

MAINE STATE LEGISLATURE

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January 11, 1945

To Maine Unemployment Compensation Commission
Re: Tenure in Office

The question has arisen in several of the departments of the state government as to whether or not administrative officers and heads of departments hold over after the term of office to which they were appointed has expired. The Deputy Attorney General, Mr. Breitbard, has made a thorough research into the laws of the state of Maine and opinions expressed on this question, and he has concluded that administrative officers do hold over unless the statute expressly contains words which specifically provide otherwise. The question was recently raised with regard to the members of the State Liquor Commission, and because it may arise again, and for the purpose of preparing payrolls and attending to necessary administrative matters, I thought it would be of material interest and aid to this department and the members of this Commission to know that this is now the ruling adopted by the Attorney General's office.

Therefore, any member of the Maine Unemployment Compensation Commission whose term of office has expired will continue to hold office and will be entitled to draw the usual salary provided for that office or commission until his successor has been appointed and qualified. Specifically, the term of Mr. Myron Bennett, as a member of the Maine Unemployment Compensation Commission, expired on January 10, 1945, but Mr. Bennett will continue to hold over and will be entitled to his pay until an appointment is made and the appointee qualifies.

I suggest that a copy of this letter be forwarded to the Controller with the payroll report so that there will be no question about Mr. Bennett's receiving his pay.

John G. Marshall
Assistant Attorney General