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Date: (Filing No. S-)

STATE AND LOCAL GOVERNMENT

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**STATE OF MAINE
SENATE
130TH LEGISLATURE
FIRST SPECIAL SESSION**

COMMITTEE AMENDMENT “ ” to S.P. 541, L.D. 1680, “An Act To Amend Legislative Expenses Reimbursement and Allowances”

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

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

Each member of the Senate and House of Representatives, ~~beginning with the first Wednesday of December 2000 and thereafter~~, is entitled to \$10,815 in the first year and \$7,725 in the 2nd year of each biennium, except that if a Legislator who is a recipient of retirement benefits from the federal Social Security Administration files a written request with the Executive Director of the Legislative Council within one week after the biennium commences, the Legislator is entitled to \$9,270 in each year of the biennium. Each member of the Senate and the House of Representatives must receive a an annual cost-of-living adjustment in annual legislative salary, except that the percentage increase may not exceed 5% in any year, and ~~except that the percentage increase may not exceed 3% beginning with the fiscal year ending June 30, 2014 in any year.~~ Beginning December 1, ~~2004~~ 2022, the salary for each legislative session must be adjusted each December 1st by the percentage change in the Consumer Price Index for the most recently concluded fiscal year; ~~except that no member of the Senate or the House of Representatives may receive a cost-of-living adjustment in annual legislative salary for the Second Regular Session of the 124th Legislature, and except that no member of the Senate or the House of Representatives may receive a cost-of-living adjustment in annual legislative salary for the Second Regular Session of the 125th Legislature and the First Regular Session and the Second Regular Session of the 126th Legislature, and any percentage change in the Consumer Price Index for the fiscal years ending June 30, 2011, June 30, 2012 and June 30, 2013 may not be applied to the base salary.~~ In addition, each Legislator is entitled to be paid once each week for travel at each legislative session ~~once each week to and from sessions or in performance of duly authorized committee assignments~~ at the ~~same~~ rate per mile to and from that Legislator's place of abode as that state employees receive, the mileage to be determined

COMMITTEE AMENDMENT

1 by the most reasonable direct route, except that Legislators may be reimbursed for tolls
2 paid for travel on the Maine Turnpike as long as they have a receipt for payment of the
3 tolls, such tolls to be reimbursed when Legislators use the Maine Turnpike in traveling to
4 and from sessions of the Legislature or in performance of duly authorized committee
5 assignments. Each Legislator is entitled to mileage on the first day of the session, and those
6 amounts of salary and expenses at such times as the Legislature may determine during the
7 session, and the balance at the end of the session. Mileage reimbursement is not subject to
8 any cap in amount.

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

11 ~~Except~~ Prior to the 131st Legislature, except as provided in this section, each member
12 of the Senate and House of Representatives is entitled to a meal allowance in the amount
13 of \$32 and a housing allowance in the amount of \$38 for each day in attendance at sessions
14 of the Legislature or each day in performance of duly authorized committee assignments
15 and for each day the member occupies overnight accommodations away from home either
16 immediately preceding or immediately following attendance at daily sessions of the
17 Legislature or in performance of duly authorized committee assignments. Beginning with
18 the 131st Legislature, each member of the Senate and House of Representatives is entitled
19 to a meal allowance in the amount determined at the beginning of each first regular session
20 by the Legislative Council. Beginning with the 131st Legislature, each member of the
21 Senate and House of Representatives is entitled to a housing allowance in an amount
22 determined at the beginning of each first regular session by the Legislative Council, which
23 must be no less than the average nightly rate of lodging in the Augusta area or the federal
24 per diem rate for lodging, whichever is less, for each day in attendance at sessions of the
25 Legislature or in performance of duly authorized committee assignments and for each day
26 the member occupies overnight accommodations away from home either immediately
27 preceding or immediately following attendance at daily sessions of the Legislature or in
28 performance of duly authorized committee assignments. To receive the housing allowance,
29 a Legislator shall present a receipt from a lodging establishment to the Executive Director
30 of the Legislative Council. The presiding officers may establish reasonable policies
31 regarding allowances for meals and overnight accommodations for the day immediately
32 preceding the session, which may include policies regarding whether an allowance is paid;
33 and whether the full amount or a portion of the statutory allowance is paid ~~and whether~~
34 ~~receipts are required.~~ In lieu of the meal and housing allowance, each member is entitled
35 to a daily meal allowance in the amount of ~~\$32~~ determined at the beginning of each first
36 regular session by the Legislative Council and actual daily mileage allowances ~~in an~~
37 ~~amount up to but not exceeding \$38 per day.~~ Each member of the Senate also receives an
38 annual allowance for constituent services in the amount of \$2,000, \$1,300 in January and
39 \$700 in the month following adjournment of the regular session. Each member of the
40 House of Representatives also receives an annual allowance for constituent services in the
41 amount of \$1,500, \$1,005 in January and \$495 in the month following adjournment of the
42 regular session. Notwithstanding this section, during the first regular session of each
43 legislative biennium, a member of the Senate or the House of Representatives may elect to
44 receive the first payment of the annual allowance for constituent services in December
45 following convening of the Legislature by notifying the Executive Director of the
46 Legislative Council in the manner prescribed by the executive director. The Executive
47 Director of the Legislative Council shall inform Legislators of the choice available for

1 payment of the allowance for constituent services in the first year of the legislative
 2 biennium and of any tax implications associated with exercising that choice.

