

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)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

lature (Chapter 201, P.&S. 1951) and approved by referendum of the people on September 10, 1951 before these funds will be needed?"

You state that the reason for your question is to take advantage of favorable interest rates in selling bonds, then to invest the proceeds in other securities until such time as the funds are needed.

Please be advised that it is the opinion of this office that the issuance of bonds an unreasonable length of time before the maturity of indebtedness for the avowed reason you state, to establish an investment fund for gain and profit, will create a new debt or liability on behalf of the State and for that reason would be in violation of Section 14, Article IX, of the Constitution.

To the same effect, see Opinion of the Justices, 139 Maine 416 at 419.

JAMES G. FROST
Assistant Attorney General

December 14, 1951

To Harold J. Rubin, Esquire, County Attorney, Sagadahoc
Re: Salaries of Trial Justices

. . . We have looked into this matter and can find no constitutional or statutory provision prohibiting the diminution in salary of a Trial Justice during his term of office.

Chapter 262, P. L. 1947, gives the power to the County Commissioners to set the salaries of Trial Justices and provides that they shall be paid monthly. That chapter does not restrict their power over salaries in any way.

30 Am. Jur. 28 states: "In the absence of constitutional prohibitions, the legislature may increase or diminish the salary of a judge during his term of office, and its discretion in this respect cannot be inquired into by the courts. However, it has been held that constitutional authority to change the amounts of salaries does not empower the legislature to work a practical abolition of the court by the diminution of the salaries to nominal amounts."

Perhaps the last sentence above is applicable to the situation at hand, but as there is no intimation in your letter to the effect that the County Commissioners are trying to abolish that office, we express no opinion on that point.

It is further stated in 43 Am. Jur. 348 that where the power to fix compensation of public officers has been delegated to a subordinate political division of the state, such as a county board, the compensation of such officers may, in the absence of any constitutional or statutory prohibition, be changed during their term of office.

In conclusion, we will say that the County Commissioners have the right to diminish the salary of a Trial Justice during his term, provided they are not trying to abolish that office by the diminution.

ROGER A. PUTNAM
Assistant Attorney General