

MAINE STATE LEGISLATURE

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130th MAINE LEGISLATURE

FIRST SPECIAL SESSION-2021

Legislative Document

No. 1680

S.P. 541

In Senate, May 6, 2021

An Act To Amend Legislative Expenses Reimbursement and Allowances

(AFTER DEADLINE)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Received by the Secretary of the Senate on May 4, 2021. Referred to the Committee on State and Local Government pursuant to Joint Rule 308.2 and ordered printed.

A handwritten signature in black ink, appearing to read 'D M Grant'.

DAREK M. GRANT
Secretary of the Senate

Presented by Senator MIRAMANT of Knox.

Cosponsored by Representative EVANGELOS of Friendship and

Senator: BREEN of Cumberland, Representative: SYLVESTER of Portland.

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~~ Prior to the 131st Legislature, each member of the Senate and House of
5 Representatives, ~~beginning with the first Wednesday of December 2000 and thereafter,~~ is
6 entitled to \$10,815 in the first year and \$7,725 in the 2nd year of each biennium, except
7 that if a Legislator who is a recipient of retirement benefits from the federal Social Security
8 Administration files a written request with the Executive Director of the Legislative
9 Council within one week after the biennium commences, the Legislator is entitled to \$9,270
10 in each year of the biennium. Beginning with the 131st Legislature, each member of the
11 Senate and House of Representatives is entitled to \$20,000 for each year of the biennium.
12 ~~Each member of the Senate and the House of Representatives must receive a~~ an annual
13 ~~cost-of-living adjustment in annual legislative salary, except that the percentage increase~~
14 ~~may not exceed 5% in any year, and except that the percentage increase may not exceed~~
15 ~~3% beginning with the fiscal year ending June 30, 2014 in any year.~~ Beginning December
16 1, ~~2004~~ 2024, the salary for each legislative session must be adjusted each December 1st
17 by the percentage change in the Consumer Price Index for the most recently concluded
18 fiscal year; ~~except that no member of the Senate or the House of Representatives may~~
19 ~~receive a cost-of-living adjustment in annual legislative salary for the Second Regular~~
20 ~~Session of the 124th Legislature, and except that no member of the Senate or the House of~~
21 ~~Representatives may receive a cost-of-living adjustment in annual legislative salary for the~~
22 ~~Second Regular Session of the 125th Legislature and the First Regular Session and the~~
23 ~~Second Regular Session of the 126th Legislature, and any percentage change in the~~
24 ~~Consumer Price Index for the fiscal years ending June 30, 2011, June 30, 2012 and June~~
25 ~~30, 2013 may not be applied to the base salary.~~ In addition, each Legislator is entitled to
26 be paid once each week for travel at each legislative session ~~once each week at the same~~
27 ~~rate of the lower of the federal mileage rate and 56¢~~ per mile to and from that Legislator's
28 place of abode ~~as state employees receive~~, the mileage to be determined by the most
29 reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel
30 on the Maine Turnpike as long as they have a receipt for payment of the tolls, such tolls to
31 be reimbursed when Legislators use the Maine Turnpike in traveling to and from sessions
32 of the Legislature or in performance of duly authorized committee assignments. Each
33 Legislator is entitled to mileage on the first day of the session, and those amounts of salary
34 and expenses at such times as the Legislature may determine during the session, and the
35 balance at the end of the session.

36 **Sec. 2. 3 MRSA §2, 4th ¶**, as corrected by RR 2001, c. 2, Pt. A, §1, is amended to
37 read:

38 ~~Except~~ Prior to the 131st Legislature, except as provided in this section, each member
39 of the Senate and House of Representatives is entitled to a meal allowance in the amount
40 of \$32 and a housing allowance in the amount of \$38 for each day in attendance at sessions
41 of the Legislature and for each day the member occupies overnight accommodations away
42 from home either immediately preceding or immediately following attendance at daily
43 sessions of the Legislature. Beginning with the 131st Legislature, each member of the
44 Senate and House of Representatives is entitled to a meal allowance in the amount of \$32
45 and a housing allowance in an amount determined at the beginning of each first regular

1 session by the Legislative Council, which must be no less than the average nightly rate of
2 lodging in the Augusta area or the federal per diem rate for lodging, whichever is less, for
3 each day in attendance at sessions of the Legislature and for each day the member occupies
4 overnight accommodations away from home either immediately preceding or immediately
5 following attendance at daily sessions of the Legislature. The presiding officers may
6 establish reasonable policies regarding allowances for meals and overnight
7 accommodations for the day immediately preceding the session, which may include
8 policies regarding whether an allowance is paid, whether the full amount or a portion of
9 the statutory allowance is paid and whether receipts are required. In lieu of the meal and
10 housing allowance, each member is entitled to a daily meal allowance in the amount of \$32
11 and actual daily mileage allowances in an amount up to but not exceeding ~~\$38 per day~~ the
12 daily housing allowance amount. Each member of the Senate also receives an annual
13 allowance for constituent services in the amount of \$2,000, \$1,300 in January and \$700 in
14 the month following adjournment of the regular session. Each member of the House of
15 Representatives also receives an annual allowance for constituent services in the amount
16 of \$1,500, \$1,005 in January and \$495 in the month following adjournment of the regular
17 session. Notwithstanding this section, during the first regular session of each legislative
18 biennium, a member of the Senate or the House of Representatives may elect to receive the
19 first payment of the annual allowance for constituent services in December following
20 convening of the Legislature by notifying the Executive Director of the Legislative Council
21 in the manner prescribed by the executive director. The Executive Director of the
22 Legislative Council shall inform Legislators of the choice available for payment of the
23 allowance for constituent services in the first year of the legislative biennium and of any
24 tax implications associated with exercising that choice.

