

MAINE STATE LEGISLATURE

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October 2, 1951

To Col. Francis J. McCabe, Chief, Maine State Police
Re: Salary of Major Young

Chapter 408, Public Laws, 1951, is an Act designed to increase the salaries of members of the State Police. The fifth paragraph of the Act relates to the salary of majors in the State Police, stating:

"On appointment as a major, the member shall receive a salary of \$86 per week, and thereafter he shall receive an increase in salary of \$4 per week at the beginning of each fiscal year until a maximum salary of \$107 per week is reached."

The only major in the Maine State Police organization is the Deputy Chief, and in conflict with Chapter 408, Public Laws, 1951, which purports to control the salary of majors is the first paragraph of Section 5, Chapter 13, R. S. 1944, which paragraph states:

"The governor and council shall determine the salary of the chief and deputy chief."

This paragraph remains unchanged throughout the amendments of 1947, 1949, and 1951, and is effective today.

There arises, then, the question which provision governs the salary of Major Young, Deputy Chief of the Maine State Police: the first paragraph of Section 5, Chapter 13, R. S. 1944, or the fifth paragraph of Chapter 408, Public Laws of 1951.

In considering this problem, attention should first be directed to that Council Order which provided that the Deputy Chief shall hold the rank of major. The Deputy Chief is, then, in effect, ex officio a major. To be further considered are the rules and regulations of the Maine State Police, the first paragraph of which contains the provision that there shall be only 1 major in the organization of the State Police.

As a result, the Statutes, Council Orders, and rules and regulations relative to this problem point to the fact that the State Police have only 1 major; that that major is an ex officio major by virtue of his being the Deputy Chief; and that the salary of the Deputy Chief is determined by the Governor and Council.

It is our opinion, therefore, that the salary of Major Young, Deputy Chief, is determined by the Governor and Council, and not controlled by Chapter 408, Public Laws, 1951. We therefore recommend that a Council Order be submitted requesting that the salary of Major Young be increased, retroactive to August 20th, in an amount equal to that amount which he would have received had his salary been controlled by Chapter 408.

Alexander A. LaFleur
Attorney General

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