

# MAINE STATE LEGISLATURE

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# 126th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2013

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Legislative Document

No. 1369

H.P. 977

House of Representatives, April 9, 2013

### An Act To Change the Way Legislators Are Paid

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

*Millicent M. MacFarland*  
MILLICENT M. MacFARLAND  
Clerk

Presented by Representative PARRY of Arundel.  
Cosponsored by Senator MASON of Androscoggin and  
Representatives: CHASE of Wells, HARVELL of Farmington, SANDERSON of Chelsea.

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

2 **Sec. 1. 3 MRSA §2, first ¶**, as amended by PL 2011, c. 380, Pt. QQQQ, §1, is  
3 further amended to read:

4 Each member of the Senate and House of Representatives, beginning with the first  
5 Wednesday of December 2000 and thereafter, is entitled to ~~\$10,815~~ \$20,000 in the first  
6 year and ~~\$7,725~~ \$20,000 in the 2nd year of each biennium, ~~except that if a Legislator who~~  
7 ~~is a recipient of retirement benefits from the federal Social Security Administration files a~~  
8 ~~written request with the Executive Director of the Legislative Council within one week~~  
9 ~~after the biennium commences, the Legislator is entitled to \$9,270 in each year of the~~  
10 ~~biennium. Legislators are considered self-employed and independent contractors. Each~~  
11 ~~member of the Senate and the House of Representatives must receive a cost of living~~  
12 ~~adjustment in annual legislative salary, except that the percentage increase may not~~  
13 ~~exceed 5% in any year, and except that the percentage increase may not exceed 3%~~  
14 ~~beginning with the fiscal year ending June 30, 2014. Beginning December 1, 2001, the~~  
15 ~~salary for each legislative session must be adjusted each December 1st by the percentage~~  
16 ~~change in the Consumer Price Index for the most recently concluded fiscal year; except~~  
17 ~~that no member of the Senate or the House of Representatives may receive a cost of~~  
18 ~~living adjustment in annual legislative salary for the Second Regular Session of the 124th~~  
19 ~~Legislature, and except that no member of the Senate or the House of Representatives~~  
20 ~~may receive a cost of living adjustment in annual legislative salary for the Second~~  
21 ~~Regular Session of the 125th Legislature and the First Regular Session and the Second~~  
22 ~~Regular Session of the 126th Legislature, and any percentage change in the Consumer~~  
23 ~~Price Index for the fiscal years ending June 30, 2011, June 30, 2012 and June 30, 2013~~  
24 ~~may not be applied to the base salary. In addition, each Legislator is entitled to be paid~~  
25 ~~for travel at each legislative session once each week at the same rate per mile to and from~~  
26 ~~that Legislator's place of abode as state employees receive, the mileage to be determined~~  
27 ~~by the most reasonable direct route, except that Legislators may be reimbursed for tolls~~  
28 ~~paid for travel on the Maine Turnpike as long as they have a receipt for payment of the~~  
29 ~~tolls, such tolls to be reimbursed when Legislators use the Maine Turnpike in traveling to~~  
30 ~~and from sessions of the Legislature or in performance of duly authorized committee~~  
31 ~~assignments. Each Legislator is entitled to mileage on the first day of the session, and~~  
32 ~~those amounts of salary and expenses at such times as the Legislature may determine~~  
33 ~~during the session, and the balance at the end of the session.~~

34 **Sec. 2. 3 MRSA §2, 6th ¶**, as amended by PL 2003, c. 691, §1 and affected by §2,  
35 is further amended to read:

36 In addition to the salary paid for the first and 2nd regular sessions of the Legislature,  
37 when a special session is called, the members of the Senate and House of Representatives  
38 must each be compensated \$100 for ~~every day's attendance~~, expenses and mileage  
39 pursuant to this section; ~~except that if a special session is called during the time period~~  
40 ~~specified in this section for a first regular session or 2nd regular session, the special~~  
41 ~~session per diem does not apply.~~

42 **Sec. 3. 3 MRSA §2, 8th ¶**, as amended by PL 2009, c. 636, Pt. A, §2, is further  
43 amended to read:

1 The member of the Penobscot ~~Indian~~ Nation, the member of the Passamaquoddy  
2 ~~Indian~~ Tribe and, beginning with the Second Regular Session of the 125th Legislature,  
3 the member of the Houlton Band of Maliseet Indians elected to represent their tribes at  
4 the Legislature are entitled to receive a salary equal to the salary of members of the  
5 Senate and the House of Representatives, including ~~a cost-of-living adjustment, for each~~  
6 ~~regular session and~~ allowance for meals, constituent service, housing and travel expenses  
7 to the same extent as members of the House of Representatives for attendance at each  
8 legislative session or authorized committee meeting. For the duration of any special  
9 session of the Legislature, they are entitled to receive the same ~~per diem payment and~~  
10 allowances, including housing, meal and travel expenses, as any member of the Senate  
11 and House of Representatives.

