

# MAINE STATE LEGISLATURE

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March 23, 1973

John V. Keaney, Chairman

Industrial Accident Commission

Charles R. Larouche, Assistant

Attorney General

Longevity Pay Beyond Statutory Ceiling

SYLLABUS:

An unclassified employee whose annual salary rate is subject to Governor and Council determination and whose present salary is at the statutory ceiling cannot receive an increase in pay based upon achieving the second step in longevity of State service.

FACTS:

The Chairman of the Industrial Accident Commission is receiving \$17,500 annual salary. One of the Commissioners of that Commission is receiving \$16,000 annual salary. Each has more than 15 years of service with the State, the last 10 of which have been continuous. 2 M.R.S.A. § 6, paragraphs 5 and 6 authorize the Governor, with the advice and consent of the Council, to adjust the salary of those persons as follows: Chairman: to no more than \$17,500; Commissioner: to no more than \$16,000. Private and Special Law, 1963, Chapter 202, Section 1 authorizes for classified service employees, a second longevity increase in pay of 5% after 15 years of service with the State, provided the last 10 years of which have been continuous. Section 2 of that statute requests the Governor and Council to consider such similar and equitable treatment as they may conclude appropriate, with respect to unclassified employees whose wage rates are subject to Governor and Executive Council determination.

QUESTION:

Whether or not unclassified employees whose annual salary rates are subject to Governor and Executive Council determination and whose present salary is at the statutory ceiling can be granted by the Governor, with the advice and consent of the Council, an increase in pay based upon achieving the second step in longevity of State service?

ANSWER:

No.

REASONS:

2 M.R.S.A. § 6, paragraphs 5 and 6 set a statutory ceiling for the annual salary of the persons enumerated. The Governor is authorized, with the advice and consent of the Council, to adjust their salaries at any level he deems appropriate, but not above that ceiling. P. & S. Law, 1963, Chapter 202, Section 2 simply requests that the Governor take

into account the classified service provision for two step longevity pay increases of 5% each when making adjustments in the pay of unclassified employees whose salary rate is subject to Governor and Executive Council determination. A legislative request that the longevity steps be taken into account in determination of the appropriate salary adjustments for such persons plainly falls short of authorizing the Governor to exceed the statutory salary ceiling.

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CHARLES R. LAROCHE  
Assistant Attorney General

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