

# MAINE STATE LEGISLATURE

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March 15, 1939

The Honorable Lewis O. Barrows  
Governor of Maine  
Augusta, Maine

Dear Governor:

Answering your inquiry as to the power of the Executive Council to reconsider and reverse its findings made in response to a petition and after hearing thereon at a previous session, without another petition and further hearing, I have to advise you that it cannot be done. Its decision appears to have been final, which at the close of its session became a matter of record. Section 51 of Chapter 147 of the Revised Statutes requires that:

"On all petitions to the Governor for pardon or commutation of sentences, written notice thereof shall be given to the county attorney where the case was tried at least three weeks before the time of hearing thereon and three weeks notice in some newspaper printed and published in said County, etc."

A fair interpretation of the Statute indicates that the County Attorney should have notice of any proposed change in the decision and the substance thereof, which would require a new petition and the regular statutory notice.

Respectfully yours,

Sanford L. Fogg  
Deputy Attorney General

SLS:SH