

MAINE STATE LEGISLATURE

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AUGUSTA, MAINE 04333

August 27, 1976

Honorable Kathleen Watson Goodwin
Chairman, Maine Committee on Aging
409 High Street
Bath, Maine 04530

Dear Representative Goodwin:

You ask our opinion regarding the interpretation of § 13, c. 147 P. & S.L. of 1975, which in pertinent part requires that:

". . . Any State employee who travels in-state after July 1, 1976, shall not be reimbursed for noon meals, unless the meal is part of an organized meeting or program or overnight travel."

Since enactment of the above provision, the Governor and Council have adopted new financial procedure regulation 40.8 to effectuate the intent of the Legislature as expressed in § 13 (c. 147, P. & S.L. 1975) of the appropriations preamble set out above.

Regulation 40.8 dictates that:

"Actual meal expenses shall be reimbursed only when one of the following conditions are met:

"(1) The expenses are incurred while an employee is traveling on state business and lodging is required;

"(2) The expenses relate to a meal associated with an official meeting which is part of a formal program; attendance at the meeting should have prior departmental approval;

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"(3) The expenses are incurred by members of state boards or commissions as provided by law;

"(4) When an employee is required to perform services beyond his/her normal work day, or is recalled after regularly assigned duties or on regularly scheduled days off, reimbursement for meals may be authorized after obtaining the approval of the department head. However, only those charges for meals taken 'outside' his/her normal work day are reimbursable.

"(5) The town or city in which meals were taken will be shown on the expense account. The employee must indicate on the expense account the number of meals claimed, if more than one, and the names and business relationship of the individual for whom reimbursement is claimed.

"(6) Supporting receipts are required for any one meal exceeding \$51." (emphasis supplied)
See Council Order #1245, July 7, 1976.

Using the Maine Committee on Aging and employees of the Office of Maine's Elderly (Department of Human Services) as examples, you ask:

"1) If a state agency conducts an organized meeting at which lunch is provided, can that lunch be included in the bill for use of the facilities as it has been in the past? How does this same situation apply to an advisory board such as the Committee on Aging?"

The Committee on Aging may pay the costs of lunch for its members at an organized meeting at which lunch is provided or the members of the Committee may pay their individual shares of such cost and be reimbursed pursuant to 22 M.R.S.A. § 5111 and financial procedure regulation 40.8 (¶¶ 2 and 3). Committee members are held to the same standards as state employees; therefore, the meal expense must relate to and be a part of a formal program or organized meeting and be approved by the Commissioner of the Department of Human Services.

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"2) If state employees attend organized meetings in another town and purchase lunch in that town, can they be reimbursed for the cost of the meal? Can a member of a volunteer advisory committee (per diem provided in some cases) charge for a noon meal in similar circumstances?" (emphasis supplied)

No, not unless the meal is part of the organized meeting or program, (see financial procedure regulation 40.8, ¶2) or the committee is authorized by law to incur the expense (see financial procedure regulation 40.8, ¶ 3).

The purpose of the new preamble language in § 13 restricting reimbursement of noon meals is precisely to discontinue the practice of paying for noon meals of state employees who travel, as required by their jobs, to attend hearings, court, or other job related meetings. The only noon meals currently allowed by § 13 are those that are "part of an organized meeting or program or overnight travel."

"3) How does the law affect volunteers such as VISTA workers, some of whom receive a federal stipend and some of whom receive only expenses actually incurred in the course of their work."

The law affects VISTA volunteers in the same manner that it affects state employees. They are no longer able to receive reimbursement for noon meals unless the meals qualify for reimbursement (become actual expenses incurred in the course of their work) under § 13 and financial procedure regulation 40.8.

"4) Finally, should there be any differentiation in the application of the law regarding state employees and members of volunteer advisory boards and commissions?"

This is a question of legislative policy which I am unable to answer. At the present time it would appear that such a differentiation is intended by the legislation because of the variations of statutory expense authority extant among the state's many boards and commissions and as reflected in financial procedure regulation

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40.8, ¶ 3, as authorized by Council Order #1245, dated July 7, 1976.

I hope this satisfactorily answers the questions which you have posed.

Sincerely yours,

JOSEPH E. BRENNAN
Attorney General

JEB:mfe