

MAINE STATE LEGISLATURE

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Date: 2/6/23

(Filing No. S- 5)

STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
SENATE
131ST LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 105, L.D. 205, "An Act to Update the Reimbursement for Travel-related Expenses Incurred as a Result of the Performance of Legislative Duties"

Amend the bill by inserting after the title and before the enacting clause the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the Legislature is composed of individuals representing all areas of the State and many travel long distances each day to attend legislative sessions and committee meetings; and

Whereas, many Legislators live too far from the State House to return home each day and must find lodging in the capital area to attend legislative sessions and committee meetings; and

Whereas, the housing and meal allowances paid to Legislators who attend to the business of the Legislature have not been increased since 1989; and

Whereas, the cost of housing and meals is significantly higher than the cost in 1989; and

Whereas, the mileage reimbursement rate currently paid to Legislators is 46¢ per mile; and

Whereas, the federal standard mileage reimbursement rate established by the United States Internal Revenue Service is 65.5¢ per mile; and

Whereas, the cost of gasoline has increased substantially; and

Whereas, immediate action is needed to correct these travel-related expense reimbursement shortages; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as

COMMITTEE AMENDMENT

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1 immediately necessary for the preservation of the public peace, health and safety; now,
2 therefore,'

3 Amend the bill by striking out everything after the enacting clause and inserting the
4 following:

5 'Sec. 1. 3 MRSA §2, as amended by PL 2019, c. 475, §§11 and 12, is further amended
6 by amending the section headnote to read:

7 **§2. Salary, expenses compensation and travel travel-related expenses of Members of**
8 **the Legislature and representatives of Indian tribes**

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

11 Each member of the Senate and House of Representatives, beginning with the first
12 Wednesday of December 2000 and thereafter, is entitled to \$10,815 in the first year and
13 \$7,725 in the 2nd year of each biennium, except that if a Legislator who is a recipient of
14 retirement benefits from the federal Social Security Administration files a written request
15 with the Executive Director of the Legislative Council within one week after the biennium
16 commences, the Legislator is entitled to \$9,270 in each year of the biennium. Each member
17 of the Senate and the House of Representatives must receive a cost-of-living adjustment in
18 annual legislative salary, except that the percentage increase may not exceed 5% in any
19 year, and except that the percentage increase may not exceed 3% beginning with the fiscal
20 year ending June 30, 2014. Beginning December 1, 2001, the salary for each legislative
21 session must be adjusted each December 1st by the percentage change in the Consumer
22 Price Index for the most recently concluded fiscal year; except that ~~no~~ a member of the
23 Senate or the House of Representatives may not receive a cost-of-living adjustment in
24 annual legislative salary for the Second Regular Session of the 124th Legislature, and
25 except that ~~no~~ a member of the Senate or the House of Representatives may not receive a
26 cost-of-living adjustment in annual legislative salary for the Second Regular Session of the
27 125th Legislature and the First Regular Session and the Second Regular Session of the
28 126th Legislature, and any percentage change in the Consumer Price Index for the fiscal
29 years ending June 30, 2011, June 30, 2012 and June 30, 2013 may not be applied to the
30 base salary. In addition, each Legislator is entitled to be paid mileage for travel at each
31 legislative session ~~to and from that Legislator's place of abode once each week at the same~~
32 ~~rate per mile to and from that Legislator's place of abode as state employees receive at a~~
33 ~~rate of 55¢ per mile or the federal standard mileage rate, whichever is lower,~~ the mileage
34 to be determined by the most reasonable direct route, except that Legislators may be
35 reimbursed for tolls paid for travel on the Maine Turnpike as long as they have a receipt
36 for payment of the tolls, such tolls to be reimbursed when Legislators use the Maine
37 Turnpike in traveling to and from sessions of the Legislature or in performance of duly
38 authorized committee assignments. Each Legislator is entitled to mileage on the first day
39 of the session, and those amounts of salary and expenses at such times as the Legislature
40 may determine during the session, and the balance at the end of the session.

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

43 Except as provided in this section, each member of the Senate and House of
44 Representatives is entitled to the travel-related expenses of a meal allowance in the amount
45 of ~~\$32~~ \$50 and a housing allowance in the amount of ~~\$38~~ \$70 for each day in attendance

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COMMITTEE AMENDMENT "A" to S.P. 105, L.D. 205 (S.S.)

1 at sessions of the Legislature and for each day the member occupies overnight
2 accommodations away from home either immediately preceding or immediately following
3 attendance at daily sessions of the Legislature. The presiding officers may establish
4 reasonable policies regarding allowances for meals and overnight accommodations for the
5 day immediately preceding the session, which may include policies regarding whether an
6 allowance is paid, whether the full amount or a portion of the statutory allowance is paid
7 and whether receipts are required. In lieu of the meal and housing allowance, each member
8 is entitled to a daily meal allowance in the amount of ~~\$32~~ \$50 and an actual daily mileage
9 allowances allowance in an amount up to but not exceeding ~~\$38~~ \$70 per day. Each member
10 of the Senate also receives an annual allowance for constituent services in the amount of
11 \$2,000, \$1,300 in January and \$700 in the month following adjournment of the regular
12 session. Each member of the House of Representatives also receives an annual allowance
13 for constituent services in the amount of \$1,500, \$1,005 in January and \$495 in the month
14 following adjournment of the regular session. Notwithstanding this section, during the first
15 regular session of each legislative biennium, a member of the Senate or the House of
16 Representatives may elect to receive the first payment of the annual allowance for
17 constituent services in December following convening of the Legislature by notifying the
18 Executive Director of the Legislative Council in the manner prescribed by the executive
19 director. The Executive Director of the Legislative Council shall inform Legislators of the
20 choice available for payment of the allowance for constituent services in the first year of
21 the legislative biennium and of any tax implications associated with exercising that choice.

