

# MAINE STATE LEGISLATURE

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**Increase in Mileage Allowance to State Employees, Effective Date of**

**SYLLABUS:**

P.L., 1969, Ch. 468, enacting an increase in payment of travel allowances of State employees which becomes effective October 1, 1969, does not contain any expressed or implied intention that the increased payment be applied retrospectively to mileage performed on and after July, 1969.

**FACTS:**

P. & S.L., 1969, Chapter 154, Section A, appropriates funds under the caption "STATE EMPLOYEES" as follows:

	<u>1969-70</u>	<u>1970-71</u>
<b>Increased Mileage Allowance</b>		
All other	\$110,000	\$110,000
Provides funds to increase mileage allowance to ten cents per mile for state employees and officials		

This law was enacted as an emergency measure with the effective date of July 1, 1969.

P.L. 1969, C. 468 amending 5 M.R.S.A. § 8 increasing mileage payments to ten cents a mile was enacted without emergency clause and becomes effective October 1, 1969.

**QUESTIONS:**

1. Does P. & S.L. 1969, Ch. 154, authorize the ten-cent payment effective July 1, 1969?

2. If the answer to question 1 is in the negative, can payments at the increased rate be made retroactive after October 1, 1969, for mileage from July 1, 1969?

**ANSWER 1.**

No, see Opinion 1.

**ANSWER 2.**

No, see Opinion 2.

**OPINION 1.**

P. & S.L., 1969, Ch. 154, appropriated for the fiscal year 1969-70 the sum of \$110,000 to provide an increase to ten cents of the mileage allowance for travel by State employees. The actual entitlement to payment for mileage, however, is provided in 5 M.R.S.A. § 8. This section was amended by P.L. 1969, Ch. 468, which increased the allowance per mile from nine cents to ten. Although the appropriation act was passed as an emergency bill, chapter 468 was not, and its provisions are not in effect until October 1, 1969. The answer to your first question, then, is that the appropriations act does not authorize payment from July 1st.

**OPINION 2.**

A statute must be construed as prospective only, unless the intent to give it retrospective effect is expressly declared therein or necessarily implied from the language used.

Atty. Gen. Rep. 1959-60, p. 68.

Words of a statute should not have a retrospective operation unless they are so clear, strong and imperative that no other meaning can be annexed to them or the Legislature's intention cannot be otherwise satisfied.

In re Guilford Water Co., 118 Me. 367.

P. & S.L. 1969, Ch. 154, appropriates money for various State uses, one of which is increased mileage allowance for State employees. Set forth is the amount which may be expended in the fiscal year 1969-70. There is nothing further in the Act to indicate any legislative intent that the money be spent during any particular period of that year.

P.L., 1969, Ch. 468, was enacted as a routine legislative measure. There is no expressed declaration contained therein to give it a retrospective effect nor are there any convincing implications in the language used to make the Act anything but prospective in its meaning. The increase in mileage allowance, then, cannot apply to travel performed between July 1, 1969 and October 1, 1969.

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