

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

September 17, 1951

To Honorable Frederick G. Payne, Governor of Maine

Re: Salary adjustments — State Police

Your memo of September 5, 1951, and attached correspondence from Representative Bradeen and Raymond C. Mudge, Finance Commissioner, have been received by this office, with the request that, if possible, an interpretation be given that Chapter 408 of the Public Laws of 1951 may have a retro-spective effect.

Chapter 408 resulted from L. D. 561, introduced by Representative Lackee, which came out of Committee in new draft L. D. 1386, which in turn was amended by Amendment No. 459. It provides for the scale of salaries beginning at \$53.00 per week through the various classifications to \$66.00 per week, and for Captain a range from \$79.00 per week to \$95.00 per week, and adds a classification of Major with a range from \$86.00 per week to \$107.00 per week.

Relative to the interpretation of such a statute, there exists a strict rule of construction against a retrospective operation, and a presumption that it was the intent of the legislature that statutes or amendments enacted by it operate prospectively and not retroactively. Unless the statute acts retroactively by virtue of express terms or other clear indications leaving no reasonable doubt, then it should be construed to operate prospectively.

There is a complete absence in Chapter 408 of the Public Laws of 1951 of any words that might have the effect of causing the Act to be interpreted as operating retroactively.

While we recognize that in this respect members of the State Police are not accorded the same consideration as was present in the acts relating to other State employees, such a result is compelled by the very words of the respective acts, one of which states specifically that "the provisions of this act shall be retroactive to the week ending March 10, 1951," (Chapter 412, P. L. 1951), while the other, Chapter 408 of the Public Laws of 1951, contains no such provision.

Another bill, affecting the great majority of employees, granting them an increase from March 10, 1951 to June 31, 1951, is seen as Chapter 120, Resolves of 1951, and that Resolve appropriates a sum to cover that particular period of time; and the law under discussion, Chapter 408 of the Public Laws of 1951, which contains *no* provision showing an intent to deal similarly with the officers of the State Police.

We therefore respectfully advise Your Excellency that it would not be proper to construe Chapter 408 of the Public Laws of 1951 as having a retro-active effect.

JAMES G. FROST
Assistant Attorney General