

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

We have inspected the commission of the present Chairman and find that he was designated Chairman "for the term of his appointment as member thereof . . . unless sooner removed pursuant to law." It is doubtful if this purports to designate him chairman for the entire duration of his membership. If it does, it is ineffective. 91 A. L. R. 1097. There are many cases in which courts have held that the tenure stated by statute controls and no express language in the appointing words can change that tenure.

It is our conclusion that you may designate someone else in the Liquor Commission as Chairman and that, when you do so, any previous Chairmanship will be at an end.

BOYD L. BAILEY
Assistant Attorney General

January 5, 1953

To W. D. Deering, Treasurer, Augusta State Hospital
Re: Safe Deposit Box of Inmate

. . . It seems that one of your patients has a safe deposit box, rental for which is overdue. You ask if you have the authority to have the keys of this safety deposit box turned over to the bank so that the box can be opened in the presence of some interested party in order to ascertain if there are any valuables in the box.

It is our opinion that section 87 of Chapter 164 of the Revised Statutes, as amended, giving the bank authority to open a safety box under such conditions, should be followed. We do not believe that you should intervene in the private matters of a patient, but that it should be done by a legally appointed guardian or under other provision of law.

JAMES G. FROST
Deputy Attorney General

January 15, 1953

To the President of the Senate, and the Speaker of the House
Re: Legislative Research Committee

A question has arisen concerning the tenure of members of the Legislative Research Committee under Sections 23-33, Ch. 9, R. S. 1944, as repealed and replaced by Chapter 392, P. L. 1947. This is whether members of the 95th Legislature appointed to this Committee who did not stand for re-election or who have returned to the Senate after original appointment from the House continue as members of the Committee on and after January 7, 1953, the date of the convening and organizing of the present Legislature.

At the outset it will be proper to point out that the Legislative Research Committee is a creature of the Legislative Branch of our State Government and not of the Executive Branch. This is clearly shown by the appointive powers, functions and duties required by the statute. Ordinarily a legislative committee has no power to sit after adjournment sine die. However, power may be given to a legislative committee to sit during the interim between