

# 130<sup>th</sup> Maine Legislature

## Overview of Legislators' Compensation and Benefits



**Prepared by  
Office of the Executive Director**

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**Prepared by the Office of the Executive Director  
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This guide describes the compensation and benefits provided to legislators while in legislative service. It is intended to provide a summary of the compensation and benefits as a convenience to legislators; it is not a contract and does not bestow any rights or benefits. Provisions are subject to change, with or without notice. Comments or questions should be directed to the Office of the Executive Director.

## TABLE OF CONTENTS

### Salary

Legislative Salary.....	1
Direct Deposit of Legislator Salary.....	2

### Legislature-Paid Benefits

Health Insurance and Prescription Drug Program.....	3
Dental Insurance.....	7
Wellness Programs.....	9
Maine Legislative Retirement System.....	10

### Optional Legislator-Paid Benefits

Vision Insurance.....	11
MaineSaves 457 – Voluntary Retirement Savings Plan.....	13
Flexible Spending Accounts.....	14
Group Life Insurance.....	15
Maine State Credit Union.....	16

### Allowances

Allowances and Reimbursement of Expenses.....	17
Session Allowances.....	17
Special Legislative Session Per Diem and Allowances.....	18
Reimbursement of Expenses and Legislative Per Diem.....	18
Travel Authorization and Reimbursement.....	19
Constituent Services Allowance.....	20
Direct Deposit of Legislator Allowances and Reimbursements.....	21
Misc. Itemized Deductions and the Tax Cuts and Jobs Act of 2017.....	22
(Maine Society of Certified Public Accountants)	

### Executive Director’s Office Contact List

Questions - Contact List.....	24
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## **LEGISLATIVE SALARY**

*(Authorized by 3 MRSA, §2)*

**1st Regular Session:** \$ 15,417.36 (÷ 12 payments = \$1,284.78)

**2nd Regular Session:** \$ 10,923.20 (Estimated Amount  
÷ 8 payments = \$1,365.40)

### **Notes:**

1. Pursuant to law, Legislators' salaries are adjusted annually on December 1 to reflect the percentage change in the Consumer Price Index for the most recently concluded fiscal year, up to a limit of 3% per year. The salary specified above reflects the projected adjusted amounts for the 130th Legislature.
2. A legislator who is currently retired and receiving a Social Security retirement benefit may request that the legislative salary be equalized between the 2 years of the legislative biennium. When equalized, the gross salary in each year of the 130th Legislature would be approximately \$13,170.36 based upon the projected adjusted salary amounts. A written request must be filed with the Executive Director of the Legislative Council at the start of the 1<sup>st</sup> Regular Session in order for the salary to be equalized.

Legislator salary payments will be direct deposited into the legislator's designated checking or savings account and are issued biweekly during the period of the legislative session. The first payment will be issued the first Wednesday in January. The remaining payments will be issued in equal installments during the session on a schedule that is determined in advance. Salary payments usually end just prior to the statutory adjournment of the session.

## **DIRECT DEPOSIT OF LEGISLATOR SALARY**

Direct deposit of legislator salary is mandatory. Biweekly payroll payments are paid to the Legislator through direct deposit to the Legislator's designated financial institution. Payroll deductions are made for items such as federal and state taxes, retirement contributions, and other deductions authorized by the employee. A Legislator may choose the participating financial institution(s) into which the Legislator's salary payment is to be deposited.

A Legislator may apportion his or her salary payment among as many as four different financial institutions and into as many as four different accounts in those institutions. The Office of the State Controller is in the process of implementing a new payroll system that we expect will expand the number of direct deposit accounts available.

Most local banks and credit unions participate in this service. There is no State charge for this service. Forms for direct deposit will be provided by the Executive Director's Office.

Our current practice provides Legislators with paper advices of deposit for payroll. The Office of the State Controller is in the process of implementing a new payroll system that will replace the paper advices with an online tool for accessing this information.

## **HEALTH INSURANCE AND PRESCRIPTION DRUG PROGRAM**

*(Authorized by 5 MRSA, §285, sub-§7)*

### **SUMMARY OF HEALTH INSURANCE PLAN**

- The State of Maine Health Plan is available to Legislators as well as to State and Legislative Employees. Medical coverage administered by Anthem Blue Cross Blue Shield provides the highest level of coverage when medical services are received by an in-network provider. Your selected Primary Care Physician (PCP) manages all of your health care. Services include but are not limited to regular office visits, preventive care such as annual physicals, immunizations, and well-child care. No referrals are required under the plan, but some specialists may require a referral from your PCP to see you. You are responsible for any copayments, deductibles and coinsurance, if applicable.

