

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

July 16, 1935

W. A. Runnells, Esquire
State Controller
Augusta, Maine

My dear Runnells:

In response to your letter of July 15, I am pleased to suggest that the question as to the status of Commissioner Fleming of the Maine State Liquor Commission is not wholly free from doubt. It is my opinion, however, that his term does not continue beyond the 3-year period for which he was appointed.

Section 1 of Chapter 268 of the Public Laws of 1933 provides,-

"There is hereby created a state licensing board which shall consist of 3 members to be appointed by the governor, with the advice and consent of the council, to serve for 3 years or during the pleasure of the governor and council."

It is my opinion that the words, "during the pleasure of the governor and council" were not intended to extend the term of office beyond the 3-year period, but were applicable only to the time from the date of the appointment up to the 3-year limit.

It is, therefore, my opinion that Commissioner Fleming does not hold over until a new appointment is made.

Very truly yours,

Deputy Attorney General

ELF:H