

DRAFT REPORT OF THE
STATE COMPENSATION
COMMISSION
DECEMBER 2019

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Christine Brawn, Appointed by the President of the Senate
Joyce Oreskovich, Appointed by the President of the Senate
Kathryn Rand, Appointed by the Speaker of the House
Timothy Schneider, Appointed by the Speaker of the House

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INTRODUCTION

Maine citizens expect that their rights will be supported and protected by our democratic institutions of government and value the service of talented and dedicated public officials and judges who serve in those institutions. These committed individuals ensure that an independent judiciary and a representative legislature and Governor will support a functioning and accessible democracy. In these challenging times of polarized and increasingly critical attitudes towards the role and powers of government and toward those serving in the legislative, judicial and executive offices, the need for individuals willing to seek and remain in these positions is crucial. The extraordinary individuals who serve in these public offices give up much in the way of personal and family time, privacy and, in the case of the governor and members of the Legislature, the opportunity to advance professional careers.

The State Compensation Commission has undertaken a review of the financial and service related impacts on these individuals with these realities in the forefront of our deliberations. As reflected in our recommendations, we respect and are grateful to those who are willing to serve. We value their commitment and strongly advocate for meaningful changes in compensation and related benefits for these individuals who represent the State of Maine and its people.

“In the final analysis, a democratic government represents the sum total of the courage and the integrity of its individuals. It cannot be better than they are.”

Eleanor Roosevelt, 1963

PURPOSE

The State Compensation Commission (SCC), described in 3 MRSA § 2-B, is composed of five members and is tasked with reviewing¹:

1. Compensation for the Governor, including all payments for salaries, meals, housing, travel, mileage, constituent services and all other expenses and allowances;
2. Compensation for justices and judges, including all payments for salaries, meals, housing, travel, mileage and all other expenses and allowances, and for additional services by any justice or judge; and
3. Compensation of Legislators, representatives of Indian tribes, Secretary and Assistant Secretary of the Senate and Clerk and Assistant Clerk of the House of Representatives, including all payments for salaries, meals, housing, travel, mileage, constituent services and all other expenses and allowances, and for additional services by the President of the Senate, Speaker of the House of Representatives and members of legislative leadership.

PROCESS

During six public meetings, the SCC met with 11 individuals and heard from numerous others at the public hearing to gather information and opinions pertaining to the compensation issues that the commission was charged with reviewing. A complete list of the persons who participated in the SCC meetings is included as Appendix I.

In addition to meeting with these individuals, the SCC:

- Reviewed prior SCC and Judicial Compensation Commission reports;
- Reviewed recent legislation related to compensation changes for the governor, legislators, and judges and justices;
- Collected data on the compensation history for the governor, legislators, and judges and justices;
- Compared where Maine's Governor, legislators, and judges and justices rank nationally and regionally for compensation received;
- Reviewed data on household median, household mean, and per capita income;
- Reviewed benefit packages offered to the governor, legislators, and judges and justices;
- Examined case load and administrative support available to judges and justices in Maine;
- Invited comments from current members of legislative leadership and the Chief Justice of the Supreme Judicial Court; and
- Held a public hearing on December 16 2019 to gather additional comments on draft recommendations.

¹ PL 2017, c. 242 and PL 2019, c.384 changed the statutory requirements of the SCC, removing Constitutional Officers from the positions the SCC must review, and adding the compensation of justices and judges, as well as the Governor.

SUMMARY CONCLUSIONS AND RECOMMENDATIONS

Governor

Summary Conclusions

- The Maine Governor's salary ranks the lowest nationally at \$70,000, and has not changed since 1987.² The Governor also receives an annual expense account in the amount of \$30,000 which has not been increased since at least 1999.
- If the Governor's salary is adjusted for inflation, \$70,000 dollars in 1987 is equivalent to \$161,911 in 2019. Further, adjusting the annual expense account for inflation, \$30,000 in 1999 is equivalent to \$45,900 in 2019.³
- Among New England states, Maine ranks last in governor's salary at \$70,000, with the next closest state being New Hampshire at \$134,581.
- Salary is not the primary reason Mainers have run for governor, and we would not expect the pool of interested candidates to change if the salary were doubled. Yet everyone we spoke with agreed that the governor's salary, last in the nation, is too low.

Recommendations

1. Raise the Governor's salary to \$130,000 per year

Rationale: This would bring the Maine Governor's salary ranking to 35th nationally, and in line with the New Hampshire governor's salary. This ranking of 35th is also where Maine ranks nationally in Median Household Income (see appendix II). Additionally, the SCC believes that this salary more accurately reflects the esteem and value of the position.

2. Increase the Governor's Expense Account to \$50,000 each fiscal year

Rationale: This would increase the expense account to keep pace with inflation from where it was in 1999.