Employee Health and Benefits (1-800-422-4503 or 207-624-7380) can assist with general policy and coverage inquiries. Due to federal regulations concerning confidentiality of medical information under the HIPAA (Health Insurance Portability and Accountability Act), we cannot access your medical records. Therefore, specific questions about claims should be directed to Anthem (1-844-273-4614).

- Directions on “How to Find a Doctor / Find Care” on the Anthem website: <https://www.anthem.com/find-care/>
  - Register and Log In or search by Member ID Number
  - ID cards can be printed from this website
- ID cards are mailed by Anthem in Subscriber and Dependents’ Names.

### **EFFECTIVE DATE OF COVERAGE**

**All enrollment forms must be completed by the close of business day on Thursday, November 12, 2020 within the online onboarding system or by submitting a paper form to the Office of the Executive Director, attention: Sherry Ann Davis, Senior HR Generalist.**

Coverage for health insurance is effective on the first of the month following receipt of an application, provided the enrollment application is received at Employee Health and Benefits by the following dates:

If received by 12/15/20: Insurance becomes effective on January 1, 2021  
If received by 01/15/21: Insurance becomes effective on February 1, 2021

## PREMIUMS

### A. NEWLY ELECTED LEGISLATORS

Legislature Pays: 95% of premium for Legislator and 50% of premium for eligible dependents.

Legislator Pays: 5% of individual premium for Legislator and balance of dependent coverage, if dependent coverage is elected.

The rates paid by the Legislator are listed below and are effective as of July 1, 2020. Rates are subject to change.

Legislator Only:	\$ 47.10 / monthly
Legislator & Spouse/Dom Partner*:	\$ 541.80 / monthly
Legislator/Spouse/Dom Partner & Child(ren)*:	\$ 728.84 / monthly
Legislator & Child(ren):	\$ 331.52 / monthly
Dual Employee (Leg/Leg)	\$ 142.77 / monthly

### B. RETURNING LEGISLATORS WHO DID NOT COMPLETE THE HEALTH CREDIT PREMIUM PROGRAM REQUIREMENTS BY MAY 1, 2020 OR VIA EXTENSION GRANTED THROUGH SEPTEMBER 30, 2020:

Legislature Pays: 95% of premium for Legislator and 50% of premium for eligible dependents.

Legislator Pays: 5% of individual premium for Legislator and balance of dependent coverage, if dependent coverage is elected.

The rates paid by the Legislator are listed below and are effective as of July 1, 2020. Rates are subject to change.

Legislator Only:	\$ 47.10 / monthly
Legislator & Spouse/Dom Partner*:	\$ 541.80 / monthly
Legislator/Spouse/Dom Partner & Child(ren)*:	\$ 728.84 / monthly
Legislator & Child(ren):	\$ 331.52 / monthly
Dual Employee (Leg/Leg)	\$ 142.77 / monthly

\* Coverage for domestic partners requires a completed Domestic Partner affidavit and financial documentation to be submitted with an application for coverage. Forms are available at [www.maine.gov/bhr/oeH](http://www.maine.gov/bhr/oeH).

**C. RETURNING LEGISLATORS WHO COMPLETED THE HEALTH CREDIT PREMIUM PROGRAM REQUIREMENTS BY MAY 1, 2021 OR VIA EXTENSION GRANTED THROUGH SEPTEMBER 30, 2020:**

Legislature Pays: 100% of premium for Legislator and 50% of premium for eligible dependents.

Legislator Pays: 0% of individual premium for Legislator and balance of dependent coverage, if dependent coverage is elected.

The rates paid by the Legislator are listed below and are effective as of July 1, 2020. Rates are subject to change.

Legislator Only:	\$ 0.00 / monthly
Legislator & Spouse/Dom Partner*:	\$ 492.56 / monthly
Legislator/Spouse Dom Partner & Child(ren)*:	\$ 679.59 / monthly
Legislator & Child(ren):	\$ 282.27 / monthly
Dual Employee (Leg/Leg)	\$ 93.52 / monthly

**D. PAYMENT OF PREMIUMS**

Currently, Anthem will send monthly invoices to the Legislator's home address for his or her share of the individual and/or dependent coverage, as applicable. Legislators must remit payments directly to Anthem Blue Cross Blue Shield. The address to submit payments will be on the invoice. If premiums are not paid when due, cancellation of the ENTIRE policy may occur, terminating both the Legislator's and dependents' coverage based on the current paid through date of the policy. Cancellation of your health insurance plan will also cancel your prescription drug coverage (on the next page) for you and any covered dependents. Policies regarding method and timing of payment are subject to change.

