

MAINE STATE LEGISLATURE

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November 15, 1973

Honorable Kenneth P. MacLeod
President of the Maine Senate
State House
Augusta, Maine 04330

Dear Ken:

In response to your inquiry of November 1, 1973, it is my opinion that Dave Aldrich is entitled to the \$1,000.00 payment on January 2, 1974.

3 M.R.S.A. § 2 makes it clear that the salary of a legislator is for the regular session and not for the 2-year term for which he was elected, even though payment of his salary is payable in two separate payments, i.e., \$2,500 in the first year and \$1,000 in the second year. Dave Aldrich served and was in full attendance during the regular session; hence, he is entitled to the balance of his salary for the regular session (\$1,000.00) which this Legislature has determined to be payable on January 2, 1974.

While it is true that neither the statute (3 M.R.S.A. § 2) nor the joint order (S.P. 697) anticipates vacancies in a legislative office, the statute (3 M.R.S.A. § 2) provides for additional salary on a per diem basis for an extra session. Had Dave Aldrich remained a legislator, he would be entitled to such additional salary. Having vacated his legislative office at the end of the regular session, he is entitled to regular session salary only (\$3,500) and his successor will be entitled only to such extra session per diem salary as is required under the statute determined by length of the session and daily attendance.

Very truly yours,

JON A. LUND
Attorney General

JAL:nm

R.J.