

MAINE STATE LEGISLATURE

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Possible conflict of salary provisions relative to Chairman of the
Liquor Commission as set forth in P. L. 1967, c. 542 and P.&S. 1967,
c. 228

FACTS:

The 103rd Legislature, meeting in special session, enacted P. & S. 1967, c. 228 into law which, inter alia, contained an amendment to 28 M.R.S.A. § 53 that provides that the salary of the Chairman of the State Liquor Commission shall be \$11,000 per year. This Act will become effective July 1, 1968. The Legislature via the terms of P.L. 1967, c. 542 amended Title 2 of the Me. Rev. Stat. by adding two new sections thereto numbered 6 and 7. This bill provides that the Governor and Council are authorized to adjust the salaries of various unclassified state officials and employees. It is expressly provided by the terms of P. L. 1967, c. 542 that the Governor and Council may authorize payment of a maximum salary of \$13,500 for the Chairmanship of the Liquor Commission. The terms of P. L. 1967, c. 542 will become effective 90 days after adjournment of the Legislature, approximately two months prior to the effective date of P. & S. 1967, c. 228.

QUESTION:

Does P. & S. 1967, c. 228 which becomes effective on July 1, 1968 and provides for a base salary of \$11,000 per year for the Chairman of the State Liquor Commission repeal by implication the provisions of P. L. 1967, c. 542, which becomes effective prior in time and which provides that the salary of the Chairmanship may be adjusted to a maximum amount of \$13,500 by the Governor and Council?

ANSWER:

No.

OPINION:

The recently enacted section 6 of Title 2 of the Revised Statutes (P. L. 1967, c. 542) provides a comprehensive listing of certain unclassified state officials and employees and the maximum salaries which they may be eligible to receive. The statutory language of section 6 states with clarity what the maximum salary figures of the various unclassified officials may be.

Said language reads as follows:

"Notwithstanding any other provision of law, the Governor, with the advice and consent of the Council, is authorized to adjust:" (Emphasis supplied.)

Insofar as the maximum salary figures set forth in P. L. 1967, c. 542 (2 M.R.S.A. § 6) conflict with existing maximum salaries which certain state officials are entitled to by statute, existing statutory maximum salaries would be repealed. We do not believe that any irreconcilable conflict exists as a result of the passage of P. & S. 1967, c. 228 and P. L. 1967, c. 542 in regard to the salary of the Chairman of the State Liquor Commission however.

As of July 1, 1968 the Chairman of the State Liquor Commission will be entitled to a minimum base salary of \$11,000 per year. He is also entitled to an increase in salary in any amount in excess of this base salary up to an amount not exceeding \$13,500 should the Governor and Council see fit to authorize said additional compensation.

We believe that the above-designated acts may be read together harmoniously to mean that the Chairman of the Liquor Commission is entitled to a minimum annual salary of \$11,000 per year, and a possible maximum salary of \$13,500 per year.

"The enactment by a legislative assembly of two or more acts upon the same subject matter creates a presumption that the acts which were born of the same legislative mind were actuated with the same policy, and were intended to coexist to attain by their mutual operation the object of the legislature

"The enactment of two statutes upon the same subject at the same session was held in itself to be an indication of the intent of the legislature that both acts should have a coterminous operation.

"In the absence of an irreconcilable conflict between two acts of the same session, each will be construed to operate within the limits of its own terms in a manner not to conflict with the other acts." Statutory Construction by Sutherland, 3rd Ed. Vol. 1, Section 2020, pp. 483-484.