Pursuant to 24-A, MRSA §3957, each legislator who participates in the health insurance program shall pay a monthly assessment of up to \$4.00 for each insured. Legislators may be direct-billed for the assessment by the insurer.



## PRESCRIPTION DRUG COVERAGE

Benefits are provided for prescription drugs through the State of Maine health plan. Express Scripts is the plan's Pharmacy Benefit Manager. Prescriptions may be obtained for up to a 90-day supply through the Mail Order Program or at local retail pharmacies that have agreed to the mail order reimbursement arrangement. The current costs are as follows:

Retail	<p>For up to a 30 Day Supply: \$10 copay for formulary generic drugs, \$30 copay for formulary brand-name drugs, and \$45 copay for non-formulary brand-name and generic drugs at participating pharmacies.</p> <p>For up to a 90 Day Supply: \$15 copay for formulary generic drugs, \$45 copay for formulary brand-name drugs, and \$70 copay for non-formulary brand-name and generic drugs.</p>
Mail Order	<p>For up to a 30 Day Supply: \$10 copay for formulary generic drugs, \$30 copay for formulary brand-name drugs and \$45 copay for non-formulary brand-name drugs.</p> <p>For up to a 90 Day Supply: \$15 copay for formulary generic drugs, \$45 copay for formulary brand-name drugs, and \$70 copay for non-formulary brand-name and generic drugs up to a 31-90 day supply.</p>

Specialty Medications are exclusively provided by Accredo. Coinsurance rate of 25% applies.

Employee Health and Benefits (1-800-422-4503 or 207-624-7380) can assist with general policy and coverage inquiries. Due to federal regulations concerning confidentiality of medical information under the HIPAA (Health Insurance Portability and Accountability Act), we cannot access your medication records. Therefore, specific questions about claims should be directed to Express Scripts at 1-800-595-0817.

ID cards are mailed by Express Scripts in Subscriber names only. Contact Express Scripts directly at 1-800-595-0817 or log into their website: [Express-Scripts.com](http://Express-Scripts.com), if additional or replacement ID cards are needed.

# DENTAL INSURANCE

## SUMMARY OF DENTAL INSURANCE

Group dental insurance is available to legislators and their eligible dependents. The Northeast Delta Dental plan is available to legislators as well as to State and Legislative employees. It offers three levels of coverage, based on the level of participation of the dental provider (dentist). You can reach Northeast Delta Dental at 1-800-832-5700.

### State of Maine

**Employees PPO:** Provides maximum reimbursement for covered services provided by participating dentists. A list of participating dentists is available on the internet at: [www.nedelta.com/](http://www.nedelta.com/).

### Delta Dental Premier

**Participating Dentist:** Provides partial reimbursement for covered services; patient pays the balance.

### Non-Participating

**Dentist:** Provides a lower rate of reimbursement for covered services; patient pays the balance.

Employee Health and Benefits (1-800-422-4503 or 624-7380) can assist with general policy and coverage inquiries. However, due to federal regulations concerning confidentiality of medical information under the HIPAA (Health Insurance Portability and Accountability Act), we cannot access dental records. Therefore, specific questions about claims may be directed to Northeast Delta Dental (1-800-832-5700).

- Directions on “How to find participating dentists using the Northeast Delta Dental Website: <https://portal3.nedelta.com/BenefitLookup17/Account/SubrLogin>
  - Our network is the State of Maine Employees PPO
- ID cards are mailed by Northeast Delta Dental in Subscriber Names only. Contact Northeast Delta Dental directly at 1-800-832-5700 if additional or replacement ID cards are needed.

## EFFECTIVE DATE OF COVERAGE

**All enrollment forms must be completed by the close of business day on Thursday, November 12, 2020 within the online onboarding system or by submitting a paper form to the Office of the Executive Director, attention: Sherry Ann Davis, Senior HR Generalist.**

Coverage for dental insurance is effective on the first of the month following receipt of an application, provided the enrollment application is received at Employee Health and Benefits by the following dates:

If received by 12/15/2020: Insurance becomes effective on January 1, 2021  
If received by 01/15/2021: Insurance becomes effective on February 1, 2021

## **PREMIUMS**

**Legislature Pays:** 100% of premium for Legislator coverage only.

**Legislator Pays:** 100% of premium for dependent coverage, if dependent coverage is elected. Currently, Employee Health and Benefits, via accounting department, will send monthly bills to the Legislator's home address for his or her dependent coverage. **Payments must be made directly to Treasurer, State of Maine, 74 State House Station, Augusta, ME 04333.**

Policies regarding the method and timing of payment are subject to change.

