

# MAINE STATE LEGISLATURE

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State Employees' Expenses  
Cosmetology Board's Expenses

STATE OF MAINE

Inter-Departmental Memorandum Date November 30, 1976

To Judy A. Vickery, Executive Secretary Dept. Board of Cosmetology  
From Donald A. Alexander, Deputy Dept. Attorney General  
Subject Authority to Sign Expense Accounts

This responds to your memorandum of November 30, 1976, in which you discuss a problem which has developed relating to expense accounts.

FACTS:

Your letter indicates the following facts:

"Our Board put in a request to the Travel Moratorium Committee for 5 members to travel to meetings in Las Vegas, Nevada.

"Mrs. Mary Peaslee returned the request stating that it could not be approved for 5 people to attend, but perhaps two could be allowed. A majority vote of the Board approved two people to attend this meeting; a Mrs. Leonie Buxton and Mr. Charles Casey - as they were the only two people who were on Committees that were meeting. As a result of this vote, I submitted a request for two to travel to the Travel Moratorium Committee. This trip was approved with the limit of \$1,800.00 in expenses imposed.

"Two other board members protested this decision and wanted the \$1,800.00 split four ways. Another board vote was taken and the majority vote was that only two people should be reimbursed for their expenses.

"Again, the two Board members protested and after placing pressure on the Travel Moratorium Committee, that Committee's final decision was that any number of Board members could attend the Nevada meeting, but the limitation of \$1800 in expenses remained.

"Three members of the Board did attend the meetings in Las Vegas and have submitted their expense accounts to me. . . . "


Judy A. Vickery  
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Based on these facts you ask whether you have legal authority to sign all three expense accounts. It is our view that you have sufficient legal authority if there are adequate appropriations in the account of the Board of Cosmetology.

DISCUSSION:

The action you propose to take in signing the expense account does not appear inconsistent either with the direction of the Travel Moratorium Committee or with the provisions of law. We would assume for the purposes of this opinion however, that the trips and expenditures in question were properly authorized by the Board (there is some implication that the Board limited travel to two persons in which case travel by the third would be unauthorized and not reimbursable). Further we assume that the five day out of state limitation, 32 M.R.S.A. § 1601, was not exceeded. The basic law relating to the approving of expenses are that the expenses be incurred in the conduct of State business, which we assume these expenses were, that they be within available appropriations, 5 M.R.S.A. § 1583, and that they meet with certain other requirements such as 13 cents a mile for use of personal motor vehicles as specified by law.

The available facts indicate that the expenses here in question are entirely within such guidelines.

  
DONALD G. ALEXANDER  
Deputy Attorney General

DGA:jg  
cc: Richard Dieffenbach, State Controller