

MAINE STATE LEGISLATURE

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Decided to the contrary by Superior Court decree of August 23, 1973
(attached) August 14, 1972

Etta B. Hall, Executive Secretary

Board of Hairdressers

Leon V. Walker, Jr., Assistant

Attorney General

Per Diem and Expenses of Members of Board

SYLLABUS:

Members of the Board of Hairdressers may each receive as compensation for services \$35 per day for not more than 17 days in each calendar year (of which not more than 5 days may be spent in out-of-state travel) and their necessary expenses, not to exceed \$600.00 per calendar year per diem, plus actual expenses. Travel expenses, to be reimbursable, may be incurred only in conjunction with per diem.

FACTS:

By P.L. 1971, Chapter 614, the provisions of 32 M.R.S.A. § 351, were liberalized to provide for per diem and necessary expenses of members of the Board of Hairdressers, as follows:

"The members of the board shall each receive as compensation for their services \$35 per day and not to exceed 5 calendar days out-of-state travel in any one year for the time actually spent and their necessary expenses incurred in the discharge of their duties, not to exceed \$600 per calendar year per diem, plus expenses."

So that they will not exceed the limits placed upon per diem and expenses, the board members seek clarification of the above provisions.

QUESTION NO. 1

Is the per diem for out-of-state travel limited to \$35 per day for a total of 5 days in any one calendar year plus expenses, or does the \$600 limitation include expenses and per diem for out-of-state travel?

ANSWER NO. 1:

Reimbursable travel out of state is limited to five calendar days in any one calendar year. The entitlement is \$35 per diem and necessary expenses for each of the five days. Each day of such per diem is included within the total allowance of \$600 for the calendar year for both in-state and out-of-state travel.

QUESTION NO. 2:

Does the \$600 limit cover out-of-state and in-state per diem for each board member in any one calendar year?

ANSWER NO. 2:

Yes. See above under Answer 1.

QUESTION NO. 3:

May actual expenses be paid for days of out-of-state travel beyond the five days specified in the statute?

ANSWER NO. 3:

No. The statute specifically limits out-of-state travel to five calendar days per diem and necessary expenses.

QUESTION NO. 4:

May expenses within the state be paid after the total of \$600 per diem has been used up?

ANSWER NO. 4:

No.

REASON:

The intent of Chapter 614 is to limit each board member to per diem not to exceed \$600 per calendar year, plus actual expenses, and to limit out-of-state travel to five calendar days per calendar year, plus expenses. Per diem and expenses are tied together wherever mentioned in the statute, and it was the obvious intent to limit expenses to those occasions when per diem was reimbursable. To conclude otherwise would be to allow expenses to be reimbursable without limit.

QUESTION NO. 5:

Is there any limit to actual expenses in or out of state except for the five days out of state in one calendar year and the limitation of \$600 per diem?

ANSWER NO. 5:

Yes. In addition to the limitations mentioned in the question, there is also a limit of 17 total days per diem per year and the limitation expressed above that expenses are not allowable except for travel for which per diem is also charged.

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