The rates listed below are effective as of July 1, 2020. Rates are subject to change.

One dependent: \$ 23.00 / monthly  
Two or more dependents: \$ 70.68 / monthly

\* Coverage for domestic partners requires a completed Domestic Partner affidavit and financial documentation to be submitted with an application for coverage. Forms are available at [www.maine.gov/bhr/oeh/benefits/dental](http://www.maine.gov/bhr/oeh/benefits/dental) or by calling Employee Health and Benefits at 1-800-422-4503.

### **Please Note:**

**If premiums are not received by the deadline on the invoice, Employee Health and Benefits may cancel the ENTIRE policy, terminating both the Legislator's and dependents' coverage. You can reach Employee Health and Benefits at 1-800-422-4503.**

## WELLNESS PROGRAMS

There are a variety of wellness programs available to Legislators.

**Gym Membership Reimbursement Program:** This program provides quarterly employee reimbursement up to \$40 per month for gym membership to any qualified gym. In order to be eligible for reimbursement, you must attend your primary gym at least 8 times per month, provide gym attendance verification and proof of payment. If you need further information, please visit the following website for more information: <https://www.maine.gov/bhr/oeh/wellness/gym-membership-reimbursement>

**Anthem Discount Programs:** Anthem Blue Cross Blue Shield offers a wide variety of health and wellness discount programs to members of the State of Maine health plan. Contact Anthem directly at 1-844-273-4614 for more information or visit: <https://www.maine.gov/bhr/oeh/sites/maine.gov.bhr.oeh/files/inline-files/anthem%20discounts.pdf>

**Living Resources Program:** All State of Maine employees are eligible for the following services at no cost:

- Confidential short-term counseling visits
- Legal and financial information, support and resources
- Work-Life solutions

For more information contact Living Resources Program at 1-844-207-5465.

Visit: [www.maine.gov/bhr/oeh/benefits/living-resources](http://www.maine.gov/bhr/oeh/benefits/living-resources) or e-mail [Info.Wellness@maine.gov](mailto:Info.Wellness@maine.gov).

# MAINE LEGISLATIVE RETIREMENT SYSTEM

## SUMMARY OF SYSTEM

The Maine Legislative Retirement System (3 MRSA c. 29) provides a defined benefit retirement plan for Legislators, similar to the retirement plans administered by the Maine Public Employees Retirement System (MainePERS) for state employees, judges and teachers. The Legislative Retirement System (MLRS) is administered by the Board of Trustees of the Maine Public Employees Retirement System. Legislators' retirement benefits are determined by a formula based on retirement age, length of legislative service and compensation. Disability retirement and death benefits are also available. You can reach MainePERS at 1-800-451-9800 or visit their website: <https://www.maineopers.org/>

The system is funded by Legislator (employee) and Legislature (employer) contributions. Legislator contributions are set by statute as a percentage of Legislator compensation. The employer contribution is determined on an actuarial basis by the Board of Trustees of the Maine Public Employees Retirement System and is expressed and paid as a percentage of each Legislator's compensation.

Generally, membership in the Maine Legislative Retirement System is mandatory for all Legislators. However, there are exceptions for Legislators who are already members of the Maine Public Employees Retirement System. Membership in the MLRS is mandatory for Legislators entering service on or after December 3, 1986. Any Legislator who was a member under the State employee and teacher retirement plan on December 2, 1986 has the option to continue to be a member under that plan instead of becoming a member under the MLRS. In addition, under very specific and limited circumstances, the President of the Senate or the Speaker of the House may, upon a Legislator's request, waive the membership requirement if the Legislator participates in social security or another retirement plan.

Questions regarding membership, contributions or benefits under the Maine Legislative Retirement System can be answered by Sherry Ann Davis (207-287-1615) or by the Maine Public Employees Retirement System (MainePERS) (207-512-3100 or 1-800-451-9800).

