

MAINE STATE LEGISLATURE

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June 16, 1975

Otto W. Siebert, Budget Officer

Bureau of the Budget

Joseph E. Brennan, Attorney General

Attorney General

Weekly Salary for Officials whose Salary is Fixed by 2 M.R.S.A. §§ 6 and 7

This replies to your memorandum request of June 13, 1975, concerning the above subject.

You point out that certain State officials have an annual salary fixed by 2 M.R.S.A. §§ 6 and 7. The State functions on a fiscal year commencing July 1. The ensuing fiscal year has 53 paydays, a phenomenon which occurs every fourth year, albeit, there are 52 paydays in all other years.

In a normal fiscal year of 52 payments, a person at the limit of \$25,500 would be paid \$490.38 per week or \$25,500 divided by 52. Would it follow that this person would be paid for \$25,500 divided by 53 or \$481.12 per week during the next fiscal year? The answer to that question is affirmative.

5 M.R.S.A. § 10 provides:

"All state officers and employees, except temporary and seasonal employees, shall be paid their salaries or wages weekly, the dates of payment to be determined by the State Controller. Any state officer, whose salary is established at an annual rate, shall receive weekly a sum which will, in the year's aggregate, most nearly equal the annual rate.

* * *"

This statute requires weekly payments in equal amounts aggregating the fixed annual sum. However, the statutory maximum can not be exceeded in any fiscal year.

Note:

This problem arises every 6 years. See Opinion of July 28, 1981 when it appeared in 1987, it was determined that these opinions are incorrect. See notes in Cab Howard's personal file