

# MAINE STATE LEGISLATURE

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STATE OF MAINE 7 M.R.S.A. § 2  
3 M.R.S.A. § 3  
Inter-Departmental Memorandum Date August 10, 1976

To William Garside

Dept. Legislative Administrative Direct

From Donald G. Alexander, Deputy

Dept. Attorney General

Subject Resolution of Conflict between 3 M.R.S.A. § 2 and 3 M.R.S.A. § 3

This responds to your oral request of July 28 for an opinion to resolve an apparent conflict between the provisions of 3 M.R.S.A. § 2 as adopted by P.L. 1975, c. 750, and 3 M.R.S.A. § 3, as last amended by P.L. 1973, c. 590, § 2.


The particular problem you raise involves interpretation of the last paragraph of 3 M.R.S.A. § 2 which specifies the amounts which certain Legislators may receive for service on days when the Legislature is not in session, and certain provisions of 3 M.R.S.A. § 3 which indicate that certain Legislators are to receive actual expenses, with the exception of mileage, for certain services on days when the Legislature is not in session.

We believe that the provisions of 3 M.R.S.A. § 2, the last paragraph, which specifies the amount of reimbursement which Legislators may receive for services on days when the Legislature is not in session, should prevail. Reimbursement in the future should be paid at the specified rates in § 2 not the actual expenses rate specified in § 3.

Our interpretation that the last paragraph of § 2 prevails over § 3 is based on two doctrines of legislative interpretation:

1. The doctrine that the specific prevails over the general - here the specific dollar amounts prevailing over the general actual expenses, and
2. The doctrine that later enacted legislation prevails over earlier enacted legislation where a conflict exists.

It would seem that this conflict should be appropriately resolved by repealing the conflicting portions of 3 M.R.S.A. § 3 in the next errors and inconsistencies legislation.

  
DONALD G. ALEXANDER  
Deputy Attorney General

DGA:jg  
cc: David Silsby