

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1941--1942

welfare of the people during this emergency, but the Legislature has placed that power solely in the hands of the Governor and there is in the emergency, no justification for breach of the laws by unauthorized persons. If the Legislature had felt it wise that every man could in his judgment decide what laws he should and what laws he should not obey, it would have said so. We must maintain our governmental functions even in time of war insofar as possible. The very purpose of the war is to protect our form of government.

Attorney General

March 19, 1942

The State Liquor Commission
Augusta, Maine

Gentlemen:

Sometime ago I gave an oral opinion in regard to the appointment of liquor inspectors.

Public Laws of 1937, Chapter 227, Section 6, provides as follows:

"The classified service shall consist of all persons holding offices and employments now existing or hereafter created in the State service, except persons who are holding or shall hold offices and employments exempted by section 7 of this act."

This was approved on April 23, 1937 and took effect ninety days after adjournment of the regular session of the Legislature. The Legislature adjourned on April 24, 1937 so said act took effect on July 23, 1937.

At a special session of the Legislature held in October, 1937 an emergency act was passed, which was approved on October 28, 1937 and became effective that day. It provided as follows: "The liquor commission shall appoint, subject to the approval of the governor and council, a chief inspector and as many inspectors as may from time to time be found necessary to serve during the pleasure of the liquor commission, whose compensation shall be fixed by the liquor commission, subject to the approval of the governor and council."

This is found in Chapter 247, Public Laws 1937 and, by implication, repeals so much of Section 6 of Chapter 221 of the Public Laws of 1937 as applies to the appointment of liquor inspectors.

Very truly yours,

FRANK I. COWAN
Attorney General