

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
**ATTORNEY GENERAL**

For the Years  
1967 through 1972

January 26, 1970  
Executive Council

Kenneth D. Robinson, Chairman

Compensation and Expense of Executive Council

*SYLLABUS:*

Each member of the Executive Council shall receive the same compensation and travel allowance as a Representative to the Legislature, for services as a Councilor during the regular session of the Legislature. For services at other sessions of the Council, each member thereof shall receive \$20. for each meeting and actual expenses. 1945-46 Attorney General Rep. 108 and 1959-60 Attorney General Rep. 110 reaffirmed.

*FACTS AND QUESTIONS:*

By letter dated January 21, 1970 you have asked the following questions:

To what pay and allowances are the members of the Executive Council entitled in the following circumstances?

1. Legislature in regular session.
2. Legislature in special session.
3. Legislature not in session.
4. Committee meetings of the Council – Council not in session.

*ANSWERS AND REASONS:*

1. When the Legislature is in regular session, each Councilor is entitled to receive the same compensation and travel allowance as a representative to the Legislature, 2 M.R.S.A. § 51. The amount of compensation and travel allowances payable to a representative to the Legislature is found at 3 M.R.S.A. § 2.

2. When the Legislature is in special session, each Councilor is entitled to receive \$20. for each session and actual expenses. 2 M.R.S.A. § 51; see also 1945-46 Attorney General Rep. 108, where we stated:

“ . . . the provision for the same compensation as a Representative to the Legislature . . . does not apply to special sessions of the Legislature.”

This view was reaffirmed in 1960, where we stated:

“ . . . (I)t is our opinion that the Executive Council is now in session at the call of the Governor and not simply because the Legislature has convened in Special Session. Therefore, they should receive twenty dollars (\$20.00) per day and actual expenses . . .

“There is no statute or constitutional provision stating that they shall be in session while the Legislature is in Special Session.”

3. When the Legislature is not in session, each Councilor is entitled to receive \$20. for each session and actual expenses. 2 M.R.S.A. § 51.

The \$20-plus-actual-expense limitation applies to *all* sessions of the Council other than sessions held during the regular session of the Legislature. 2 M.R.S.A. § 51.

4. For authorized services on committees when the Council is not in session, each Councilor is entitled to receive \$5. a day and actual expenses. 2 M.R.S.A. § 51.

ROBERT G. FULLER, JR.  
Assistant Attorney General