

MAINE STATE LEGISLATURE

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July 25, 1969

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SYLLABUS:

The pay plan enacted by Chapter 155 of the Private and Special Laws as passed by the 104th Legislature does not increase the pay of State employees whose salaries are specifically set by statute in a precise amount.

FACTS:

Chapter 155 of the Private and Special Laws as passed by the 104th Legislature provides as follows:

"Sec. 1. Salary increases. An amount of \$9 shall be added to the weekly dollar amount of each step of the current State Salary Plan and new hourly rates shall be computed to reflect this increase, based on a 40-hour week.

"Sec. 2. Unclassified employees subject to Governor and Council determination. With respect to unclassified employees whose wage rates are subject to Governor and Council determination, the Governor and Council shall grant similar and equitable treatment.

"Sec. 3. Unclassified employees not subject to Governor and Council determination. With respect to unclassified employees whose wage rates are not subject to determination by the Governor and Council, the authorities responsible for determining the wage rates of such employees shall grant similar and equitable treatment.

"Sec. 4. Utilization by other funds.
Wages of employees in departments supported by the Highway Fund, Special Revenue Funds or other funds shall not be adjusted from moneys provided for the General Fund Pay Plan, but shall be adjusted from funds available to the department from other sources."

QUESTION:

Whether the pay adjustments enacted in the above law increase the pay of State employees whose salaries are specifically set by statute in a precise amount, including the Constitutional and Judicial Officers?

ANSWER:

No.

REASON:

With regard to State employees, including Constitutional Officers, who have a salary that is precisely set by statute, it is my opinion that there is no authority in Chapter 155 of the Private and Special Laws as passed by the 104th Legislature for any increase. It is also my opinion, however, that the Legislature could easily remedy this retroactively if it wished at a later Special or Regular Session.

HARRY N. STARBRANCE
Assistant Attorney General

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