

MAINE STATE LEGISLATURE

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August 12, 1957

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To Honorable Edmund S. Muskie, Governor of Maine
Re: Passamaquoddy District Authority

You have made inquiry of this office as to the necessity of making appointments to fill vacancies on the board of directors of the Passamaquoddy District Authority.

It is our opinion that vacancies ought to be filled and the board maintained at a status where it can function if necessary.

The Passamaquoddy District Authority was established by Chapter 65 of the Private and Special Laws of 1945, apparently in contemplation of work being done in the Washington County area on the Passamaquoddy tidal power project. The corporation is, in one respect, unlike corporations usually chartered by the legislature. Normally, if a legislatively chartered corporation does not function within two years, its franchise is forfeited. However, in Section 18 of Chapter 65, Private and Special Laws of 1945, it is provided that the rights and powers granted by the Act shall terminate at the expiration of seven years from the date the Act became effective, unless the work of construction of a tidal power plant has actually been commenced at that date, and shall be terminated at the expiration of ten years unless a tidal power plant is then in operation.

Chapter 65 of the Private and Special Laws of 1951 changed the above dates from seven years and ten years, respectively, to fourteen years and twenty years.

It thus appears that the legislature contemplated a body that, though inactive for some period of time, would be in existence, having full powers and function, if certain conditions were fulfilled.

James Glynn Frost
Deputy Attorney General

jgf/c