

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1957 - 1958

company and has nothing to do with the business transacted on the premises.

It is my opinion that the sign requires a license.

L. SMITH DUNNACK
Assistant Attorney General

September 3, 1957

To Honorable James C. Totman

Re: Change of Residence of Member of the Legislature

. . . You inquire as to your eligibility to serve as State Representative in view of your change of residence.

Your question would seem to be answered by Article IV, Part First, Section 4, of the Maine Constitution, which reads as follows:

“Qualifications of members.—No person shall be a member of the house of representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of the United States, have arrived at the age of twenty-one years, have been a resident in this state one year; and for the three months next preceding the time of his election shall have been, and, during the period for which he is elected, shall continue to be a resident in the town or district which he represents.”

I understand that it is necessary for you actually to change your residence and that it is not reasonably possible to raise the question of your intention to be a resident of Bangor or a resident of another State.

I believe that under your circumstances, as I understand them to be, this Constitutional provision would preclude you from acting as a Representative from Bangor during any special session of the Legislature. Personally, I very much regret that this is so, but the Constitution seems to be very plain in regard to this.

FRANK F. HARDING
Attorney General

October 10, 1957

To Honorable Edmund S. Muskie, Governor of Maine

Re: Appointment of Members of the Board of Examiners of Podiatrists

Reference is made to your inquiry with regard to Section 9 of Chapter 111 of the Public Laws of 1957, amending Chapter 74 of the Revised Statutes of 1954, and providing for a new Board of Examiners of Podiatrists.

The Board consists of four members: Two members of the Board of Registration of Medicine, i. e., the Chairman and the Secretary-Treasurer of said Board, and two podiatrists to be appointed by the Governor with the advice and consent of the Council. The law specifically states that the term of podiatrists shall be four years. The next sentence provides that appointments shall be so spaced that the term of one of the podiatry members of the Board shall expire every two years. It is obvious that, in order to carry out the intention of the