

MAINE STATE LEGISLATURE

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*State Employees' P.O. was 1977
Constitutional officers' 10/10/77
- 1977 Pay Increase*

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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

August 10, 1977

To: Markham L. Cartley, Secretary of State
From: Donald G. Alexander, Deputy Attorney General
Re: Public Laws 1977, c. 579, Section I.

This responds to your memorandum of August 2, 1977, in which you ask whether the provisions of P.L. 1977, c. 579, § I, grant a raise to the constitutional officers. I regret to advise that Section I does not grant such a raise. Section I grants raises to three categories of persons. Section 1 of Section I grants raises to persons who are covered by steps in the compensation plan approved by P. & S.L. 1975, c. 147, Part D. Section 2 of Section I grants raises to unclassified employees whose wage rates are subject to gubernatorial approval. Section 3 of Section I grants raises to unclassified employees whose wages are set by appointing authorities without gubernatorial approval. The constitutional officers do not fall in any of these categories as their wage rates are set by statute, 2 M.R.S.A. § 7.

Further, the intent of the Legislature with regard to raises of constitutional officers is different from others whose salary is set by statute and is confirmed by the provisions of P.L. 1977, c. 556, § 1 which references the pay increase in stating that the raises granted by a general pay increase shall apply to those employees whose wages are set according to 2 M.R.S.A. § 6. The fact that this section does not also include reference to 2 M.R.S.A. § 7 is significant and confirms the legislative intent that constitutional officers not receive a pay increase.


DONALD G. ALEXANDER
Deputy Attorney General

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