## CONTRIBUTIONS

### ***Legislator Contribution (Payroll Deduction):***

7.65% of earnable compensation

### ***Legislature's Contribution:***

9.67% of earnable compensation (subject to change annually)

## VISION INSURANCE

### SUMMARY OF PLAN

Anthem Blue View Vision offers limited coverage for examinations, lenses, frames and contact lenses. Anthem Blue View Vision contracts with many providers, including independent optometrists and ophthalmologists as well as retail locations. Maximum benefits are achieved when members access their benefits from an Anthem Blue View Vision provider. In addition, Anthem Blue View Vision providers agree to preferred pricing that is significantly below retail. Members are also able to achieve savings on additional pair purchases, contact lenses, lens treatments, specialized lenses and various other items.

- Anthem Blue View Vision Summary of Coverage - Specific questions can be directed to Anthem Blue View Vision at 1-866-723-0515 or by visiting <https://www.maine.gov/bhr/oeh/sites/maine.gov.bhr.oeh/files/inline-files/State%20of%20Maine%20Vision%20Summary%202020.pdf>
- ID cards are mailed by Anthem in Subscriber and Dependents' Names. If additional or replacement ID cards are needed, contact Anthem directly at 1-866-723-0515.

### EFFECTIVE DATE OF COVERAGE

**All enrollment forms must be completed by the close of business day on Thursday, November 12, 2020 within the online onboarding system or by submitting a paper form to the Office of the Executive Director, attention: Sherry Ann Davis, Senior HR Generalist.**

Coverage for insurance is effective on the first of the month following receipt of an application, provided the enrollment application is received at Employee Health and Benefits by the following dates:

If received by 12/15/2020: Insurance becomes effective on January 1, 2021

If received by 01/15/2021: Insurance becomes effective on February 1, 2021

### PREMIUMS

Since this is a voluntary benefit, the Legislature does not make any contributions to the payment of premiums. The Legislator pays all premiums to receive this benefit. Eligible dependents may also be covered under the plan. Dependent is defined as a spouse, domestic partner\* or child. Anthem will send monthly bills to the Legislator's home address for his or her Legislator and dependent coverage. Payments must be

made directly to Anthem, the address will be provided on the invoice. Policies regarding method and timing of payment are subject to change.

The rates listed below are effective as of July 1, 2020. Rates are subject to change.

Legislator only	\$ 4.38 monthly
Legislator and one dependent	\$ 7.02 monthly
Family (Legislator and two or more dependents)	\$ 11.40 monthly

\*Coverage for domestic partners requires a completed Domestic Partner affidavit and financial documentation to be submitted with an application for coverage. Forms are available at [www.maine.gov/bhr/oe](http://www.maine.gov/bhr/oe) or call Employee Health and Benefits at 1-800-422-4503

**Please Note:**

**The address to submit payments will be on the invoice. If premiums are not paid when due, cancellation of the ENTIRE policy may occur, terminating both the Legislator's and dependents' coverage based on the current paid through date of the policy.**

## **MAINESAVES 457 VOLUNTARY RETIREMENT SAVINGS PROGRAM**

Legislators are eligible to participate in MaineSaves, the State of Maine's voluntary retirement savings plan offered to state employees (Section 457 plan). MaineSaves is a way of putting pretax money aside, thus deferring income taxes until after retirement. The IRS has increased the annual limit you may defer into a 457b voluntary retirement savings account. The State of Maine's MaineSaves limit for 2020 is \$19,500 if you are 49 years old or younger. Members turning 50 in 2020 or older may contribute \$26,000. Withdrawals are limited until after you retire; please contact Employee Health & Benefits at 207-624-7380 for details or visit [https://www.maine.gov/bhr/oeh/benefits/Saving\\_for\\_Retirement](https://www.maine.gov/bhr/oeh/benefits/Saving_for_Retirement).

Amounts contributed to the MaineSaves plan are excluded from gross earnings as reported on the IRS W-2 form for federal income taxes; they are not taxed until they are paid out. If you are currently collecting Social Security Benefits you must report this deferred amount as earnings and it could affect your Social Security check; please check with your local Social Security Administration.

The State has contracts with three providers:

Mass Mutual Retirement Services  
In Maine: 1-800-640-8787  
Outside Maine: 1-800-528-9009

AIG Retirement Services  
In Maine: 207-313-2853  
Outside Maine: 1-800-448-2542

Voya Financial Advisors  
In Maine: 207-622-4882 or 1-866-826-8063

You can find more on this program by going to:  
[https://www.maine.gov/bhr/oeh/benefits/Saving\\_for\\_Retirement](https://www.maine.gov/bhr/oeh/benefits/Saving_for_Retirement)



## FLEXIBLE SPENDING ACCOUNTS

Legislators are eligible to participate in Flexible Spending Accounts (FSA) administered by [www.padmin.com](http://www.padmin.com). The FSA program allows you to set aside pretax funds to pay for out-of-pocket health care expenses (including dental and vision) and dependent care expenses (including child care and elder care).

