

# MAINE STATE LEGISLATURE

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November 2, 1954

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To Doris St. Pierre, Secretary, Real Estate Commission  
Re: Rule-making by the Commission

Your memorandum of November 1st relates to whether I considered the last sentence in the first paragraph of Section 1 of Chapter 75 and brings me to the fact that I did overlook this sentence when considering the rule-making power of the Commission. The only two I found were those mentioned in my opinion, and that opinion will therefore have to be recalled, inasmuch as it held that the Commission had no general rule-making power.

With that opinion so amended I would refer again to the opinion of October 12th, where I went further, assuming that the rule-making power was available, adding that on reflection I would say that it would be ill-advised to define the terms, as the legislature in Section 2 has more or less defined the terms.

The proposition should be taken care of through legislation. As I have explained, legislation can be attacked only on constitutional grounds, while rules and regulations are always subject to the attack of being too broad or outside the scope of the authority granted.

Roger A. Putnam  
Assistant Attorney General

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