

MAINE STATE LEGISLATURE

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March 13, 1933

Hon. Elbert D. Hayford
State Auditor
Augusta, Maine

Dear Sir:

In reply to your letter of March 13 concerning Legislative Documents 865 and 866, I do not agree with you that the excepting clause of Section 16 of Part Third of Article IV of the Constitution controls either document. The Constitution provides, as you will notice:

"No act or joint resolution of the legislature, except such orders or resolutions as pertain solely to facilitating the performance of the business of the legislature, of either branch, or of any committee or officer thereof, or appropriate money therefor or for the payment of salaries fixed by law, shall take effect until ninety days after the recess of the legislature passing it, unless in case of emergency, (which with the facts constitution the emergency shall be expressed in the preamble of the act), the legislature shall, by a vote of two-thirds of all the members elected to each house, otherwise direct."

You will notice that no "Act" is mentioned in the excepting clause. Both Legislative Documents 865 and 866, when passed by the legislature, will be Acts and not Resolutions.

I think if you will again read the above section of the Constitution you will agree with me that neither Act will take effect until ninety days after the adjournment of the legislature.

Very truly yours,

Attorney General