Legislative

Summary Conclusions

- Maine State Senators and Representatives currently receive a total of \$25,444 per term (\$14,862 and \$10,581 for the first and second sessions, respectively). Legislative compensation has not kept pace with the rate of inflation over the last thirty years.
- Given that Maine has a part-time citizen legislature, several legislators expressed they do not expect they will be compensated as if serving is a full-time career and view serving in the legislature as a public service. However, some expressed that the current level of compensation prevents individuals from running for office, often costing individuals more than they are compensated.

² [2 MRSA §1](#)

³ Bureau of Labor Statistics, CPI Inflation Calculator.

- The current mileage and lodging rates are not high enough to offset costs legislators incur during session. The mileage rate during session is 44¢ per mile for one round trip per week, and 44¢ per mile each subsequent day up to \$38 per day (plus actual tolls). The current mileage rate for federal employees is 58¢ per mile. If a legislator does not travel multiple times per week and instead stays in Augusta, the lodging rate during session is also set at \$38 per day.
- Our research showed a division nationally between states with full-time, professional legislatures, and states with part-time citizen legislatures. These divisions made comparisons on a state level difficult to analyze. However in general, the time commitment expected of Maine legislators is greater than that of part-time citizen legislatures, and the salary is less than the full-time professional legislatures.
- The demands on legislators have increased over time, in part due to the ease of digital communication. These demands are not limited to periods when the Legislature is in session, and often includes constant communication with constituents and advocacy groups, as well as other speaking engagements.
- If Maine is to have a citizen legislature, setting compensation at an appropriate level is critical to enabling all to participate. Fair compensation can play an important role in furthering this goal by making it financially possible for any qualified Mainer to serve in the Legislature.

Recommendations

1. Increase base compensation for legislators to a total of \$32,000 per two-year term

Rationale: The SCC looked at compensation information back to the 114th Legislature in 1990. If the base salary in the 114th is adjusted for inflation, it would total \$31,807 in 2019. The annual per capita income in Maine is \$32,095 (appendix II). Given that a legislator's service is less than full-time, two years of service should at least equal one year of average Maine worker's salary.

2. Increase mileage rate to the lower of the federal rate or 58¢ per mile

Rationale: Traveling to and from Augusta is critical for a legislator when carrying out the duties of their position. The SCC believes that raising this rate to the current federal level more accurately reflects the costs of travel, including increased wear and tear on a vehicle, and further serves to compensate legislators more fairly for their valuable service to our state.

3. Increase lodging rate to equal benefit received in mileage rate

Rationale: This recommendation equalizes the increased mileage rate above with the lodging rate so that neither staying in a hotel or traveling back and forth from home each day is incentivized.

4. Give Legislative Council authority to approve an additional stipend for committee chairs

Rationale: The SCC believes that the Legislative Council is in the best position to recognize the increased demands of committee chairs and determine if an additional stipend is warranted.

5. Maintain the current process for setting salaries for the Secretary and Assistant Secretary of the Senate, and the Clerk and Assistant Clerk of the House of Representatives. Further, amend 3 MRSA §2-B by removing these positions from the purview of the SCC.

Rationale: The current process for setting these salaries, which relies in part on statute and on the Legislative Council, is sufficient to attract individuals to the position and compensates these individuals similarly to other legislative staff.

Judicial

Summary Conclusions

- Maine judges and justices rank 51st in national salary rankings for associate justices of the courts of last resort, associate judges of intermediate appellate courts, and judges of general jurisdiction trial courts.⁴
- Maine judges and justices receive less compensation than judges and justices in other New England states even though the administrative burden and caseload may be higher in Maine. For example, in New Hampshire each trial court judge has a law clerk. In Maine, 54 trial court judges share 14 law clerks.
- Higher salaries for judges and justices reflects that they are recruited from a pool of attorneys who, as a class, are highly compensated, and for whom accepting a judgeship may mean a significant reduction in salary.
- While judicial compensation in Maine is among the lowest nationally, Maine has still been able to attract highly qualified candidates to serve. However, there is evidence that the low compensation received by judges and justices has led some to leave the bench, with several individuals recently choosing to leave earlier than anticipated without seeking the opportunity to work as Active Retired Judges.

Recommendations

- 1. Increase salaries so that Maine judges and justices salaries rank 35th nationally, increasing the salary of District Court judges and Superior Court justices to \$150,000, Supreme Judicial Court justices to \$169,000 and the Chief Justice of the Supreme Judicial Court to \$184,000.**

⁴ The national rankings include the District of Columbia, Northern Mariana Islands, Puerto Rico, Guam, and the Virgin Islands. South Dakota and West Virginia are the only states which rank lower than Maine (National Center for State Courts).

