

MAINE STATE LEGISLATURE

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August 18, 1955

To Honorable Edmund S. Muskie, Governor of Maine
Re: Tenure of Office

Economic Advisory Board. Four members of this seven-member board are, under the provisions of Section 129 of Chapter 23 of the Revised Statutes of 1954, appointed by and serve at the pleasure of the Governor with the advice and consent of the Council. Whereas the tenure of office of these members is not specifically stated in this chapter, you ask how long they remain in office.

Section 5 of Chapter 11 of the Revised Statutes of 1954 provides:

"All civil officers, appointed by the governor and council, whose tenure of office is not fixed by law or limited by the constitution, otherwise than during the pleasure of the governor and council. . . shall hold their respective offices for 4 years and no longer, unless reappointed, and shall be subject to removal at any time within said term by the governor and council."

This statute, Section 5, applies to members of the Economic Advisory Board appointed by the Governor with the advice and consent of the Council. They hold office for 4 years unless sooner removed, as provided aforesaid. We would point out that such officers do not hold over until their successors are appointed and qualified.

Soil Conservation Committee. Chapter 321 of the Public Laws of 1955 amends the statute which defines the membership of the Soil Conservation Committee and deals with two classes of members, those who serve ex officio as a result of their holding particular offices and those who are appointed by the Governor with the advice and consent of the Council.

With respect to those officers who are ex officio members of the committee, those presently in office will no longer serve after the 19th day of August, 1955. Thus the tenure of office of the Director of the State Agricultural/Extension Service and the Director of the State Agricultural Experiment Station will terminate on August 19, 1955, and the Dean of the College of Agriculture and the State Commissioner of Agriculture will respectively begin their terms on August 20, 1955.

Those members who are appointed by the Governor with the advice and consent of the Council, will remain in office until such time as their current terms of office expire. The 1955 amendment merely designates those bodies which will submit names, from which names the Governor and Council will select members, and such submission of names will be presented at the expiration of the terms of those presently in office. . .

James Glynn Frost
Deputy Attorney General

Jgf/c