

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA

June 12, 1935

Hon. Llewellyn Barton  
893 Sawyer Street  
South Portland, Maine

Dear Sir:

Your letter of June 10 addressed to Judge Fogg has been handed to me for an answer for the reason that I have been investigating a similar proposition, and the Judge thought that for that reason perhaps I had better answer your letter.

I think that I can dispose of the two questions submitted in your letter by declaring that in my opinion the chairman of the board of registration holds over until his successor is appointed and qualified. I have arrived at this conclusion after some research as a result of which I am convinced that the weight of authority in America is in favor of such a rule. The proposition is discussed in Bath v. Reed 78 Me., 276, and, in addition, it is discussed in Dillon Municipal Corporation which is cited in the Maine case. Furthermore, Corpus Juris holds that the general trend of decisions in this country is that in the absence of an express or implied constitutional or statutory provision to the contrary, an officer is entitled to hold his office until his successor is appointed, or chosen, and has qualified. (46 C.J. §110)

In view of the apparent weight of authority in this country and the manifest complications liable to arise were such a rule not followed, I am of the opinion that the Chairman of the Board of Registration holds over until his successor is appointed and qualified.

Very respectfully yours,

Clyde R. Chapman  
Attorney General

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