Rationale: The SCC believes that an independent judiciary is critical to a well-functioning democracy, and this salary better ensures a broad range of qualified individuals are recruited and serve. Increasing salary so that judges and justices rank 35th nationally would also bring them in line with where Maine ranks in terms of median household income (See Appendix II). The recommended increases for Deputy Chief Judges, the District Court Chief Judge, the Superior Court Chief Justice, and the Supreme Judicial Court Chief Justice were determined based on the difference in salary for these positions in statute under 4 MRSA.

OTHER PROPOSED LEGISLATION

1. Changes to the SCC statute (3 MRSA §2-B):
 - a. There should be a clearer process for nominating the 5th member of the commission, with the chair being named from any of the 5 members.
 - b. Amend the statute which requires the commission to meet 15 days after members are nominated to the commission to 15 days after the end of session.
 - c. Amend the statute changing which legislative positions the SCC must review (see recommendation 5 in legislative section).
2. Change references in statute so that salary received by individuals nominated in special elections matches the compensation received by other legislators.

APPENDIX I

1. Joshua Tardy, Esq., Judicial Selection Committee
2. Ted Glessner, State Court Administrator
3. Julia Finn, Esq., Legislative Analyst
4. Dennis Corliss, Chief of Finance and Administration
5. Dawna Lopatosky, Legislative Finance Director
6. Representative Christopher Babbidge
7. Marge KilKelly, Former Representative
8. Senator Dana Dow, Senate Minority Leader
9. Representative Matt Moonen, House Majority Leader
10. Senator Michael Carpenter
11. Chief Justice Leigh Saufley

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APPENDIX II

State Income Rankings, 2018

State	Median Household Income	Rank (Median)	Mean Household Income	Rank (Mean)	Per Capita Income	Rank (Per Capita)
Alabama	\$49,861	45	\$69,091	46	\$27,525	45
Alaska	74,346	8	96,080	12	35,735	13
Arizona	59,246	27	80,477	25	30,530	35
Arkansas	47,062	48	66,766	47	26,626	47
California	75,277	6	107,384	5	37,124	11
Colorado	71,953	11	96,218	11	38,057	9
Connecticut	76,348	5	111,303	2	44,026	1
Delaware	64,805	16	84,896	19	33,745	20
Florida	55,462	37	79,968	26	31,359	29
Georgia	58,756	28	82,489	21	31,187	31
Hawaii	80,212	3	103,162	6	35,255	14
Idaho	55,583	36	73,369	40	27,816	44
Illinois	65,030	15	91,424	14	35,801	12
Indiana	55,746	34	73,733	38	29,369	39
Iowa	59,955	25	77,173	32	31,559	26
Kansas	58,218	30	78,972	29	31,456	28
Kentucky	50,247	44	69,724	44	27,823	43
Louisiana	47,905	46	69,225	45	27,274	46
Maine	55,602	35	73,935	37	32,095	23
Maryland	83,242	1	109,774	4	41,522	4
Massachusetts	79,835	4	110,501	3	43,349	2
Michigan	56,697	31	77,682	31	31,508	27
Minnesota	70,315	13	93,047	13	37,192	10
Mississippi	44,717	49	61,944	49	24,160	50
Missouri	54,478	39	75,013	35	30,498	36
Montana	55,328	38	72,648	42	30,680	33
Nebraska	59,566	26	78,793	30	31,771	24
Nevada	58,646	29	81,039	24	31,604	25
New Hampshire	74,991	7	97,994	10	39,521	5
New Jersey	81,740	2	114,853	1	42,815	3
New Mexico	47,169	47	66,752	48	26,529	48
New York	67,844	14	100,422	8	38,884	8
North Carolina	53,855	40	76,693	33	30,737	32
North Dakota	63,837	18	82,435	22	34,848	16
Ohio	56,111	33	76,151	34	31,293	30
Oklahoma	51,924	43	71,632	43	28,011	42
Oregon	63,426	19	85,235	18	34,058	17
Pennsylvania	60,905	21	83,765	20	33,960	18
Rhode Island	64,340	17	86,601	16	34,999	15
South Carolina	52,306	42	72,742	41	28,957	41
South Dakota	56,274	32	74,046	36	29,953	37
Tennessee	52,375	41	73,456	39	29,284	40
Texas	60,629	24	85,780	17	30,641	34
Utah	71,414	12	91,096	15	29,756	38
Vermont	60,782	22	79,514	28	33,956	19
Virginia	72,577	10	100,884	7	38,900	7
Washington	74,073	9	99,762	9	39,119	6
West Virginia	44,097	50	61,707	50	26,179	49
Wisconsin	60,773	23	79,656	27	33,032	22
Wyoming	61,584	20	81,935	23	33,522	21

Source: American Community Survey, 2018