

# MAINE STATE LEGISLATURE

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February 9, 1972

Honorable Edmund C. Darey  
Chairman, Executive Council  
State House  
Augusta, Maine

Dear Judge Darey:

I have been asked to advise the Council as to the legality of the Council Order dated February 2, 1972 requesting an increase in the salaries of the three members of the Public Utilities Commission.

Members of the Public Utilities Commission are unclassified employees. 5 M.R.S.A. § 711, sub-§ 3 provides that among the unclassified members are "members of boards and commissions required by law to be appointed by the Governor with the advice and consent of the Council." The members of the Public Utilities Commission come within this definition.

The salaries of the members of the Public Utilities Commission come within the provisions of 2 M.R.S.A. § 6. The above statute sets maximums for certain designated positions. This section authorizes the Governor with the advice and consent of the Council to adjust the salaries of the named State officials and employees to no more than the maximums stated. Subsection 4 of the above section places the maximum of the Chairman of the Public Utilities Commission at \$19,000. Subsection 6 places the members of the Public Utilities Commission, other than the Chairman, in the range of the maximum salaries stated therein.

In view of the foregoing, it is legally proper for the Governor with the advice and consent of the Council to adjust the salaries of the three members of the Commission within the salary ranges set forth in the respective subsections. The salaries listed in the Council Order are within the proper maximums and therefore the Council may legally advise and consent to the Governor authorizing the salaries contained in the Council Order.

Very truly yours,

GEORGE C. WEST  
Deputy Attorney General

GCW/ec