

# MAINE STATE LEGISLATURE

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Retirement, Per Diem Pay For Trustees  
5 M.R.S.A. § 1031-2

STATE OF MAINE

Inter-Departmental Memorandum Date December 22, 1976

To P. R. Gingrow, Asst. Exec. Director Dept. Maine State Retirement System


From Donald G. Alexander, Deputy Dept. Attorney General

Subject Per Diem Pay for Trustees who are State Employees

This responds to your memorandum of November 29, 1976, where you inquire as to whether or not a state employee who is a Trustee of the Maine State Retirement System may receive the \$50 per diem payment provided by 5 M.R.S.A. § 1031-2, when that state employee is on administrative leave. We answer that a state employee can receive the \$50 per diem payment when on administrative leave.

DISCUSSION:

On June 16, 1967, this office issued an opinion which advised that state employees who are members of the Board of Trustees of the Maine State Retirement System were not to receive per diem payments while on administrative leave. That opinion interpreted the then existing provisions of § 1031, sub-§ 2. Subsequently, in 1971, the 105th Legislature amended sub-§ 2 to strike the reference to administrative leave which had previously existed in that section. P.L. 1971, c. 17, § 7. There is no legislative history supporting the amendment, as the statement of fact of the legislation, L.D. 128, does not address the issue and L.D. 128 was adopted without debate. However, in striking the reference to administrative leave which previously existed in the law, it would appear that the Legislature intended to allow state employees who are members of the Board of Trustees of the Maine State Retirement System to receive per diem payments while on administrative leave.

  
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DONALD G. ALEXANDER  
Deputy Attorney General

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