

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

February 23, 1979

William Garside  
Legislative Finance  
State House  
Augusta, Maine

Re: Request for interpretation of 3 M.R.S.A. § 2.

Dear Bill:

This will respond to your request for an interpretation of the word "occupies" as it appears in the third paragraph of 3 M.R.S.A. § 2, and on the legislative expense account form required by your office.

Section 2 provides that "each member of the Senate and House of Representatives shall receive a meal and housing allowance in the amount of \$25 for each day in attendance at sessions of the Legislature and for each day he occupies overnight accommodations away from home either immediately preceding or immediately following attendance at daily sessions of the Legislature."

The word "occupies" is the subject of your question and the key to resolving your problem. "Occupy" as used in common parlance as defined in Webster's International Dictionary, 7th Ed., includes, in addition to actual physical presence, residing as an owner or a tenant. In light of the definition of "occupy," 3 M.R.S.A. § 2 would allow payment to a legislator who has incurred responsibility as a tenant to pay for overnight accommodations whether or not he actually uses the accommodations. This construction of the word "occupies" was in the contemplation of the Legislature when it enacted the current language in this section (See L.D. 1531, c. 398, P.L. of 1963).

The Legislature, through enactment of L.D. 1531 sought to provide legislators an overnight accommodation allowance, recognizing that many legislators took accommodations on a weekly or monthly basis and that such an allowance would help reduce the burden of this expense.

If I can be of further assistance, please let me know.

Sincerely,



ROBERT J. STOLT  
Deputy Attorney General

RJS/ec