

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

June 4, 1946

Hon. Horace Hildreth, Governor

In re Resignation, Chairman Board of Reg. Voters, Bangor

I submit herewith a form of resignation to be addressed to Mrs. Marie J. Finley.

Under R. S. Chap. 3, section 11, one member is appointed by the Governor, with the advice of the Council, for a term of four years. It is that appointee that acts as chairman. A resignation of the chairman, to be effective, in my opinion, must be addressed to and accepted by the appointing power.

The confusion in this case, perhaps, is due to the language used in section 11, which upon a hasty reading might be considered as providing that the mayor or the person performing the functions of a mayor, in the case of a vacancy, would under certain circumstances have the power to appoint. I am of the opinion, however, that the provisions in regard to filling vacancies by the mayor relate only to the members who were appointed by him.

Under section 12, the person appointed and commissioned by the Governor, it is provided:

"... shall preside at all sessions of the board as its chairman, but shall not vote therein except in case of a tie. He shall give notice of the time and place of the sessions of the board, and shall sign all orders and processes issued by it. If he is necessarily absent or disqualified by sickness or otherwise during any session of the board, the mayor or the person performing the function of mayor of the city shall upon notice thereof immediately appoint a qualified elector of the city, who shall be of the same political party as the chairman, to act in his absence."

From the above it is clear that where the chairman is temporarily absent, the mayor may appoint a qualified elector to act in his absence, but the right to appoint for a full term is not in the mayor or chairman of the council. Mr. Bradford in his letter speaks of his advice from the city solicitor about appointments by the mayor for an unexpired term in case a vacancy arises. The fact is that the statute does not provide for appointments to an unexpired term. When an appointment is made it is for a full term. Consequently, if the mayor was empowered to appoint a chairman, in case a vacancy arises, then it would have to be for a full term and this would have the effect then of depriving the Governor of the power of appointment of the chairman for the term of four years as the statute provides.

Abraham Breitbard  
Deputy Attorney General