

MAINE STATE LEGISLATURE

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April 28, 1942

Joseph P. Grenier
State Supt. Public Printing
Augusta, Maine

Dear Sir:

My attention has been called to the fact that through an oversight the Kennebec Journal failed to run Executive Order No. 10 on April 27th, which would be the second consecutive day of publication. Ordinarily, this would be a matter of no moment and publication on Wednesday would cover the law. In this case, however, the Legislature has used the express wording: "shall be published in the state paper for 3 consecutive days". Of course, consecutive must be considered as excluding necessarily Sundays and such holidays as the state paper is not published and must be interpreted as covering the days on which the state paper is published.

Although, in my opinion, the publication is not a necessary function in making the Order valid, nevertheless I find that some courts are inclined to hold that it is and, since it lies in our power to conform strictly to the statute, we must do so. Therefore, publication must be strictly in accordance with the statute and if the newspaper has failed to observe instructions and make publication as directed, then of course it is the duty of the newspaper to run the Order for "3 consecutive days", the extra day to be without expense to the state. In this particular case the Order can be run on Tuesday, April 28th, Wednesday, April 29th, and Thursday, April 30th, which will make the 3 consecutive days and, naturally, the newspaper will be out only the income from the space used on Saturday, April 25th. My attention has been called to the fact that the ad contains the symbols "April 25-27-28". This is the printer's addition and is not a part of the Order. I suggest that when they print it to-morrow, April 29th, and Thursday, the 30th, the symbols, if they use them at all, be changed to conform to the fact. Inasmuch as we use the entire newspaper in Court in proving the date of publication the symbols used will not bother us anyway, but should be correct, if they are used at all, where possible.

Very truly yours,

Frank I. Cowan
Attorney General

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