12 **Sec. 4. 3 MRSA §2, 10th ¶**, as amended by PL 1989, c. 501, Pt. O, §5; c. 600, Pt.  
13 B, §§9 and 10; and c. 878, Pt. D, §§14 and 15, is further amended to read:

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

29 **Sec. 5. 3 MRSA §2, 12th ¶**, as amended by PL 1989, c. 501, Pt. O, §6; c. 600, Pt.  
30 B, §§9 and 10; and c. 878, Pt. D, §§14 and 15, is further amended to read:

31 If a member of the Legislature dies or otherwise vacates the office, the successor is  
32 entitled to a salary from the date of seating, ~~computed as follows: two hundred ten dollars~~  
33 ~~of \$388~~ per week times the number of weeks remaining in the calendar year ~~if the~~  
34 ~~vacancy occurs in the first year and \$150 per week for the number of weeks remaining in~~  
35 ~~the calendar year if the vacancy occurs in the 2nd year.~~

36 **Sec. 6. 5 MRSA §285, sub-§1, ¶A**, as corrected by RR 2011, c. 1, §4, is  
37 amended to read:

38 A. Each appointed or elective officer or employee of the State who is eligible for  
39 membership in the Maine Public Employees Retirement System, ~~Legislative~~  
40 ~~Retirement Program~~ or the State Police Retirement System;

41 **Sec. 7. 5 MRSA §285, sub-§1, ¶J**, as amended by PL 2011, c. 438, §2, is further  
42 amended to read:

1 J. Legislative employees that are recipients of retirement allowances from the Maine  
2 Public Employees Retirement System based upon creditable service as teachers, as  
3 defined by section 17001, subsection 42; ~~and~~

4 **Sec. 8. 5 MRSA §285, sub-§1, ¶K**, as enacted by PL 2011, c. 438, §3, is  
5 amended to read:

6 K. Any employee of a school administrative unit as defined in Title 20-A, section 1,  
7 subsection 26 or of an educational advisory organization as described in Title 30-A,  
8 section 5724, subsection 9; and

9 **Sec. 9. 5 MRSA §285, sub-§1, ¶L** is enacted to read:

10 L. Any Legislator.

11 **Sec. 10. 5 MRSA §285, sub-§7, ¶D**, as enacted by PL 2009, c. 213, Pt. GG, §1,  
12 is amended to read:

13 D. ~~For Legislators, the~~ The State shall ~~may not~~ pay 50% for any of the health plan  
14 premium for a Legislator or for a Legislator's dependent coverage.

15 **Sec. 11. 5 MRSA §18055, sub-§1**, as amended by PL 2007, c. 491, §§179 and  
16 180, is further amended to read:

17 **1. Availability.** Except as provided in subsection 2 or 4, insurance purchased under  
18 section 18051 must be made available to the following persons:

19 A. Elective and appointive officers and employees of the State eligible for  
20 membership in the State Employee and Teacher Retirement Program ~~or the~~  
21 ~~Legislative Retirement Program;~~

22 B. Teachers eligible for membership in the State Employee and Teacher Retirement  
23 Program;

24 C. Justices of the Supreme Judicial Court and the Superior Court and Judges of the  
25 District Court and the Administrative Court; ~~and~~

26 D. Workers' compensation commissioners; and

27 E. Legislators.

28 **Sec. 12. Board of Trustees of Maine Public Employees Retirement**  
29 **System required to submit legislation by January 1, 2014 to close the**  
30 **Legislative Retirement Program.** The Board of Trustees of the Maine Public  
31 Employees Retirement System shall submit legislation by January 1, 2014 to the Joint  
32 Standing Committee on State and Local Government that closes down the Legislative  
33 Retirement Program by July 1, 2014. The legislation must include a provision that allows  
34 members of the Legislative Retirement Program who are eligible for the State Employee  
35 and Teacher Retirement Program to become members of the State Employee and Teacher  
36 Retirement Program and a means to refund accumulated contributions to members of the  
37 Legislative Retirement Program who do not become or are not eligible to become  
38 members of the State Employee and Teacher Retirement Program. The Joint Standing

1 Committee on State and Local Government may report out a bill to the Second Regular  
2 Session of the 126th Legislature to close the Legislative Retirement Program.

3 **Sec. 13. Effective date.** Sections 1 to 11 of this Act take effect November 30,  
4 2014.

### 5 **SUMMARY**

6 This bill changes the pay to members of the Senate and House of Representatives in  
7 the first year of the legislative session from the current rate of \$13,852 to \$20,000 and the  
8 pay in the 2nd year of the legislative session from the current rate of \$9,661 to \$20,000  
9 and removes the cost-of-living adjustment beginning November 30, 2014. Members of  
10 the Penobscot Nation, Passamaquoddy Tribe and Houlton Band of Maliseet Indians  
11 receive pay equal to that of members of the Senate and House of Representatives. The  
12 bill repeals the law that provides additional legislative pay for each day's attendance at a  
13 special session, but keeps the provision that provides expenses and mileage payments to  
14 Legislators during a special session. The bill also removes the provision of health  
15 insurance to Legislators and allows them to purchase health insurance for themselves and  
16 for their dependents at the rate at which the State purchases health insurance. Legislators  
17 may also purchase life insurance through the State. The bill also requires the Board of  
18 Trustees of the Maine Public Employees Retirement System to submit legislation by  
19 January 1, 2014 to close the Legislative Retirement Program by July 1, 2014. The  
20 legislation must allow members of the Legislative Retirement Program who are eligible  
21 for the State Employee and Teacher Retirement Program to become members of the State  
22 Employee and Teacher Retirement Program. Members of the Legislative Retirement  
23 Program who do not become members of the State Employee and Teacher Retirement  
24 Program will receive a refund of accumulated contributions. Legislators are considered  
25 self-employed and independent contractors and are responsible for paying taxes including  
26 the employer and employee portions of social security and Medicare.