

MAINE STATE LEGISLATURE

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April 16, 1929

To Elbert D. Hayford, State Auditor
Re: Senate Payroll Excess

I have your memorandum of April 12th calling attention to the fact that certain items in the Senate Payroll Resolve exceed the statutory pay under R. S. Chapter 117, section 13, as amended. You inquire whether Resolve or Statute prevails when there is such inconsistency.

My answer is that you should follow the figures in the Resolve.

This practice of exceeding the statutory figures in drawing the payroll resolve is apparently quite prevalent. Like the corresponding practice of bestowing extra compensation on Senate employees, it is indefensible as a matter of bookkeeping and systematic dealing.

Revising these payrolls and setting up a definite basis for compensation to its employees to be conformed to in the payroll resolves is, however, a matter where legislative judgment is final. If the Legislature considers it inexpedient to be consistent and systematic in these respects, the administrative officials must bow to the legislative judgment.

Strictly speaking, there can be no doubt but that the Payroll Resolve should conform to the statutes, but if it sets a different figure and is duly passed by the Legislature, the figure set in the Payroll Resolve is the amount for you to certify and the State Treasurer to pay.

You also inquire whether the sum of \$100.00 provided for Ethel W. Lee is in addition to the Secretary's compensation or to be deducted from it. My answer is that it is a special payment to be made to her and you should conform to the wording of the Payroll Resolve in paying Mr. Brown his pay without deduction.

Clement F. Robinson
Attorney General

CFR/V