

# MAINE STATE LEGISLATURE

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November 21, 1952

To: Honorable Frederick G. Payne, Governor of Maine

Re: Milk Commission

With respect to your memo of November 3, 1952, and the attached letter from Ransom P. Kelly, it is the opinion of this office that a person who is neither a producer, a dealer or a producer-dealer (see section 2 of Chapter 28, R. S., as amended) is <sup>not</sup> eligible to be appointed by the Governor for membership on the Ma ine Milk Commission.

This office has examined the court action which you mentioned in your memo and finds that the records reveal that a directed verdict of not guilty was demanded by the court with respect to the above named individual without any evidence being presented by the State.

While it would be difficult to base decisions as to the man's qualifications on this action alone, suffice it to say that the procedure is a q uestionable one. However, as we have stated, from reading Mr. Kelly's letter it would appear that he would not be eligible for membership on that Commission.

Mr. Kelly's letter is returned herewith. /

James Glynn Frost  
Deputy Attorney General

jgf/c