

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date January 20, 1977

To William Garside,

Dept. Legislative Finance

From Donald G. Alexander, Deputy

Dept. Attorney General


Subject _____

This responds to your request for an opinion of January 19, 1977. By that request you have inquired whether leaders of the 108th Legislature who were elected at joint caucuses in November of 1976 are entitled to their expenses in accordance with the provisions of 3 M.R.S.A. § 2 from the time of the caucuses until the time they actually took office in January of 1977.

We answer your question in the negative. 3 M.R.S.A. § 2 provides payment of expenses of the President of the Senate, the Speaker of the House, the floor leaders and their assistants. During the term of the 107th Legislature this would be the persons who meet that qualification in the 107th Legislature. Persons designated by their parties for leadership positions in the 108th Legislature, regardless of the time of their designation, could not assume office until the convening of the 108th Legislature. Until those persons assumed office with the convening of the 108th Legislature, they are not entitled to expenses as legislative leadership as provided in 3 M.R.S.A. § 2.

We would note, however, that certain members of the leadership of the 108th Legislature were also members of the leadership of the 107th Legislature. These persons would be entitled to their expenses for the period between the November caucuses and the convening of the 108th Legislature by virtue of their status as leaders of the 107th Legislature. Further, we would note that those members of the leadership of the 108th Legislature who were members of the House or Senate during the 107th Legislature would be entitled to their expenses prior to the convening of the 108th Legislature but only to the same extent as any other House or Senate member would be entitled to expenses.

If you have any further questions on this matter, we would be happy to respond.



DONALD G. ALEXANDER
Deputy Attorney General

DGA/ec

cc: Hon. Joseph Sewall
Hon. John L. Martin
Hon. Jerrold B. Speers
Hon. David G. Huber
Hon. Gerard P. Conley
Hon. Peter W. Danton
Hon. James Tierney
Hon. Rodney S. Quinn
Hon. Linwood E. Palmer, Jr.
Hon. William J. Garsoe