

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1945-1946

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February 15, 1945

To Fred M. Berry, State Auditor

I have your memo of February 12th relating to the provisions of the last paragraph of Section 1, Chapter 216, P. L. 1931, "AN ACT relating to the Administration of the State." The Public Laws of 1931 were repealed at the special session of the 91st Legislature under Legislative Document 934; but this provision was excepted from the repealing act in said bill.

It is my opinion that the Board of Bar Examiners is not the judiciary, nor is the Revisor of Statutes the legislature. The members of the Board of Bar Examiners are appointed by the Governor on the recommendation of the Chief Justice, under the provisions of Section 1, Chapter 93, R. S. 1944, while the Revisor of Statutes is appointed by the Governor with the advice and consent of the council, under the provisions of Section 1, Chapter 10, R. S. 1944.

It is my opinion that the provisions of this law of 1931, which you cited in your question, do not apply to those two departments, which you are authorized to audit under Section 3 of Chapter 16, R. S. 1944.

RALPH W. FARRIS
Attorney General

February 20, 1945

To J. A. Mossman, Commissioner of Finance

I have your memo of February 19th asking my opinion as to the effect of the proposed amendment contained in L. D. 162, "AN ACT Relating to State Trust Funds," which is now before the committee on appropriations and financial affairs.

It is my opinion that this proposed amendemnt will not affect the investment of trust funds under Section 14 of Chapter 15 of the Revised Statutes of 1944. It would not prevent compliance with the provisions of the original trust regarding investment of said trust funds. I cannot see how the State might be liable to lose these funds to the heirs of the donors. In looking over the *Report on the Trust Funds of the State of Maine* prepared by my predecessor in office, which recently came to my desk, I have been unable to find any restrictions on investment of trust funds that would cause the State to lose any part of said trust funds, in case this proposed amendment becomes law.

RALPH W. FARRIS
Attorney General