

MAINE STATE LEGISLATURE

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August 24, 1945

To
Hon. A. K. Gardner, Commissioner of Agriculture

I have your letter of August 23rd in reference to Chapter 125, Sections 145-A to 145-J inclusive, P. L. 1945, in which you state that there is no provision for traveling expenses or per diem reimbursement for the members of the tax committee to be set up under the provisions of this chapter.

You state that a member of the committee who is also a member of the Department of Agriculture obviously needs no such reimbursement, and the same may be said for the member who is appointed by the Maine Cannery Association; but the grower who is appointed by the department should have reimbursement for travel and possibly a nominal per diem as well; and you request my opinion as to how far you may go in setting up reimbursements as indicated.

Section 145-J entitled "Power of Commissioner of Agriculture," authorizes you as such Commissioner to enact such rules and regulations which in your judgment will best serve to carry out the provisions of Sections 145-A to 145-J inclusive; and it is my opinion that you have authority under this section to make a rule that members of the committee may receive reimbursements for their travel and expenses; but I do not believe that you would have power to set up a salary on a per diem basis for the members of the committee. Your rules should cover all members of the tax committee equally, and those who do not need reimbursements will not have to have them. The rule should show no discrimination.

Ralph W. Farris
Attorney General

RT:c