22 **Sec. 4. 3 MRSA §2, 9th ¶**, as amended by PL 2009, c. 636, Pt. A, §2, is further
23 amended to read:

24 The member of the Penobscot Indian Nation, the member of the Passamaquoddy Indian
25 Tribe and, beginning with the Second Regular Session of the 125th Legislature, the member
26 of the Houlton Band of Maliseet Indians elected to represent their tribes at the Legislature
27 are entitled to receive a salary equal to the salary of members of the Senate and the House
28 of Representatives, including a cost-of-living adjustment, for each regular session and an
29 allowance for meals, constituent service, housing and travel allowances for travel-related
30 expenses, which are housing, meals, mileage and tolls, to the same extent as members of
31 the House of Representatives for attendance at each legislative session or authorized
32 committee meeting. For the duration of any special session of the Legislature, they are
33 entitled to receive the same per diem payment and allowances, including housing, meal and
34 travel travel-related expenses, which are housing, meals, mileage and tolls, as any member
35 of the Senate and House of Representatives.

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

38 The President of the Senate, the Speaker of the House of Representatives, the floor
39 leaders and their assistants and members of a committee, with the approval of the President
40 of the Senate or the Speaker of the House of Representatives as to members of a committee,
41 may also meet on days when the Legislature is not in daily session at any convenient
42 location within the State. Each member of the Senate and House of Representatives ~~shall~~
43 is entitled to receive \$55 for every day's attendance when meetings or daily sessions are
44 held, and the travel-related expenses of a meal allowance in the amount of ~~\$32~~ \$50 and a
45 housing allowance whereby actual lodging expenses will be reimbursed at the single-room
46 rate, provided that as long as a receipt is submitted to the Executive Director of the

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COMMITTEE AMENDMENT "A" to S.P. 105, L.D. 205 (S-5)

1 Legislative Council for each day in attendance at such meetings or daily sessions and for
2 each day that member occupies overnight accommodations away from home either
3 immediately preceding or immediately following attendance at daily sessions of the
4 Legislature and actual daily mileage allowances ~~which shall be paid at the same rate paid~~
5 ~~to state employees at the rate of 55¢ per mile or the federal standard mileage rate, whichever~~
6 is lower. In lieu of the meal and housing allowance, each member shall be entitled to a
7 daily meal allowance in the amount of ~~\$32~~ \$50 and actual daily mileage allowances.

8 **Sec. 6. Funding.** The Executive Director of the Legislative Council shall identify
9 savings in legislative accounts sufficient to offset the costs that are associated with the
10 implementation of this Act. The executive director shall include appropriate amounts
11 associated with the implementation of this Act in future budget submissions.'

12 Amend the bill by adding before the summary the following:

13 **'Emergency clause.** In view of the emergency cited in the preamble, this legislation
14 takes effect when approved.'

15 Amend the bill by relettering or renumbering any nonconsecutive Part letter or section
16 number to read consecutively.

17 **SUMMARY**

18 This amendment replaces the bill, which is a concept draft. It sets the mileage
19 reimbursement rate for Legislators attending sessions at 55¢ per mile or the federal standard
20 reimbursement rate, whichever is lower. It increases the daily housing allowance from \$38
21 per day to \$70 per day and the meal allowance from \$32 per day to \$50 per day. It increases
22 from \$38 to \$70 the cap on the daily mileage reimbursement after one round trip. It directs
23 the Executive Director of the Legislative Council to identify savings in legislative accounts
24 sufficient to offset the costs associated with these increases and to include appropriate
25 amounts associated with these costs in future budget submissions.

26 **FISCAL NOTE REQUIRED**

27 (See attached)

COMMITTEE AMENDMENT



131st MAINE LEGISLATURE

LD 205

LR 2401(02)

An Act to Update the Reimbursement for Travel-related Expenses Incurred as a Result of the Performance of Legislative Duties

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-5)

Committee: State and Local Government

Fiscal Note Required: Yes

Fiscal Note

Current biennium cost increase - General Fund

Fiscal Detail and Notes

This bill sets the mileage reimbursement rate for Legislators attending sessions at the lesser of \$0.55 per mile or the federal reimbursement rate, increases the daily housing allowance from \$38 to \$70 per day, increases the meals allowance from \$32 to \$50 per day and caps daily mileage reimbursement at \$70 per day. The additional costs to the Legislature for these changes are estimated to be \$1,100,000 in fiscal year 2022-23, \$788,600 in fiscal year 2023-24 and \$1,234,770 in fiscal year 2024-25. Section 2 of the bill requires the Legislature to identify savings in Legislative accounts to offset these costs and therefore no additional appropriations for these additional costs are provided at this time.

