

MAINE STATE LEGISLATURE

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January 24, 1941

Frank I. Cowan, Attorney General

Sumner Sewall, Governor of Maine

In re Bennett B. Fuller, Disclosure
Commissioner, Portland, Maine.

You have asked for an opinion in regard to the legality of the appointment of Bennett B. Fuller of Portland, Maine, as Disclosure Commissioner.

R. S., Chapter 124, Section 19, provides for the appointment of disclosure commissioners. It states that each town or city of not more than four thousand inhabitants shall be entitled to one such commissioner, and for every additional five thousand inhabitants or fraction thereof, to an additional commissioner, "provided that the total number of commissioners in any one town or city shall in no case exceed six." The Secretary of State informs me that as of December 27th, 1940, the date of the appointment of Mr. Fuller, there were six qualified disclosure commissioners for the City of Portland.

It is my opinion, therefore, that on that date there was no vacancy and the appointment of Mr. Fuller was ineffective and constituted a void act.

Very truly yours,

Frank I. Cowan
Attorney General

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