

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**

March 12, 1951

Yes

To H. H. Chenevert, Milk Commission
Re: Hearings

On March 6, 1951, Mr. Ransom Kelley was in the office discussing procedures in conducting hearings by the Maine Milk Commission and asked us to confirm in writing some of the observations that were made on that occasion.

As you know, the Milk Commission Law contemplates that the Commission shall act on the basis of evidence obtained at public hearings and after investigations. While the law does not specifically so state, it is believed that, if the Commission is acting upon investigational material, such material, as a matter of public policy, should be made public at a public hearing, so that persons interested will have an opportunity to be heard thereon.

We were informed that in holding hearings it has been the custom, when questions were asked, for the chairman to state that the witness may answer if he chooses. In view of the fact that the Commission has the authority to subpoena witnesses and to examine persons under oath, it appears to this office that an opportunity should be given for cross-examination and that the witness should not be instructed that he may answer if he chooses. A witness, of course, should not be compelled to answer any questions the answer to which might tend to incriminate him; but since the law contemplates that the Commission shall act on evidence it is a basic element of a fair hearing that there be an opportunity to cross-examine. This does not mean that there must be cross-examination, but only that an opportunity be given to interested parties.

John S. S. Fessenden
Deputy Attorney General

jssf/c