day's attendance during the
33 first and second regular sessions and an allowance for meals, constituent services,
34 housing and travel expenses the same as any other member of the Senate and House of
35 Representatives for attendance at each legislative session. For the duration of any special
36 session of the Legislature, they must receive the same allowances, including housing,
37 meal and travel expenses, as any other member of the Senate and House of
38 Representatives.

39 **3. Nonacceptance of increases in salary.** Any member of the Senate or the House
40 of Representatives may elect not to accept any increase in compensation pursuant to this

1 section or pursuant to section 2-B by communicating with the Executive Director of the
2 Legislative Council and the presiding officer of the House of which the Legislator is a
3 member to request that the increase not be received.

4 **4. Vacancy.** If a member of the Legislature dies or otherwise vacates the office, the
5 successor is entitled to a salary from the date of seating that is equivalent to that of the
6 member the successor is replacing.

7 **5. Power of president and speaker.** The President of the Senate and the Speaker of
8 the House have the authority to approve accounts and vouchers for payment at all times,
9 whether the Legislature is in session or not.

10 **Sec. 3. 3 MRSA §2-B, sub-§2,** as amended by PL 1999, c. 2, §1, is further
11 amended to read:

12 **2. Duties of commission.** ~~The commission must issue its first report no later than~~
13 ~~April 15, 1999.~~ No later than January 1st November 30th of every even-numbered year
14 thereafter, the commission shall submit to the Legislature a report of the commission.
15 The report must contain:

16 A. A description of the commission's activities;
17 B. The recommendations and conclusions of the commission for all regular and
18 special sessions of the next Legislature concerning:

19 (1) Compensation of Legislators and representatives of Indian tribes, including,
20 but not limited to, all payments for: salaries, meals, housing, travel, mileage and
21 all other expenses and allowances; additional service as President of the Senate,
22 as Speaker of the House or as a member of leadership; and for constituent
23 services; and

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

26 C. The reasons for its conclusions for establishing the level of compensation for
27 Legislators as determined in paragraph B, subparagraph (1) and recommendations for
28 compensation in paragraph B, subparagraph (2);

29 D. Drafts of any legislation required to implement its recommendations under
30 paragraph B, subparagraph (2); and

31 E. Any other material and recommendations that commission members may wish to
32 submit.

33 Before reporting as required in this subsection and subsequent to giving public notice, the
34 commission shall hold a public hearing on the report. Subsequent to reporting, the
35 commission shall meet, if requested, with the Governor, the Legislative Council and
36 legislative committees to discuss the report.

37 **Sec. 4. 3 MRSA §2-B, sub-§6** is enacted to read:

38 **6. Treasurer of State and State Controller.** The commission shall file its report
39 with the Treasurer of State and the State Controller in the Department of Administrative

1 and Financial Services no later than November 30th in each even-numbered year
2 establishing the rate of compensation, including expenses, for Legislators in subsection 2,
3 paragraph B, subparagraph (1) for the next biennium. The rates established are
4 applicable to the next biennium.

5 **Sec. 5. 3 MRSA §5** is enacted to read:

6 **§5. Adjourning the Legislature**

7 The first regular session of the Legislature, after its convening, shall adjourn no later
8 than the third Wednesday in June, and the second regular session of the Legislature shall
9 adjourn no later than the third Wednesday in April. The Legislature may, in case of
10 emergency, by a vote of 2/3 of the members of each House present and voting, extend the
11 date for adjournment for the first or second regular session by no more than 5 legislative
12 days. In case of further emergency, the Legislature may, by a vote of 2/3 of the members
13 of each House present and voting, further extend the date for adjournment by 5 additional
14 legislative days. The times for adjournment for the first and second regular sessions may
15 also be extended for one additional legislative day for the purpose of considering possible
16 objections of the Governor to any bill or resolution presented to the Governor by the
17 Legislature under the Constitution of Maine, Article IV, Part Third, Section 2.

18 **Sec. 6. 3 MRSA §6** is enacted to read:

19 **§6. Purchase of Maine Revised Statutes Annotated**

20 Legislators may purchase one set of the Maine Revised Statutes Annotated at the
21 State's cost, which may not be resold.

22 **Sec. 7. 5 MRSA §1666-A**, as enacted by PL 1995, c. 113, §1, is amended to read:

23 **§1666-A. Enactment of budget**

24 The Legislature shall review a biennial or supplemental budget submitted to it in
25 accordance with this chapter and enact a budget no later than 30 days prior to the date of
26 adjournment prescribed in Title 3, section 2 5, except that, during the first year in office
27 of a Governor-elect, the Legislature shall enact a budget no later than the first Friday in
28 June.

