

MAINE STATE LEGISLATURE

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July 19, 1937

Hon. Arthur J. Dunton
Judge Bath Municipal Court
Bath, Maine

Dear Judge Dunton:

We have been giving considerable study to the point raised in your letter of July 15, relative to the Act of the last Legislature in regard to your Court. Judge Fogg is particularly interested in this matter, having formerly been Judge of the Court and having taken part in amendments that were made to its charter some years ago.

It is our opinion that this new Act which starts out by repealing Chapter 134, P. L., 1934, as amended, does not operate as an amendment to the former Acts but repeals them all and sets up an entirely new Court with different jurisdiction, salaries, sessions and a different method of supporting it financially.

The whole tone of the Act seems to be consistent with this theory. Section 14 speaks about the keeping of records and states: "and to certify and authenticate the records thereof as effectively as if it had not been abolished". The first part of this section reads: "The records of said court and of the formerly existing Bath municipal court etc.". It is, therefore, our opinion, for what it is worth, that your old Bath Municipal Court goes out of existence on July 24 next and both you and the Recorder have been legislated out of office.

The Governor and Council will have the problem of appointing a new Judge and a new Recorder. The next meeting of the Governor and Council, I understand, is August 4. Appointment should be made 7 days in advance of this meeting in order to be subject to confirmation at that time.

With kindest personal regards,

Very truly yours,

Franz U. Burkett
Attorney General

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