

MAINE STATE LEGISLATURE

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February 6, 1942

Frank I. Cowan, Attorney General

J. A. Mossman, State Controller

In re Mileage Rate

I have your memo of February 5th asking whether or not the provisions of Public Laws of 1941, Chapter 325, Section 4, approved January 24th, 1942, were retroactive.

The language of the Act is "the state shall hereafter pay not more than 4¢ for each mile exceeding 3000". This is an emergency Act and took effect at the moment of approval. Therefore, all mileage after January 24th, 1942, is to be counted on the new basis. The basis of travel, of course, begins with July 1st, 1941, the beginning of the fiscal year, but the application of the new rule cannot take effect until January 24, 1942 even though the automobile owner may have already exceeded the 7000 mile mileage provided under the old law.

Without regard to the number of miles his car has been driven during the fiscal year previous to January 24th, 1942, if at that date he has not yet driven a total of 3000 miles in the fiscal year, he is entitled to 5¢ for each mile up to the 3000 miles set by the statute. If he has driven more than 3000 miles he is, from January 24th on, entitled to 4¢ per mile for every mile he drives after said date.

The law has no retroactive effect and he is not entitled to additional compensation for mileage in excess of 7000 driven during the present fiscal year previous to January 24th, 1942.

Attorney General

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See 1943 Session Law