

MAINE STATE LEGISLATURE

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December 8, 1942

Frank A. Farrington, Deputy Attorney General

William D. Hayes, State Auditor

Subject: Sanitary Water Board

Reference is to your memo of December 1, 1942 on the above subject. I am pleased to render an opinion on the four questions asked in your memo.

1. Chapter 209, Public Laws 1941, does limit the amount of reimbursement for traveling expense payable out of the general funds to the four outside members of the Board, but does not prohibit payment of expenses to the ex-officio members. Traveling expense is not, in the opinion of this department, "additional compensation" within the meaning of the Act.

2. The same Chapter does by its provisions, limit reimbursement of travel expense to \$100 out of general funds for each individual (outside) member, but, in the opinion of this department, such limitation does not prevent the Governor and Council from transferring funds out of the contingent fund for payment of necessary expense not provided for by the Legislature when the Legislature failed to make sufficient provision for the carrying out of the purposes of the Act.

3. There is no specific provision in Chapter 209 itself either giving or denying authority for charging traveling expense of the technical secretary. The fund transferred by the Council Orders to cover costs of investigation could be used for payment of travel expense of the technical secretary, on the same theory as that indicated in 2 above.

In this connection, the Attorney General authorized Dr. Campbell to make certain trips in connection with the injunction proceedings pending in the Androscoggin investigation and these expenses could properly be charged against the Sanitary Water Board.

4. The Governor and Council do not have the right, by Council Order, to change limitations provided by the statute, except by transfer from the contingent fund, funds necessary to make possible carrying out of the provisions of the statute. In the opinion of this department, the Council Orders mentioned in your memo are proper in that they make it possible to carry out the purposes of Chapter 209, the Legislature having made insufficient provision therefore.

Deputy Attorney General

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