**New for 2020:** by signing up to save pre-tax for your health care expenses within a Health Care Flexible Spending Account (HCFSA) you will not be charged an administration fee. If you add a Dependent Care Flexible Spending Account (DCFSA) along with an HCFSA, that fee will be waived as well. Only enrollees in a solo DCFSA will incur a small monthly charge of \$1.35 (\$28.20 for the year).

The monthly charge for solo DCFSA will be withheld equally over the number of pay checks received in the calendar year. You will have access to the account for the entire calendar year.

### EFFECTIVE DATE OF COVERAGE

**All enrollment forms must be completed by the close of business day on Thursday, November 12, 2020 within the online onboarding system or by submitting a paper form to the Office of the Executive Director, attention: Sherry Ann Davis, Senior HR Generalist.**

Coverage is effective on the first of the month following 30 days of employment, provided the enrollment application is received at Employee Health and Benefits by the following dates:

If received by 12/15/2020: Insurance becomes effective January 1, 2021

If received by 01/15/2021: Insurance becomes effective February 1, 2021

Specific questions can be directed to P&A Group at 1-800-688-2611 or by visiting [www.padmin.com](http://www.padmin.com).

**GROUP LIFE INSURANCE**  
(Authorized by 5 MRSA § 18055, sub-§ 1)

**SUMMARY OF PLANS**

Legislators are eligible to participate in one or more of the following group life insurance plans at their own expense:

Basic:	value of \$14,000 (average of biennial salary)
Supplemental:	up to 3 times the value of basic policy
Dependent:	(see below)

**PREMIUMS**

\$14,000 of coverage costs approximately \$11.48 per month (.82 per thousand for each \$1,000 of coverage for the 2-year biennium).

**DEPENDENT PLAN A: \$1.93/per month**

**DEPENDENT PLAN B: \$3.40/per month**

Spouse	\$ 5,000	Spouse	\$10,000
Children, birth to 6 months of age	1,000	Children, birth to 6 months of age	2,500
Children, 6 months to age 19	5,000	Children, 6 months to age 19	5,000
Unmarried, full-time students to age 22	5,000	Unmarried, full-time students to age 22	5,000

The Maine Public Employees Retirement System (MainePERS) administers the Group Life Insurance program and will send monthly bills to the legislator's home address for his or her legislator and dependent coverage. If premiums are not paid when due, MainePERS may cancel the policy. Policies regarding method and timing of payment are subject to change.

**EFFECTIVE DATE OF COVERAGE**

**All enrollment forms must be completed by the close of business day on Thursday, November 12, 2020 within the online onboarding system or by submitting a paper form to the Office of the Executive Director, attention: Sherry Ann Davis, Senior HR Generalist.**

Effective date of Group Life Insurance is 31 days after application is received, beginning the 1<sup>st</sup> of the month. Applications received for the beginning of a session are effective January 1<sup>st</sup> (if paperwork is received by due date).

For an online premium calculator, visit: [https://www.maineopers.org/gli\\_combined/](https://www.maineopers.org/gli_combined/)

## **MAINE STATE CREDIT UNION**

Legislators are eligible to join the Maine State Credit Union located at 200 Capitol Street in Augusta. Checking accounts, savings accounts, IRAs, loans and travelers' checks are available. ATM machines are located at the Credit Union and on the first floor of the Cross Building located near the vending machines.

For additional information, contact the Credit Union directly at:

Telephone: 207-623-1851 or 1-800-540-8707

Website: [www.maineotecu.org](http://www.maineotecu.org)

## ALLOWANCES & REIMBURSEMENT OF EXPENSES

(Authorized by 3 MRSA § 2)

### Allowances During Regular Legislative Sessions

In addition to their legislative salary, legislators receive allowances during the session for their transportation, lodging and meal expenses. Payments are not necessarily reimbursement of actual expenses and, therefore, are subject to income taxes as provided by law. Allowances are as follows:

- A. Meals and Lodging: \$70/day (\$32 for meals plus \$38 for lodging)  
or
- B. Meals at \$32/day and mileage at \$0.44/mile not to exceed \$38/day plus actual tolls. However, the \$38 maximum does not apply to mileage incurred for one round trip per week which is calculated at \$0.44 per mile.

