

# MAINE STATE LEGISLATURE

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**STATE OF MAINE**

**REPORT**

**OF THE**

**ATTORNEY GENERAL**

**for the calendar years**

**1957 - 1958**

that portion of the constitutional provision which must be considered in determining the effective date:

“And if it shall appear that a majority of the inhabitants voting on the question are in favor of such amendment, it shall become a part of this constitution.”

It appears that from time to time the method of determining the effective date has varied in this State. At one time the vote was to be reported by the Secretary of State to the Governor and Council, which body would report the vote to the next incoming legislature. Subsequently, it was the custom that the adopted amendment would become effective 30 days after the Governor proclaimed that the measure was affirmatively voted upon.

Presently, the Resolve setting forth the proposed amendment contains the procedure to be followed, i.e., that the Governor shall proclaim the vote of the people, and the effective date shall be the date of the proclamation. In the Governor's proclamation it is stated that the effective date of the amendment is the date of the proclamation.

We hope that this information will be helpful to you in determining your problem, and it would be most appreciated if you could supply this office with any decision you arrive at.

JAMES GLYNN FROST  
Deputy Attorney General

November 15, 1957

To Honorable Edmund S. Muskie

Re: Northeastern Resources Committee

. . . You ask if there is any constitutional or statutory bar to your entering into a charter for a Northeastern Resources Committee in behalf of the State of Maine.

The real question is whether or not you have any authority to enter into such a charter on behalf of the State. The answer to this question is that you have no such authority. Such authority would have to be granted by the Legislature. As an example I call your attention to Chapter 451 of the Public Laws of 1955, which conferred upon the Governor the authority to execute a compact with other States for Interstate Water Pollution Control.

Because of the foregoing it is probably not necessary to call your attention to the fact that the compact contains no provision for financing.

Also because of the foregoing I have made no effort to ascertain whether or not the proposed charter is such an agreement as would require the approval of Congress under Article I, Section 10, of the Constitution of the United States, although on the face of it, it would appear to be.

FRANK F. HARDING  
Attorney General