

# MAINE STATE LEGISLATURE

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November 19, 1936

Hon. Belmont A. Smith  
Bangor  
Maine

My dear Mr. Smith:

Relative to your inquiry as to your resignation as a member of the Legislature, I am pleased to suggest that under the rule laid down by the Justices of the Supreme Court reported in 70, Maine Reports, Page 597, you can, on receipt of a summons as a Member of the House of Representatives, return the same to the Governor before the assembling of the Legislature and resign your seat.

If you should do this, it would make it possible for the Governor to call an election to fill the vacancy at such time as he deems proper.

Should you not resign prior to the coming in of the Legislature, and should be elected to an office incompatible with that of Representative, it would amount to a resignation of your office as Representative.

I suppose you could tender your resignation at the time the Legislature convenes.

It might be well for you to talk with Brother Raymond Fellows as to the course advisable for you to take.

Very truly yours,

Sanford L. Fogg  
Deputy Attorney General

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