Sponsor's Proposed Amendment to LD 785
For Work Session 3/12/26

Mi'kmaq Nation Representative to the Legislature

[limited new language both underlined and highlighted for ease of reference]

§2. Salary, compensation and travel-related expenses of Members of the Legislature and representatives of Indian tribes

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December 2000 until the day before the first Wednesday of December 2024, 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. Beginning with the first Wednesday of December 2024, each member of the Senate and House of Representatives is entitled to $25,000 in the first year and $20,000 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 $22,500 in each year of the biennium. Each member of the Senate and the House of Representatives must receive a 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. Beginning December 1, 2001, 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 a member of the Senate or the House of Representatives may not receive a cost-of-living adjustment in annual legislative salary for the Second Regular Session of the 124th Legislature, and except that a member of the Senate or the House of Representatives may not 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 mileage for travel at each legislative session to and from that Legislator's place of abode at a rate of 55¢ per mile or the federal standard mileage rate, whichever is lower, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike as long as they have a receipt for payment of the tolls, such tolls to be reimbursed when Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and those amounts of salary and expenses at such times as the Legislature may determine during the session, and the balance at the end of the session, except that, effective January 1, 2026, a Legislator may choose to be paid the salary for each year of the biennium to which that Legislator is entitled pursuant to this section in approximately equal payments over that corresponding year of the biennium, and a Legislator who chooses this option must do so prior to the beginning of each regular session. [PL 2025, c. 482, §1 (AMD).]

The first regular session of the Legislature, after its convening, shall adjourn no later than the 3rd Wednesday in June and the 2nd regular session of the Legislature shall adjourn no later than the 3rd Wednesday in April. The Legislature, in case of emergency, may by a vote of 2/3 of the members of each House present and voting, extend the date for adjournment for the first or 2nd regular session by no more

than 5 legislative days, and in case of further emergency, 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 2nd 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. [PL 2019, c. 475, §11 (AMD).]

A member of the Senate or House of Representatives may not be absent without leave for more than 5 legislative days in the first regular session or for more than 3 legislative days in the second regular session. A member who violates this paragraph must have the member's salary reduced by an amount as determined by the Legislative Council for each legislative day of absence without leave. At the beginning of each Legislature, the Legislative Council shall establish policies and procedures to record attendance for each legislative day and set the salary reduction for members who violate this paragraph. [PL 2015, c. 134, §1 (NEW).]

Except as provided in this section, each member of the Senate and House of Representatives is entitled to the travel-related expenses of a meal allowance in the amount of $50, or a higher amount set by the Legislative Council, and a housing allowance in the amount of $70, or a higher amount set by the Legislative Council, for each day 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 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 allowance is paid and whether receipts are required. In lieu of the meal and housing allowance, each member is entitled to a daily meal allowance and actual daily mileage. Each member of the Senate also receives an annual allowance for constituent services in the amount of $2,000, $1,300 in January and $700 in the month following adjournment of the regular session. Each member of the House of Representatives also receives an annual allowance for constituent services in the amount of $1,500, $1,005 in January and $495 in the month following adjournment of the regular session. Notwithstanding this section, 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. To set the amount of an allowance under this paragraph, at least 6 members of the Legislative Council must vote in favor of the allowance at the beginning of the first regular session or second regular session of a legislative biennium. The amount of an allowance set by the Legislative Council under this paragraph may not exceed the regular federal per diem rate for lodging, meals and incidental expenses applicable to that allowance. [PL 2025, c. 490, §1 (AMD).]

Each member of the Senate and House of Representatives must be reimbursed for actual regular airfare expenses from the member's place of abode to Augusta for one round trip each week when the Legislature is in regular session and, when the Legislature is not in regular session, for days when meetings or daily sessions are held, as long as the distance from the member's place of abode to Augusta is more than 150 miles, the mileage is determined by the most reasonable direct route and reimbursement is capped at commercial flight rate. [PL 2019, c. 475, §12 (AMD).]

The President of the Senate and the Speaker of the House of Representatives shall receive an additional 50% above regular compensation, the majority and minority leaders of the Senate and House of

Representatives shall receive an additional 25% above regular compensation and the assistant majority and minority leaders of the Senate and House of Representatives shall receive an additional 12 1/2% above regular compensation. [PL 1975, c. 750, §1 (RPR).]

In addition to the salary paid for the first and 2nd regular sessions of the Legislature, when a special session is called, the members of the Senate and House of Representatives must each be compensated $100 for every day's attendance, expenses and mileage pursuant to this section; except that if a special session is called during the time period specified in this section for a first regular session or 2nd regular session, the special session per diem does not apply. [PL 2003, c. 691, §1 (AMD); PL 2003, c. 691, §2 (AFF).]

No additional expenses may be paid to Legislators from the Legislative Account unless authorized by the President of the Senate or Speaker of the House of Representatives during any regular session. [PL 1985, c. 693, §5 (AMD).]

