

MAINE STATE LEGISLATURE

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State Employees Appeal Expenses
Travel Expenses
SEPTEMBER 13

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September 19, 1977

Honorable Cecil McNally
Chairman, Committee on Labor
State House
Augusta, Maine

Honorable David Bustin
Chairman, Committee on Labor
State House
Augusta, Maine

Dear Senator McNally and Representative Bustin:

This responds to your request for advice dated September 12, 1977, in which you pose questions regarding potential payment of travel expenses for a person nominated to the State Employees Appeals Board who may spend at least two months of the winter in Florida.

Your first question is whether or not the State is obligated to pay travel expenses of the Appeals Board members from and to Florida for the purpose of performing his duties.

It is not possible to answer this question generally without facts as to how the particular expenditures are induced or incurred. In the past, we have advised that, where a member of a State board was on a year's sabbatical in a foreign country and was requested to return by the State board for certain board meetings, that member was entitled to compensation for reasonable travel expenses. Subsequently, legislation was enacted which limits travel reimbursement for commission members to travel to commission functions from a place of residence within the State, 5 M.R.S.A. § 13. Thus, members of State boards and commissions, including the State Employees Appeals Board, are only entitled to reimbursement for travel expenses between their residence within the State of Maine and the place of the board business.

You have also posed a question as to whether or not a signed waiver by the Appeals Board member in question would be sufficient to escape the State's obligation to pay such travel expenses.

In light of the provisions of 5 M.R.S.A. § 13, we believe that no such obligation would exist and no waiver would be necessary.

I hope this information is helpful.

Sincerely,

Joseph E. Brennan
JOSEPH E. BRENNAN
Attorney General

JEB/ec