

MAINE STATE LEGISLATURE

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May 10, 1946

To L. C. Fortier, Chairman, Maine Unemployment Compensation Commission
Re: Validity of Incorporating Future Acts in Present Legislation.

In reply to your request for an opinion relative to the legality or validity of an enactment of the Maine Legislature which purports to incorporate in such an enactment future legislative acts of the Congress of the United States, the following opinion is issued:

The Supreme Judicial Court decided in State v. Vino Medical Co., 121 Maine 443, that an enactment of the Maine Legislature, so far as it purports to incorporate by reference future enactments of Congress establishing a rule, test or definition of intoxicating liquors is invalid. The Court added:

"Such legislation constitutes an unlawful delegation of legislative power and an abdication by the representatives of the people of their power, privilege and duty to enact laws. The authorities are so unanimous on the question that extended citation is unnecessary."

Maine legislative acts are valid only in so far as they purport to incorporate by reference presently existing laws of other jurisdictions at the time of the Maine enactment.

In so far as amendments to the Wagner-Peyser Act make substantive changes, a subsequent session of Maine Legislature would be necessary.

Ralph W. Farris, Attorney General

By: John S. S. Fessenden
Assistant Attorney General
Hereunto duly authorized

JSSF:fw