

Commission Members

Sandra Featherman, Chair

Edwin Clift

Horace A. Hildreth, Jr.



JUDICIAL COMPENSATION COMMISSION

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**Summary of Meeting of September 24, 2008
Room 126, State House**

Convened: 10:30 a.m.

Members present: Dr. Sandra Featherman, Chair
Edwin Clift, Commissioner
Horace A. Hildreth, Jr., Commissioner

Staff: Grant Pennoyer, Director, Office of Fiscal and Program Review
J. Timothy Leet, Legislative Analyst, Office of Fiscal and Program Review

Others present: Kathy Morin, Manager, Actuarial and Legislative Affairs, Maine Public
Employees Retirement System
James T. Glessner, State Court Administrator, Judicial Department
Judge Robert Clifford, Judge, Judicial Department
Judge Michael Westcott, Active Retired Judge, Judicial Department
Judge John Atwood, Retired Judge, Judicial Department

- Judicial Compensation Commission Chair Sandra Featherman called the meeting to order at 10:40 a.m.
- Dr. Sandra Featherman proceeded with opening remarks.
- The first item on the agenda was the discussion of a survey of Judicial Salaries published by the National Center for State Courts.
- Tim Leet, commission staff, passed out the agenda and the survey results and briefly described their content.
- Dr. Sandra Featherman announced that it has always been the intent of the Commission to fix the salaries of the active judges. She referenced the Commission's recommendation to "increase the direct compensation for members of the Judiciary," submitted in their March 2007 biennial report.
- Mr. James Glessner, State Court Administrator, indicated that the Judicial Department has complied with the State Budget Office deadline of September 1, 2008 for submitting their required budget requests for the upcoming Supplemental and Current Services budget.

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- Dr. Sandra Featherman advised the Commission members that she wanted the required biennial report to reflect that :
 - Maine judicial salaries are not appropriately funded and are very low when compared to other states; and
 - It continues to be the Commission’s primary goal to attract and employ high quality judges.
- Dr. Sandra Featherman asked if Kathy Morin, Manager of Actuarial and Legislative Affairs of the Maine Public Employees Retirement System would address the fiscal implications of the draft legislation.
- Kathy Morin explained that:
 - The prospective fiscal impact to include as earnable income, the cost of living adjustments that were not paid to the five judges identified in Active Retired Judge Michael Westcott’s letter of September 28, 2007 is \$64,000;
 - The one-time cost of retroactivity to September 20, 2007 is \$4,000 and full retroactivity to the actual dates of retirement of the five judges is estimated to be \$17,000.
- After a brief discussion, Dr. Sandra Featherman made a motion to have this proposed draft legislation be amended to apply retroactively back to the dates of retirement for the five judges. This motion was seconded by Horace Hildreth, Jr. and passed unanimously.
- Following a brief discussion on whether there may be surplus funds in the Maine Public Employees Retirement System to fund this proposal, Dr. Sandra Featherman advised the Commission that they should ask the Governor for an additional General Fund appropriation to the Judicial Department for this purpose.
- Dr. Sandra Featherman requested staff to provide updated language to the Commission to reflect full retroactivity to the actual dates of retirement for the five judges. She also requested staff to set up a meeting with the Governor to go over the final report and potentially approve a funding request for the proposed retroactivity and other potential judicial salary increases.
- Grant Pennoyer, Director of the Office of Fiscal and Program Review suggested that the meeting should take place in November and he can set it up.
- The Commission then returned to a discussion on the Judicial Salary Information published by the National Center for State Courts.
- Dr. Sandra Featherman emphasized her goal of maintaining COLA’s for Maine judges.
- There was a motion by Dr. Sandra Featherman and seconded by Edwin Clift to add the survey of judicial salary information provided by the Judicial Department to the report required pursuant to M.R.S.A section 1701, subsection 13. This motion was passed unanimously.
- Judge Robert Clifford advised the Commission that this year’s judicial budget is very challenging. A shortfall in legal indigent services continues to be problematic.
- Mr. James Glessner followed Judge Clifford’s comments with additional information on the status of the proposed Supplemental and current services budget.
- The meeting adjourned at 11:40 a.m.