MAINE STATE LEGISLATURE

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October 30, 1941

Roscoe L. Mitchell, M. D.
Director of Health
Augusta, Maine

Dear Sir:

By P. L. 1933, Chapter 262, passed at a Special Session, approved December 16, 1933 and appearing on Page 36 of P.L.1935, in Section 7 it is provided that the third member of the Board of Hair Dressing and Beauty Culture shall be the Director of Health "who shall be executive secretary of the board, and who shall serve without additional compensation for such services".

P. L. 1935, Chapter 112, Section 7 amends the above act by striking out the words "and who shall serve without additional compensation for such services".

P. L. 1937, Chapter 190, adds two members to the board and then adds the following provision: "members of the board shall each be allowed the sum of $10 per day and their necessary travel expenses for actual attendance upon any examination of candidates for registration and for any necessary hearings and board meetings".

Section 10 of the above mentioned Chapter 112 of P. L. 1935 is a re-statement of Section 10 of Chapter 227 of P. L. 1933. Said Chapter 227 provides "that no payment for allowance or expense shall be made by the said treasurer in any fiscal year in excess of the sum paid by the board to the said treasurer during such fiscal year". The re-written paragraph in Chapter 112, P. L. 1935 contains the following language: "Fees received under this act may be used for carrying out the purposes of this act". This latter language may properly be interpreted as having exactly the same meaning as the language in the 1933 act, and the treasurer is not empowered to pay out any sums in excess of amounts received from the board during the fiscal year. It was apparently the intention of the legislature that the board, both in its original form and as enlarged, shall be self-supporting.

From the above it is evident that the Director of Health is entitled to his $10 per day plus necessary traveling expenses as provided in Section 6 of Chapter 190, P. L. 1937, in exactly the same way that the other members of the board are entitled to theirs.

If there is sufficient money in the treasury paid in by the board during the fiscal year to compensate the members of the board as above provided, then they are entitled to their full compensation. If, however, there is not sufficient money to pay them in full, each is entitled to his proportional part of his compensation as determined by the amount of money on hand.

Very truly yours,

Frank I. Cowan
Attorney General

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cc to State Controller