

MAINE STATE LEGISLATURE

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July 2, 1945

John W. Moran
Executive Secretary to Gov. Hildreth
Abraham Breitbard, Deputy

Executive
Attorney General

This department is in receipt of your memorandum of June 27th, inquiring whether any member of the ~~last~~ ^{present} Legislature may be appointed to any civil office of profit under this State which has been created by that legislature, or the emoluments of which have been increased during the session.

Article IV, Part Third, §10 of the Constitution is as follows:

"No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this State, which shall have been created, or the emoluments of which increased during such term except such offices as may be filled by election by the people,*****"

It is very clear from this provision that the answer to your inquiry is in the negative. Therefore, no senator or representative is eligible for appointment to any office created, or the salary of which has been increased during the term and the disability continues, of course, during the whole term for which he was elected.

This memorandum confirms what I had previously indicated to you orally.

Abraham Breitbard
Deputy Attorney General

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