

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

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September 29, 1959

To: Scott Higgins, Director of Aeronautics Commission

Re: Appointment of Commissioners

We have your memorandum of September 28, 1959 in which you advise that one of the members of the Aeronautics Commission has recently resigned and it becomes necessary for the Governor to appoint a new member.

You ask the following questions with respect to the new appointment:

1. The length of the term of office the new member should be appointed for.
2. Should all members of the present Commission be reappointed under the amended statute, or
3. Should they serve the present term of office and be eligible for reappointment on a three-year basis?

Your question is caused by an amendment to Chapter 24 of the Revised Statutes as effected by Chapter 120 of the Public Laws of 1959. This latest amendment provided that one member was to serve for one year; two to serve for two years; and two to serve for three years; evidently having in mind that experienced people should always be on the Commission.

In answer to your first question, Chapter 120 did not change that provision of Section 4 of Chapter 24 which provides that vacancies shall be filled for the unexpired term. The newly appointed officer would, therefore, be appointed to fill out the unexpired term of the resigned Commissioner.

An appointment made in such a manner would mean that all members of the Commission would have terms expiring in November or December of 1961. We would, therefore, suggest that in 1961 the Governor then start appointments so as to comply with the terms of office set forth in Chapter 120.

JAMES GLYNN FROST
Deputy Attorney General

October 5, 1959

To: George B. Coffin, Field Representative
Small Business Administration
Rooms 11 and 12
335 Water Street
Augusta, Maine

Dear Mr. Coffin:

We acknowledge receipt of your letter of September 23, 1959, in which you state that Arthur P. MacIntyre, Chief of Investment Division, would like a clarification or ruling on the following questions:

"1. Under the present statute, will the State of Maine issue a charter to a domestic corporation licensed by SBA to do business under the Small Business Investment Act of 1958?"

Answer: Yes.