

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

appropriation for the purpose of securing a laboratory equipped for the purposes of teaching the classes usually taught in such a laboratory.

JAMES GLYNN FROST
Deputy Attorney General

June 9, 1954

To Joseph A. P. Flynn, Executive Secretary, Electricians Examining Board
Re: Per Diem for Board Members

This is response to your memo of May 26th in which you ask, "Whether or not the Board Members, while engaged in traveling to and from a Board meeting on a day when there is no meeting, would be entitled to their per diem allowance?"

The statute relating to per diem payments for members of the Board reads:

"The members of the board shall each be allowed the sum of \$10 per day and their necessary traveling expenses for actual attendance upon any examination of candidates for license, and for any necessary hearings."

Section 3, Chapter 307, P. L. 1953.

It is the opinion of this office that a member of the Board is entitled to a per diem compensation for that day in which it is necessary for that member to travel to or from the place of meeting of the Board.

A member residing at a distance from the place of meeting "is not engaged in his own private business while traveling to and from the place of meeting, but is then employed in and about the matter of his 'attendance' upon a session" and it is our opinion that the legislature intended to compensate members for time necessarily and actually employed in the service of the State in their capacity as members of the Board.

We are personally aware that distances between cities and towns in this State are in some instances such that it is not possible for a person to leave his home the same day that a meeting is scheduled and negotiate the journey in time to be present for the meeting. So, too, the return trip may be similarly lengthy.

It is for this reason and no other that the present opinion is being given and it is not to be construed as being applicable to a case where a member, regardless of where his home may be, decides to go to the meeting a day early, or leave for home the day after the meeting. In all cases the Controller is vested with the discretion to determine if per diem in such a case would be a reasonable charge and payment.

JAMES GLYNN FROST
Deputy Attorney General

June 17, 1954

To Israel Bernstein, Esquire
Re: Drug Sundries

. . . You state that it is agreed by the Maine Board of Commissioners of Pharmacy and yourself as attorney for The Jayson Company, that the dif-