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

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

24 **Sec. 4. 3 MRSA §2, 13th ¶**, as amended by PL 1989, c. 501, Pt. O, §6; c. 600, Pt.
 25 B, §§9 and 10; and c. 878, Pt. D, §§14 and 15, is further amended to read:

26 If a member of the Legislature dies or otherwise vacates the office, the successor is
 27 entitled to a salary ~~from the date of seating, for that calendar year that is~~ computed as
 28 follows: ~~two hundred ten dollars per week times the number of weeks remaining in the~~
 29 ~~calendar year if the vacancy occurs in the first year and \$150 per week for the number of~~
 30 ~~weeks remaining in the calendar year if the vacancy occurs in the 2nd year by dividing the~~
 31 annual salary for that office by 52 and multiplying the result by the number of weeks
 32 between the date of the successor's seating and the end of that calendar year.

33 **Sec. 5. Appropriations and allocations.** The following appropriations and
 34 allocations are made.

35 **LEGISLATURE**

36 **Legislature 0081**

37 Initiative: Provides funding for changes in reimbursement for Legislators.

| | | |
|------------------------|----------------|----------------|
| 38 GENERAL FUND | 2021-22 | 2022-23 |
| 39 All Other | \$0 | \$562,672 |
| 40 | | |
| 41 GENERAL FUND TOTAL | \$0 | \$562,672 |

| | | |
|------------------------|----------------|----------------|
| 42 | | |
| 43 HIGHWAY FUND | 2021-22 | 2022-23 |

| | | | |
|----|--|----------------|------------------|
| 1 | All Other | \$0 | \$1,495 |
| 2 | | | |
| 3 | HIGHWAY FUND TOTAL | <u>\$0</u> | <u>\$1,495</u> |
| 4 | Study Commissions - Funding 0444 | | |
| 5 | Initiative: Provides funding for changes in reimbursement for Legislators. | | |
| 6 | GENERAL FUND | 2021-22 | 2022-23 |
| 7 | All Other | \$0 | \$1,733 |
| 8 | | | |
| 9 | GENERAL FUND TOTAL | <u>\$0</u> | <u>\$1,733</u> |
| 10 | | | |
| 11 | LEGISLATURE | | |
| 12 | DEPARTMENT TOTALS | 2021-22 | 2022-23 |
| 13 | | | |
| 14 | GENERAL FUND | \$0 | \$564,405 |
| 15 | HIGHWAY FUND | \$0 | \$1,495 |
| 16 | | | |
| 17 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$0</u> | <u>\$565,900</u> |
| 18 | PROGRAM EVALUATION AND GOVERNMENT ACCOUNTABILITY, | | |
| 19 | OFFICE OF | | |
| 20 | Office of Program Evaluation and Government Accountability 0976 | | |
| 21 | Initiative: Provides funding for changes in reimbursement for Legislators. | | |
| 22 | GENERAL FUND | 2021-22 | 2022-23 |
| 23 | All Other | \$0 | \$3,276 |
| 24 | | | |
| 25 | GENERAL FUND TOTAL | <u>\$0</u> | <u>\$3,276</u> |
| 26 | | | |
| 27 | PROGRAM EVALUATION AND GOVERNMENT | | |
| 28 | ACCOUNTABILITY, OFFICE OF | | |
| 29 | DEPARTMENT TOTALS | 2021-22 | 2022-23 |
| 30 | | | |
| 31 | GENERAL FUND | \$0 | \$3,276 |
| 32 | | | |
| 33 | DEPARTMENT TOTAL - ALL FUNDS | <u>\$0</u> | <u>\$3,276</u> |
| 34 | | | |
| 35 | SECTION TOTALS | 2021-22 | 2022-23 |
| 36 | | | |
| 37 | GENERAL FUND | \$0 | \$567,681 |
| 38 | HIGHWAY FUND | \$0 | \$1,495 |
| 39 | | | |
| 40 | SECTION TOTAL - ALL FUNDS | <u>\$0</u> | <u>\$569,176</u> |
| 41 | | | |

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

3 **SUMMARY**

4 This amendment replaces the bill and changes the law governing reimbursements for
5 Legislators to:

6 1. Clarify that Legislators are entitled to reimbursement for meals and lodging while
7 attending session and committee meetings;

8 2. Prohibit a cap on mileage reimbursement other than the rate paid per mile and the
9 determination of mileage by the most reasonable direct route;

10 3. Beginning with the 131st Legislature, require the meal allowance to be determined
11 by the Legislative Council at the beginning of each first regular session;

12 4. Beginning with the 131st Legislature, require the lodging allowance to be
13 determined by the Legislative Council at the beginning of each first regular session at no
14 less than the average nightly rate of lodging in the Augusta area or the federal per diem
15 rate, whichever is less; and

16 5. Require a Legislator to submit a lodging receipt to receive lodging reimbursement.

17 This amendment also makes several technical changes.

18 **FISCAL NOTE REQUIRED**

19 **(See attached)**