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ATTORNEY GENERAL



Cumberland County Commissioners

STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333

October 18, 1985

Honorable Gary C. Cooper
R. R. #2, Box 241
South Windham, Maine 04082

Dear Representative Cooper:

This will respond to your letter of October 8, 1985, in which you request this Department's opinion as to whether 30 M.R.S.A. § 1651, as enacted by Chapter 413 of the Public Laws of 1985, allows the Cumberland County Commissioners to set the salaries of county officers at a level different from those set by 30 M.R.S.A. § 2. For the reasons discussed below, this Department answers your question in the affirmative.

30 M.R.S.A. § 2(1)(C) (1984-85 Supp.) establishes the salaries of the commissioners, treasurer, sheriff, judge of probate, register of probate and register of deeds in Cumberland County. 30 M.R.S.A. § 1651, as enacted by Chapter 413 of the Public Laws of 1985, provides:

Notwithstanding sections 2, 252, and 253, in Cumberland County the county commissioners may appropriate money, according to a budget, which must be approved by a majority of the county commissioners.

The "Statement of Fact" accompanying the original bill (Legislative Document 1629) which ultimately became Chapter 413 describes its purpose as follows:

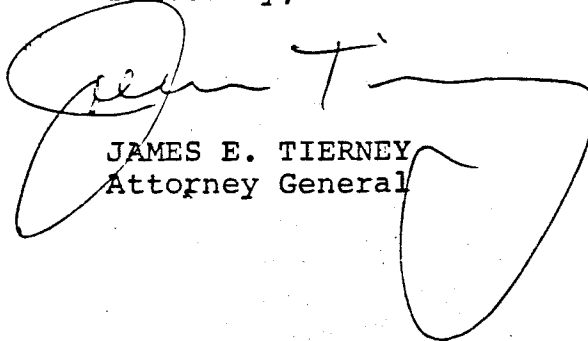
The purpose of this bill is to give the Cumberland County commissioners, with the assistance of an advisory committee, the power to approve the county budget.

By providing that the County Commissioners of Cumberland County may appropriate money and approve a county budget "notwithstanding section 2" of Title 30, the Legislature has clearly indicated its intent that 30 M.R.S.A. § 2 is not to constitute a limitation on the authority of the Cumberland County Commissioners to adopt a budget and appropriate money pursuant thereto.

It is a fundamental rule of statutory construction that words are to be given their plain meaning. Paradis v. Webber Hospital, 409 A.2d 672 (Me. 1979). The language and meaning of 30 M.R.S.A. § 1651 could not be clearer in revealing the Legislature's intent that the Cumberland County Commissioners were not to be bound by the salary schedule established in 30 M.R.S.A. § 2. Moreover, the Statement of Fact accompanying L.D. 1629 confirms this view since it clearly contemplates that the Cumberland County Commissioners are to have the power to approve the county budget without the involvement of the Legislature. In view of the fact that the Legislature specifically stated that the Cumberland County Commissioners may appropriate money pursuant to a budget "notwithstanding section 2," it is the Opinion of this Department that in Cumberland County, the Commissioners are free to set the salaries of county officers at a level different from those set by 30 M.R.S.A. § 2.

I hope this information is helpful to you, and please do not hesitate to contact this office if we can be of further assistance.

Sincerely,



JAMES E. TIERNEY
Attorney General

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