

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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to this point has never promulgated rules as to safety. In my opinion the broad term "safety" would apply to all places of the ferry's operations; ferries, landings and all facilities connected with the service.

You have received complaints of unsafe conditions by petitions of citizens of the islands. In my opinion you should proceed to hold hearings and investigate as provided by Section 55 of Chapter 44, Revised Statutes of 1954.

Should additional funds be necessary to conduct a proper investigation of the safety conditions of the operations of Casco Bay Lines then you would have authority to request them from the proper source.

The answer, therefore, to both your questions is "yes".

FRANK E. HANCOCK
Attorney General

January 8, 1960

To: The Honorable E. J. Briggs
20 Pioneer Avenue
Caribou, Maine

Dear Senator Briggs:

You inquire if, in the event the opportunity should be presented, you would be eligible to be appointed as commissioner of Inland Fisheries and Game.

It is my opinion that you would not be eligible to accept appointment to that position.

Article IV, Part Third, Section 10, Constitution of Maine reads as follows:

"No senator or representative shall, during the term for which he shall have been elected, be appointed to any civil office of profit under this state, which shall have been created, or the emoluments of which increased during such term, except such offices as may be filled by elections by the people."

The prohibition above expressed has, by our court, been interpreted to remain during the entire two-year period for which a senator or representative is elected. This means that one could not even resign from the legislature and accept such appointment. With respect to the instant office, we note that the commissioner's salary was increased from \$9,000 to \$10,000 by the 99th Legislature, and that increase was received as of September 12, 1959, retroactive to the week ending August 22, 1959. We would note, too, that that office has all the indicia of being an office of profit.

For the above reasons it is my opinion that you would be ineligible to be appointed to that office.

Sincerely yours,
JAMES GLYNN FROST
Deputy Attorney General