25 **Sec. 3. 3 MRSA §2**, as amended by PL 2019, c. 475, §§11 and 12, is further amended
26 by adding after the 7th paragraph a new paragraph to read:

27 Beginning with the 131st Legislature, in a period of national emergency declared by
28 the President of the United States or the United States Congress or a period of civil
29 emergency declared by the Governor, if the Legislature is in session and Legislators are
30 required to work remotely from home or any other location, during any week in which a
31 Legislator attends an authorized committee meeting and does not otherwise travel to the
32 State House, that Legislator is entitled to a weekly allowance of \$250, which must be
33 adjusted each December 1st by the percentage change in the Consumer Price Index for the
34 most recently concluded fiscal year.

35 **Sec. 4. 3 MRSA §2, 11th ¶**, as amended by PL 1989, c. 501, Pt. O, §5; c. 600, Pt.
36 B, §§9 and 10; and c. 878, Pt. D, §§14 and 15, is further amended to read:

37 The President of the Senate, the Speaker of the House of Representatives, the floor
38 leaders and their assistants and members of a committee, with the approval of the President
39 of the Senate or the Speaker of the House of Representatives as to members of a committee,
40 may also meet on days when the Legislature is not in daily session at any convenient
41 location within the State. Each member of the Senate and House of Representatives ~~shall~~
42 receive is entitled to \$55 for every day's attendance when meetings or daily sessions are
43 held, a meal allowance in the amount of \$32 and a housing allowance whereby actual
44 lodging expenses will be reimbursed at the ~~single-room rate, provided that rate determined~~
45 by the Legislative Council at the beginning of each first regular session, as long as a receipt
46 is submitted to the Executive Director of the Legislative Council for each day in attendance

1 at such meetings or daily sessions and for each day that member occupies overnight
2 accommodations away from home either immediately preceding or immediately following
3 attendance at daily sessions of the Legislature, and actual daily mileage allowances ~~which~~
4 ~~shall be paid at the same rate paid to state employees at the rate of the lower of the federal~~
5 ~~mileage rate and 56¢ per mile to and from that Legislator's place of abode, the mileage to~~
6 ~~be determined by the most reasonable direct route.~~ In lieu of the meal and housing
7 allowance, each member ~~shall be~~ is entitled to a daily meal allowance in the amount of \$32
8 and actual daily mileage allowances.

9 **Sec. 5. 3 MRSA §2, 13th ¶**, as amended by PL 1989, c. 501, Pt. O, §6; c. 600, Pt.
10 B, §§9 and 10; and c. 878, Pt. D, §§14 and 15, is further amended to read:

11 If a member of the Legislature dies or otherwise vacates the office, the successor is
12 entitled to a salary ~~from the date of seating, for that calendar year that is~~ computed as
13 follows: ~~two hundred ten dollars per week times the number of weeks remaining in the~~
14 ~~calendar year if the vacancy occurs in the first year and \$150 per week for the number of~~
15 ~~weeks remaining in the calendar year if the vacancy occurs in the 2nd year~~ the annual salary
16 for that office divided by 52, the result of which is multiplied by the number of weeks
17 between the date of the successor's seating and the end of that calendar year.

18 SUMMARY

19 This bill makes changes to the laws governing compensation, reimbursements and
20 allowances for Legislators.

21 1. Beginning with the 131st Legislature, it increases the salary of Legislators from an
22 estimated \$15,954 in the first year and \$11,125 in the 2nd year of a biennium, after
23 adjustment for inflation, to \$20,000 in each year of the biennium.

24 2. It increases the mileage allowance for Legislators from 44¢ per mile to the lower of
25 the federal mileage rate and 56¢ per mile.

26 3. Beginning with the 131st Legislature, it changes the lodging rate for Legislators.
27 Currently, the lodging rate is \$38 per day; this bill changes the rate to an amount determined
28 annually by the Legislative Council, which must be no less than the lower of the average
29 nightly rate of lodging in the Augusta area and the federal per diem rate for lodging.

30 4. Beginning with the 131st Legislature, it provides a weekly allowance of \$250 for
31 any week during a period of national emergency or civil emergency in which a Legislator
32 is required to work remotely, attends an authorized committee meeting and does not
33 otherwise travel to the State House.