**Note:** **Legislator Request for Session Allowance** forms must be submitted to the Executive Director's Office, Room 103, by 12 noon each Friday for payment the following week.

### Session Allowance Guidelines

In accordance with 3 MRSA §2, each Legislator is entitled to be paid for travel once each week during the session to and from the Legislator's home at the rate provided for State employees (currently \$0.44 per mile). There is no maximum limit for one round trip during the week; the amount paid is based on the actual number of miles reported. For all other travel that week, the amount paid is based on actual cost or a maximum of \$38 per day (the statutory limit), whichever is less. Actual toll expenses are reimbursed.

For example, a Legislator whose round trip mileage from home to the State House is 80 miles will receive \$35.20 each day for travel to and from Augusta (80 miles X \$0.44). It is based on actual cost, since the amount is less than the limit of \$38.

Using another example, a Legislator whose round trip mileage from home to the State House is 200 miles will receive \$88 (200 miles at \$0.44 per mile). In addition, for each day the member uses overnight accommodations in Augusta, he or she is entitled to a lodging allowance of \$38 each day. In this example, if the member stayed at a motel for 3 nights, the total received would be \$202 (\$88 for one round trip plus 3 days lodging at \$38 per day). On the other hand, if that Legislator chose to travel to and from Augusta for 3 days, he or she would still receive \$202 (\$88 for one round trip plus other mileage of \$114 (3 days X \$38). In this instance, the daily limit of \$38

applies since a reimbursement amount for travel to and from Augusta would exceed the statutory limit.

In addition to the lodging and mileage allowance, each Legislator is entitled to a daily meal allowance of \$32 for each day he or she is in attendance at sessions of the Legislature and for each day the member occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature. The daily meal allowance will be adjusted for meals that are provided. The presiding officers may establish reasonable policies regarding allowances for meals and overnight accommodations for the day immediately preceding the session, which may include policies regarding whether an allowance is paid, whether the full amount or a portion of the statutory allowance is paid and whether receipts are required.

### **Special Legislative Session Per Diem and Allowances**

The allowances received by legislators during a Special Legislative Session are the same as those received during a Regular Legislative Session. In addition to the allowances, legislators receive \$100 per diem for their attendance at a Special Legislative Session. The special session per diem is included on IRS form W-2.

### **Reimbursement of Expenses and Legislative Per Diem During the Interim**

During the legislative interim, legislators receive reimbursement of actual expenses for authorized travel or attendance at meetings. Legislators must submit a properly completed **Travel and Expense Account Voucher** form in order to receive reimbursement.

<b>Lodging:</b>	<b>Actual (receipt required)</b> Up to the limit authorized by the Presiding Officers, currently \$55
<b>Meals:</b>	Up to \$32/day based on the following limits: Breakfast \$4.00; Lunch \$8.00; and Dinner \$20.00 (a detailed receipt is required for meals over \$12)
<b>Mileage:</b>	\$0.44/mile
<b>Tolls:</b>	Actual

In addition, legislative leadership and approved members of committees receive \$55 per diem for their attendance at authorized meetings or daily sessions.

## **TRAVEL AUTHORIZATION AND REIMBURSEMENT**

### **IN-STATE TRAVEL**

Expenses for travel other than regular travel to and from the State House for Legislators to attend legislative sessions and authorized committee meetings, must be authorized in advance by the Legislator's Presiding Officer.

### **OUT-OF-STATE TRAVEL**

Travel outside of Maine must be authorized in advance by the Legislator's Presiding Officer and, if approved, will be reimbursed in accordance with expense reimbursement guidelines for legislator out-of-state travel.

## **CONSTITUENT SERVICES ALLOWANCE** *(Authorized by 3 MRSA § 2)*

In addition to legislator salary, allowances and expense payments, legislators receive a constituent services allowance to partially offset expenses incurred in providing services to their constituents, as follows:

<b>For Senators:</b>	\$2,000/year
1 <sup>st</sup> payment:	\$1,300 issued at the start of each regular session in January
2 <sup>nd</sup> payment:	\$ 700 issued in the month following adjournment sine die
<b>For Representatives:</b>	\$1,500/year
1 <sup>st</sup> payment:	\$1,005 issued at the start of each regular session in January
2 <sup>nd</sup> payment:	\$ 495 issued in the month following adjournment sine die

### **Notes:**

Under IRS regulations, this allowance is considered “income” although it is not reported on the W-2 form. The State Controller’s Office will issue a Form 1099 – MISC to each legislator to reflect Constituent Services Allowance payments paid each calendar year, if the total paid is \$600 or more. It must be reported as “other income” for tax purposes in the tax year it is received. It is for expenses that a Legislator may incur in the performance of legislative business. Receipts and adequate records to support these expenses are needed for income tax return purposes.

