

MAINE STATE LEGISLATURE

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November 30, 1944

To Francis K. Purinton, Executive Secretary, Executive Department
From Frank I. Cowan, Attorney General

This office has considered the memo addressed to you by the State Auditor re payment of a per diem of \$20. to two Councillors in connection with the swearing in of a Justice of the Superior Court.

R. S. Chapter 125, Section 2, reads as follows:

"Each member of the executive council shall receive the same compensation and travel as a representative to the legislature, for services as a councilor during the session of the council commencing in January and closing immediately after the adjournment of the legislature. For services at other sessions of the council, each member thereof shall receive twenty dollars for each session, and actual expenses; for authorized services on committees when the council is not in session, each councilor shall receive five dollars a day and actual expenses."

I am informed by the State Auditor that some time in June, 1944, Mr. Brietbard, the Deputy Attorney General, gave an oral opinion to the effect that the statute must be interpreted literally, since there is no ambiguity in its language.

On the statement of fact given to this office, the Council was not in session on the day when this Justice was sworn in. If this is the fact, the statute provides payment of \$5. per day plus expenses. If the Council was in session, the statute provides \$20. per day.

Frank I. Cowan
Attorney General

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