

# MAINE STATE LEGISLATURE

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February 4, 1941

William D. Hayes  
State Auditor  
Augusta, Maine

Dear Sir:

In re Council Order #548, January  
21st, 1940.

I have your supplemental memorandum of January 30th following my reply of January 29th to your request for an opinion, dated January 28th.

Of course, the Council is not a legislative body and hasn't the authority to pass orders that are in direct conflict with statutes. However, there is one principle that we must not overlook: The Legislature cannot always foresee all of the problems that will arise in administration. In order to properly administer a matter, it is sometimes necessary to read the statute as the Legislature intended and not by taking the exact and literal meaning of the words.

In view of the apparent conflict between the statute and the Council order (and you must not overlook the fact that the Council order is now a thing of the past), I wonder if there may not have been some practical reason for the order being worded in the way it was.

Very truly yours,

Frank I. Cowan  
Attorney General

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