

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

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

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

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

**8. Compensation.** Legislative members of the advisory committee are entitled to receive the legislative per diem, as defined ~~in~~ determined pursuant to Title 3, section 22-B, and reimbursement for travel and other necessary expenses for their attendance at authorized meetings of the advisory committee. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses and, upon a demonstration of financial hardship, a per diem equal to the legislative per diem for their attendance at authorized meetings of the advisory committee.

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 F, §1 and c. 691, §1 and affected by §2, is repealed and the following enacted in its place:

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

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

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

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

**2. Compensation of Indian representatives.** The member of the Penobscot Indian Nation and the member of the Passamaquoddy Indian Tribe elected to represent their tribes at the Legislature must receive compensation for each day's attendance during the first and second regular sessions and an allowance for meals, constituent services, housing and travel expenses the same as any other member of

the Senate and House of Representatives for attendance at each legislative session. For the duration of any special session of the Legislature, they must receive the same allowances, including housing, meal and travel expenses, as any other member of the Senate and House of Representatives.

**3. Nonacceptance of increases in salary.** Any member of the Senate or the House of Representatives may elect not to accept any increase in compensation pursuant to this section or pursuant to section 2-B by communicating with the Executive Director of the Legislative Council and the presiding officer of the House of which the Legislator is a member to request that the increase not be received.

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

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

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

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

A. A description of the commission's activities;

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

(1) Compensation of Legislators and representatives of Indian tribes, including, but not limited to, all payments for: salaries, meals, housing, travel, mileage 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

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

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

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

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

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

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

**6. Treasurer of State and State Controller.** The commission shall file its report with the Treasurer of State and the State Controller in the Department of Administrative and Financial Services no later than November 30th in each even-numbered year establishing the rate of compensation, including expenses, for Legislators in subsection 2, paragraph B, subparagraph (1) for the next biennium. The rates established are applicable to the next biennium.

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

### **§ 5. Adjourning the Legislature**

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

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

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

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

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

### **§ 1666-A. Enactment of budget**

The Legislature shall review a biennial or supplemental 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 25, 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. 8. 5 MRSA §8072, sub-§7**, as amended by PL 2005, c. 586, §1, 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 25 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 5:00 p.m. on the 2nd Friday in January of the year in which the rules are to be considered by the committee. 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. 9. 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-B~~ 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-B~~ that is paid to Legislators for every day's attendance at special sessions of the Legislature.

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

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

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

**7. Compensation.** Legislators who are members of the commission are entitled to receive the legislative per diem and expenses as ~~defined~~ indetermined pursuant to Title 3, section ~~22-B~~ for their attendance to their duties under this chapter. Other members are entitled to receive reimbursement of necessary expenses if they are not otherwise reimbursed by their employers or others whom they represent.

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

**9. Compensation.** Legislative members of the advisory commission are entitled to receive the legislative per diem as ~~defined~~ indetermined pursuant to Title 3, section ~~22-B~~ and reimbursement for expenses according to Title 5, section 12004-I, subsection 75-C. Public members not otherwise compensated by their employers or other entities that they represent are entitled to receive reimbursement of necessary expenses incurred for their attendance at authorized meetings of the advisory commission from the Executive Department, State Planning Office, subject to the approval of the Director of the State Planning Office.

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

**4. Compensation.** Legislative members are entitled to receive the legislative per diem, as ~~defined~~ indetermined pursuant to Title 3, section 22-B, and to reimbursement for expenses according to Title 5, section 12004-I, subsection 24-F. Public members not otherwise compensated by their employers or other entities that they represent are entitled to reimbursement of necessary expenses incurred for their attendance at authorized meetings of the committee.

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

**7. Compensation.** The commissioners ~~shall~~may not receive ~~no~~ remuneration from the commission. They may be paid by the commission a housing and meals per diem and be reimbursed for actual travel expenses incurred in the conduct of the commission business. These amounts ~~shall be~~are determined as provided by Title 3, section 22-B.

## SUMMARY

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