

MAINE STATE LEGISLATURE

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Sub J W

yes

May 1, 1974

Otto W. Siebert, State Budget Officer
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MILEAGE ALLOWANCE

SYLLABUS:

The increase in the rate of reimbursement for mileage traveled by state employees in privately owned automobiles from 10 cents to 12 cents per mile becomes effective on July 1, 1974.

FACTS:

Public Laws 1973, Chapter 765 amended 5 M.R.S.A. § 8 to raise the maximum reimbursement for mileage traveled by state employees in privately owned automobiles from 10 cents to 12 cents per mile. Chapter 765 further appropriated \$60,000 for the fiscal year ending June 30, 1974 to implement this increase.

Private and Special Laws 1973, Chapter 220, §1 deleted the above appropriation and further stated, "[t]his deducts this appropriation for the 1973-74 year thereby making the allowance increase effective July 1, 1974."

Both of these Acts were enacted as emergency legislation and, as such, both became effective upon being approved by the Governor on March 29, 1974.

QUESTION:

Are State Employees entitled to be reimbursed for mileage at the new 12 cent rate March 29, 1974 or July 1, 1974?

ANSWER:

July 1, 1974.

REASONS:

As stated in Stuart v. Chapman, 104 Me., 17, at 23, "Nothing appearing to the contrary, statutes approved on the same day are presumed to have been approved contemporaneously. . . . This rule. . . allows statutes, which. . . are in pari materia, to be construed together so as to ascertain and carry out the legislative will, that primary rule of statutory interpretation to which all others. . . are but corollaries."

The legislature, in enacting Chapter 220, did not merely delete the appropriation contained in Chapter 765, which action, by itself, would not have altered the effective date of the increase in the allowable mileage reimbursement. The Legislature went further and specifically expressed a will to postpone the effective date of the increase to July 1, 1974. The appropriation was deleted in furtherance of this legislative will.

HARRISON WETHERILL
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