

MAINE STATE LEGISLATURE

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Legislative Meal Allowance

STATE OF MAINE

3 M.R.S.A. § 2

Inter-Departmental Memorandum Date August 20, 1976

To William Garside

Dept. Legislative Finance

From Donald G. Alexander, Deputy

Dept. Attorney General

Subject Interpretation of 3 M.R.S.A. § 2 relating to Meal Allowance

This responds to your oral request for an opinion as to the proper interpretation of the provisions of 3 M.R.S.A. § 2 as enacted by P.L. 1975, c. 750, relating to meal allowances. Specifically, you ask the following question: Is the \$12 allowance specified in the third paragraph of the above-captioned section a set amount to be received regardless of actual expenses or a maximum amount?

The answer to the question is that the \$12 is a set amount, not a maximum amount or a ceiling on actual expenses. The \$12 meal allowance in paragraph 3 of § 2 should be paid where appropriate regardless of actual meal expenses. This interpretation is clear from a reading of the statute and its legislative history. As indicated in the prior opinion of August 10, 1976, the provision in question replaces a prior provision which provided reimbursement according to actual expenses. Thus, comparing the new law and the old law indicates an intention to adopt a set amount in lieu of submission of requests for actual expenses. Further, a reading of the sentence itself confirms this intent. Thus, while the meal allowance is specified "in the amount of \$12," mileage allowance is specified as "not exceeding \$13 per day." If the Legislature had intended that the \$12 would be a maximum amount as opposed to a set amount, they would have used the same terminology as employed regarding the mileage allowance.

Thus, when compensation requests are presented regarding meal allowance, they should be paid at a rate of \$12 per day unless a Legislator specifies a lesser sum. Clearly you may pay, and a Legislator may accept, such a lesser sum if that Legislator desires in lieu of the \$12 a day actual allowance.

DONALD G. ALEXANDER
Deputy Attorney General

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