

MAINE STATE LEGISLATURE

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March 1, 1935

To the Honorable
The House of Representatives
of the State of Maine:

There has been received at the office of the Attorney General, from the hand of Honorable Harvey R. Pease, Clerk of the House, an attested copy of an Order appearing to have been passed in the House on February 27, 1935. The Order is as follows:

"Ordered, That the Attorney General shall give to the House of Representatives, not later than February 27, 1935, his opinion on the following point:

"If the proposed special automobile license plates for the House members cost more above the regular cost than the amount provided for under the Tupper order, so-called, cannot the members desiring these plates obtain them by individually paying the extra pro rated cost?"

The answer to the question propounded is found in the fact that the Secretary of State is not obliged to obey the directions of one branch of the Legislature respecting the furnishing of number plates to those registering motor vehicles. The selection and issuing of special distinguishing designs for number plates has been entrusted to the Secretary of State by statute law, being found in Section 55 of Chapter 29

of the Revised Statutes as amended. It is his duty to furnish suitable number plates without charge to every person whose motor vehicle is registered. These plates are not sold to those registering, but the ownership continues in the State of Maine.

The duty and authority of the Secretary of State has been defined by an Act passed by both branches of the Legislature and signed by the Governor. Such duty and authority may not be interfered with except by legislative action of solemnity equal to that which conferred the authority and duty.

Accordingly, I am of the opinion that the answer to the question presented in the above Order is, No.

Respectfully submitted,

Attorney General