**At the start of the 1st Regular Session only, a Senator or Representative may request to receive the first payment in December rather than January.** Legislators are required to notify the Executive Director of the Legislative Council of their choice by **December 14<sup>th</sup>** by completing and submitting the Constituent Services Allowance Request for Payment form. Copies of the form are available in the Office of the Executive Director, Room 103. These payments will be directly deposited into the Legislator’s bank account. Constituent services allowances are taxed in the year in which the payments are made.

## **DIRECT DEPOSIT OF ALLOWANCES AND EXPENSES**

Direct deposit of legislator allowances and expense reimbursements is mandatory. Forms for direct deposit will be provided by the Executive Director's Office. The form for the direct deposit of allowances and expenses is separate from the form required for the deposit of legislator salary.

Payments are made to the legislator's designated financial institution. A legislator may authorize the State of Maine to send direct deposit/EFT payment detail to an e-mail address they provide. Paper advices are not provided.





## **Miscellaneous Itemized Deductions and the Tax Cuts and Jobs Act of 2017**

The Tax Cuts and Jobs act of 2017 (TCJA), signed into law by the President on December 22, 2017, suspended the deduction for miscellaneous itemized deductions that are subject to the two percent floor for tax years beginning after December 31, 2017 and before January 1, 2026.

### **Some examples of 2% miscellaneous itemized deductions that may affect you**

- Tax preparation fees
- Safe deposit box fee
- Investment advisory fee
- Unreimbursed employee expenses such as mileage, tolls, lodging and meals for travel away from your tax home

### **What is a “Tax Home”?**

A taxpayer's tax home refers to the geographical region where s/he earns the majority of his or her income, regardless of his or her permanent residence. While a permanent residence is the mailing address of an individual, the tax home is the location used to determine where a taxpayer has deductible travel expenses. The location of your tax home is critical because travel expenses while on business “away from home” (overnight stay or meeting the substantial sleep and rest rule) are deductible. Otherwise, travel expenses are not deductible.

### **What this means for Maine Legislators?**

Prior to 2018, Legislators who lived more than 50 miles from Augusta, were eligible make a 162(h) election which treated their in-district residence as his/her tax home. By doing so, this had the potential to make expenses incurred while attending legislative business in Augusta as expenses that were away from the tax home. These expenses were deducted as unreimbursed employee expenses, as a miscellaneous itemized deduction subject to 2% of adjusted gross income. As of 1/1/2018, this has been suspended under the TCJA of 2017 until 2026.

Prior to 2018, Legislators who lived less than 50 miles from Augusta are not eligible to make a 162(h) election. They are required to report all Legislative salary and expense reimbursements as income, excluding reimbursement for mileage. As of 1/1/2018, this still exists under the TCJA of 2017.

## **Recordkeeping**

Legislators should record all travel, meal, lodging, entertainment, and business gifts in an account book or diary at or near the time the expense is incurred. Although there is no special form of account or record that must be maintained, the timely maintenance of an account book or diary is generally more credible than a record that is recreated at a much later time.

***Members of the Maine Legislature should consult their own tax advisors for how the Federal and Maine income tax law may apply in their own particular circumstances.***

**Questions - Contact List**  
**Executive Director's Office**  
**Tel: (207) 287-1615**

**Sherry Ann Davis, Room 120**

- Legislative Salary
- Direct Deposit of Legislator Salary
- Health Insurance & Prescription Drug Program
- Dental Insurance
- Wellness Programs
- Maine Legislative Retirement System
- Vision Insurance
- MaineSaves 457 – Voluntary Retirement Savings Plan
- Flexible Spending Accounts
- Group Life Insurance

**Dawna Lopatosky, Room 103**

- Constituent Services Allowance
- Reporting Legislative Income and Expenses / Annual Tax Packet

Please be aware the Office of the Executive Director does not provide tax advice or opinions on how individual legislators should file their returns. If you have questions about any of the reports provided by the Office of the Executive Director to assist you as you prepare your taxes, contact Dawna. Other questions related to your tax returns should be directed to your tax preparer.

**Casey Bullock or Dawna Lopatosky, Room 103**

- Legislator Regular and Special Session Allowances
- Special Session and Legislative Per Diem
- Travel and Expense Reimbursements