The member of the Penobscot Indian Nation, the member of the Passamaquoddy Indian Tribe ~~and~~, beginning with the Second Regular Session of the 125th Legislature, the member of the Houlton Band of Maliseet Indians and, beginning with the First Regular Session of the 133rd Legislature, the member of the Mi'kmaq Nation elected to represent their tribes at the Legislature are entitled to receive a salary equal to the salary of members of the Senate and the House of Representatives, including a cost-of-living adjustment, for each regular session and an allowance for constituent service and allowances for travel-related expenses, which are housing, meals, mileage and tolls, to the same extent as members of the House of Representatives for attendance at each legislative session or authorized committee meeting. For the duration of any special session of the Legislature, they are entitled to receive the same per diem payment and allowances, including travel-related expenses, which are housing, meals, mileage and tolls, as any member of the Senate and House of Representatives. [PL 2023, c. 2, §4 (AMD).]

The President of the Senate or the Speaker of the House shall, at all times, whether the Legislature be in session or not, have the authority to approve accounts and vouchers for payment. [PL 1975, c. 750, §1 (RPR).]

The President of the Senate, the Speaker of the House of Representatives, the floor leaders and their assistants and members of a committee, with the approval of the President of the Senate or the Speaker of the House of Representatives as to members of a committee, may also meet on days when the Legislature is not in daily session at any convenient location within the State. Each member of the Senate and House of Representatives is entitled to receive $55 for every day's attendance when meetings or daily sessions are held and the travel-related expenses of a meal allowance in the amount of $50, or a higher amount set by the Legislative Council, and a housing allowance whereby actual lodging expenses will be reimbursed at the single-room rate, as long as a receipt is submitted to the Executive Director of the Legislative Council for each day in attendance at such meetings or daily sessions and for each day that member occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature and actual daily mileage allowances at the rate of 55¢ per mile or the federal standard mileage rate, whichever is lower, for travel to and from that Legislator's place of abode, the mileage to be determined by the most reasonable direct route. In lieu of the meal and housing allowance, each member is entitled to a daily meal allowance and actual daily mileage allowances. To set the amount of an allowance under this paragraph, at least 6 members of the Legislative Council must vote in favor of the allowance at the beginning of the first regular session or second regular session of a legislative biennium. The amount of an allowance set by the Legislative Council under this paragraph may not exceed the regular federal per diem rate for lodging, meals and incidental expenses applicable to that allowance. [PL 2025, c. 490, §2 (AMD).]

The expenses of members of the Legislature traveling outside the State shall be reimbursed for their actual expenses provided that the expense vouchers are approved by the President of the Senate or the Speaker of the House of Representatives. [PL 1977, c. 564, §2 (NEW).]

If a member of the Legislature dies or otherwise vacates the office, the successor is entitled to a salary from the date of seating equal to the salary that would have been afforded to the successor had the successor been seated at the start of the biennium, except that the salary must be prorated from the date the successor is sworn into office. [PL 2025, c. 490, §3 (AMD).]

Legislators may purchase one set of the Maine Revised Statutes Annotated at the State's cost, which may not be resold. [RR 2013, c. 2, §3 (COR).]

SECTION HISTORY

PL 1965, c. 342 (AMD). PL 1965, c. 412, §§2,3 (AMD). PL 1967, c. 469 (AMD). PL 1967, c. 531 (AMD). P&SL 1969, c. 197, §D1 (AMD). PL 1969, c. 489, §§1,2,4 (AMD). PL 1971, c. 112

Taxation

Income Tax

- *Exemption for Tribal Members Employed by Tribes, Irrespective of Where they Reside. MRS proposed this alternative language, which the tribal attorneys accepted with the additional edit which is highlighted below:*

36 MRSA §5102,, sub-§5-B, is enacted to read:

5-B. Tribal member compensation. "Tribal member compensation" means compensation received by an individual who is a tribal member, and by an estate of a decedent who at the time of death was a tribal member, for personal services performed as an employee of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or the Mi'kmaq Nation. For purposes of this subsection, "compensation" means all taxable remuneration for services performed by the individual as an employee of the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or the Mi'kmaq Nation, including the cash value of such remuneration (including benefits) paid in any medium other than cash.

36 MRSA §5122, sub-§2, ¶CCC is enacted to read:

CCC. To the extent included in federal adjusted gross income and to the extent otherwise subject to Maine income tax, an amount equal to tribal member compensation, notwithstanding where the tribal member resides;

Sales Tax

- *Sales Tax Exemption for Manufactured Housing to be Installed on Tribal lands; alternative language proposed by MRS to achieve what it understands to be the intent of the language first proposed by Tribal attorneys, which has been accepted by the tribal attorneys subject to the insertion of the word "new" before "manufactured housing" in the opening paragraph of section 113 below:*

[changes marked but not highlighted in yellow are just reformatting the provision]:

Sponsor's Proposed Amendment to LD 785
For Work Session 3/12/26

36 MRSA §1760, sub-§113 is amended to read:

113. Tribal members. Sales to a tribal member that are sales sourced to tribal land, and sales of new manufactured housing for installation on tribal land, except that, if the property or service is used by the purchaser, including any lessee, primarily outside of tribal land, the purchaser is liable for use tax based on the original sale price, unless otherwise exempt under this Part.

