

# MAINE STATE LEGISLATURE

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July 9, 1956

no

To Maurice Williams, Administrative Assistant to the Governor  
Re: Judicial Council

We are returning to you letter of George A. Cowan, secretary to the Judicial Council, addressed to Governor Muskie, in which Mr. Cowan states that his travel is heavy and requests that a postage and stationery fund be established for the use of the Judicial Council.

We would advise that two Resolves were passed at the last session of the legislature, affecting the Judicial Council.

Chapter 77 of the Resolves of 1955 directed the Council to make studies relative to domestic relations, a district court system, and a state-wide probation and parole system, with the particular request that the Council submit legislation to the next legislature.

Chapter 167 of the Resolves of 1955 directed the Council to study common-law pleading and bills of exceptions. \$2000. was appropriated from the unappropriated surplus of the general fund to the Judicial Council to carry out the purposes of the Resolve.

Sections 195-197 of Chapter 113 of the Revised Statutes of 1954 relate to the Judicial Council, its duties and expenses. While no member of the Council is to receive compensation for his services, the Council and members thereof shall be allowed out of any appropriation made for the purpose such expenses for clerical and other services, travel and incidentals as the Governor and Council shall approve.

On checking with the State Controller we find that no charge has ever been made against this fund to pay for any expenses, including expenses for travel of the members. We would suggest that you draw Mr. Cowan's attention to both the Resolve establishing the appropriation and the general law relating to expenses. Normally appropriations granted by the legislature lapse at the end of a fiscal year. We are of the opinion, however, that in so far as the appropriation granted by Chapter 167 of the Resolves of 1955 contemplated continuing the work of the Council with resulting legislation to be presented to the legislature, such account did not lapse on July 30, 1956, but shall be carried forward until such time as the purposes of the Act are accomplished, but not beyond the 1956-1957 fiscal year.

James Glynn Frost  
Deputy Attorney General

jgf/c  
cc: State Controller