29 **Sec. 8. 5 MRSA §8072, sub-§7**, as amended by PL 2005, c. 586, §1, is further
30 amended to read:

31 **7. Consideration by the Legislature.** No later than 30 days before statutory
32 adjournment of the Legislature as provided in Title 3, section 2 5 each joint standing
33 committee of the Legislature shall submit to the Secretary of the Senate and the Clerk of
34 the House of Representatives the committee's report on agency rules the committee has
35 reviewed as provided in this section. The report must include a copy of the rule or rules
36 reviewed, the committee's recommendation concerning final adoption of the rule or rules,
37 a statement of the reasons for a recommendation to withdraw or modify the rule or rules
38 and draft legislation for introduction in that session that is necessary to implement the

1 committee's recommendation. A committee may decline to include in its report
2 recommendations covering any rules submitted to it later than 5:00 p.m. on the 2nd
3 Friday in January of the year in which the rules are to be considered by the committee. If,
4 before adjournment of the session at which a rule is reviewed, the Legislature fails to act
5 on all or part of any rule submitted to it for review in accordance with this section, an
6 agency may proceed with final adoption and implementation of the rule or part of the rule
7 that was not acted on.

8 **Sec. 9. 5 MRSA §12002, sub-§3**, as amended by PL 1989, c. 600, Pt. B, §1, is
9 further amended to read:

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

16 **Sec. 10. 7 MRSA §2953-A, sub-§6**, as enacted by PL 1999, c. 679, Pt. B, §2 and
17 affected by §14, is amended to read:

18 **6. Compensation.** Members serving pursuant to subsection 4-A, paragraph A,
19 subparagraphs (2) and (4) are compensated for attendance at Northeast Interstate Dairy
20 Compact meetings in amounts not to exceed those set forth in pursuant to Title 3, section
21 2 2-B, except that employees of the State who are compensated as part of their
22 employment do not receive additional compensation under this subsection.

23 **Sec. 11. 10 MRSA §11, sub-§7**, as enacted by PL 2003, c. 699, §2, is amended to
24 read:

25 **7. Compensation.** Legislators who are members of the commission are entitled to
26 receive the legislative per diem and expenses as ~~defined in~~ determined pursuant to Title 3,
27 section 2 2-B for their attendance to their duties under this chapter. Other members are
28 entitled to receive reimbursement of necessary expenses if they are not otherwise
29 reimbursed by their employers or others whom they represent.

30 **Sec. 12. 30-A MRSA §2181, sub-§9**, as amended by PL 2005, c. 222, §2, is
31 further amended to read:

32 **9. Compensation.** Legislative members of the advisory commission are entitled to
33 receive the legislative per diem as ~~defined in~~ determined pursuant to Title 3, section 2 2-B
34 and reimbursement for expenses according to Title 5, section 12004-I, subsection 75-C.
35 Public members not otherwise compensated by their employers or other entities that they
36 represent are entitled to receive reimbursement of necessary expenses incurred for their
37 attendance at authorized meetings of the advisory commission from the Executive
38 Department, State Planning Office, subject to the approval of the Director of the State
39 Planning Office.

1 **Sec. 13. 30-A MRSA §4350, sub-§4**, as enacted by PL 2001, c. 648, §2, is
2 amended to read:

3 **4. Compensation.** Legislative members are entitled to receive the legislative per
4 diem, as ~~defined in~~ determined pursuant to Title 3, section ~~2~~ 2-B, and to reimbursement
5 for expenses according to Title 5, section 12004-I, subsection 24-F. Public members not
6 otherwise compensated by their employers or other entities that they represent are entitled
7 to reimbursement of necessary expenses incurred for their attendance at authorized
8 meetings of the committee.

9 **Sec. 14. 38 MRSA §998, sub-§7**, as enacted by PL 1987, c. 470, §2, is amended
10 to read:

11 **7. Compensation.** The commissioners ~~shall~~ may not receive ~~no~~ remuneration from
12 the commission. They may be paid by the commission a housing and meals per diem and
13 be reimbursed for actual travel expenses incurred in the conduct of the commission
14 business. These amounts ~~shall be~~ are determined as provided by Title 3, section ~~2~~ 2-B.

15

SUMMARY

16 This bill sets the level of compensation for Legislators to \$15,750 in the first year and
17 \$11,250 in the 2nd year of each biennium beginning in December 2008 in accordance
18 with the recommendations of the State Compensation Commission report of 1999. It also
19 changes the State Compensation Commission so that its future recommendations do not
20 require legislative approval. Any member of the House of Representatives or Senate may
21 choose not to receive an increase in compensation that is recommended by the State
22 Compensation Commission.