For purposes of this subsection:

A. "Primarily" means more than 50% of that period of time that begins on the date on which the property or service is first placed in service by the purchaser and ends one year from that date or at the time that the property or service is sold, scrapped, destroyed or otherwise permanently removed from service, whichever occurs first; and

B. "Sales sourced to tribal land" means sales sourced pursuant to section 1819 to a location on tribal land. ~~In addition, sales of motor vehicles other than those that are being leased for a period of less than one year to a tribal member are sales sourced to tribal land if the vehicle is intended to be driven or transported to tribal land immediately upon receipt of the vehicle.~~ In addition, the following sales are also sales sourced to tribal land for purposes of this subsection:

(1) Sales of motor vehicles other than those that are being leased for a period of less than one year to a tribal member are sales sourced to tribal land if the vehicle is intended to be driven or transported to tribal land immediately upon receipt of the vehicle; and

(2) sales of new manufactured housing to a tribal member that is intended to be installed on tribal land immediately upon receipt or delivery.

C. "Sales of new manufactured housing for installation on tribal land" means sales to a construction contractor or its subcontractor of new manufactured housing that is to be physically incorporated in, and become a permanent part of realty located on, tribal land for sale to a tribal member.

- *Amendments to Tribal 95% Sales Tax Fund; language originally proposed by Tribal attorneys, and endorsed by MRS without change:*

Proposed Modification to 36 MRSA 1815(2) amended to read as follows:

2. Monthly transfer**.** By the 20th day of each month, the assessor shall notify the State Controller and the Treasurer of State of the amount of revenue attributable to the tax collected under this chapter in the previous month on sales occurring on the Passamaquoddy Indian territory, the Penobscot Indian territory, the Houlton Band Trust Land and the Mi'kmaq Nation Trust Land, respectively, reduced by the transfer to the Local Government Fund required by Title 30-A, section 5681. When notified by the assessor, the State Controller shall transfer those amounts to the Passamaquoddy fund, the Penobscot fund, the Maliseet fund and the Mi'kmaq fund, respectively

For purposes of this subsection, a sale occurs on the Passamaquoddy Indian territory, the Penobscot Indian territory, the Houlton Band Trust Land or the Mi'kmaq Nation Trust Land if:

A. The business location of the seller from which the purchase is made is on Passamaquoddy Indian territory, Penobscot Indian territory, Houlton Band Trust Land or Mi'kmaq Nation Trust Land, respectively; or on any of the following land owned by either the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or the Mi'kmaq Nation: [**insert description of Tribally-owned fee land**] ; and

B. The tangible personal property or taxable service is received by the purchaser also on Passamaquoddy Indian territory, Penobscot Indian territory, Houlton Band Trust Land or Mi'kmaq Nation Trust Land, respectively; or on any of the following land owned by either the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or the Mi'kmaq Nation: [**insert description of Tribally-owned fee land**] . For purposes of this paragraph, "received" has the same meaning as in section 1819.

- *Sales Tax Exemption for Tribal Entity Purchases on Certain Tribally-owned fee land; language originally proposed by Tribal Attorneys and endorsed by MRS without change:*

Proposed Modification to 36 MRSA 1760(114) is amended to read as follows:

114. Tribal entities. Sales to a tribal entity that are sales sourced to tribal land, except that, if the property or service is used by the purchaser, including any lessee, primarily outside of tribal land, the purchaser is liable for use tax based on the original sale price, unless otherwise exempt under this Part.

For purposes of this subsection:

A. "Primarily" means more than 50% of that period of time that begins on the date on which the property or service is first placed in service by the purchaser and ends one year from that date or at the time that the property or service is sold, scrapped, destroyed or otherwise permanently removed from service, whichever occurs first; ~~and~~

B. "Sales sourced to tribal land" means sales sourced pursuant to section 1819 to a location on tribal land. In addition, sales of motor vehicles other than those that are

being leased for a period of less than one year to a tribal entity are sales sourced to tribal land if the vehicle is intended to be driven or transported to tribal land immediately upon receipt of the vehicle~~.~~; and

C. "Tribal land" means land within the Passamaquoddy Indian territory, Penobscot Indian territory, Houlton Band Trust Land or Mi'kmaq Nation Trust Land, and any of the following land owned by either the Passamaquoddy Tribe, the Penobscot Nation, the Houlton Band of Maliseet Indians, or the Mi'kmaq Nation: [**insert description of Tribally-owned fee land**].