

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

STATE OF MAINE

Inter-Departmental Memorandum Date July 7, 1976

To Otto W. Siebert, State Budget Officer Dept. Bureau of the Budget

From Donald G. Alexander, Deputy Dept. Attorney General

Subject Constituent Services Allowance

Your memorandum of June 14, 1976, poses two questions regarding the constituent service allowance provision as enacted by P.L. 1975, c. 750.

1. Are the Executive Council members entitled to receive this allowance?

The section of law you have cited, 3 M.R.S.A. § 2, sets compensation for Legislators. The Executive Council is entitled to receive the same compensation and travel as Legislators, 2 M.R.S.A. § 51. Thus, the legislative compensation provisions currently in effect as 3 M.R.S.A. § 2 apply to the Council. We understand that this provision has been construed to allow payment to Executive Councillors of the present constituent service allowances. Thus, Executive Councillors are given rights to the \$200 under current provisions of law. The new law, P.L. 1975, c. 750, makes no change in the terminology applicable to the constituent service allowance. However, it must be noted that the Executive Council goes out of existence before the constituent service allowance, as authorized by Chapter 750, becomes due and payable. Thus, the Executive Council is entitled to the constituent service allowance this year under the present law, but that will be out of existence before rights to any subsequent constituent service allowances become available.

2. When is the annual allowance payable?

The constituent service allowance would appear to be due and payable on the first day of each legislative session. It can be reasonably contemplated that in developing a constituent service allowance, the Legislature contemplated that constituent service allowance be used for such activities as purchase of stationery, stamps, etc. These would have to be purchased early in the session to allow the Legislators to adequately serve their constituents through the session. Thus, it is believed that the most consistent way to serve legislative intent regarding the constituent service allowance would be to make it payable to Legislators on the first day of the session. The amounts should, however, be paid pursuant to requests of Legislators for funds as constituent service allowances. Some Legislators might request the entire fund on the first day. Other Legislators might request that they be reimbursed from the fund only as constituent service expenses arise during the course of their duties.

DONALD G. ALEXANDER Deputy Attorney General

DGA/ec