

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

January 19, 1961

To: Honorable Harvey R. Pease
Clerk of the House
State House
Augusta, Maine

Dear Mr. Pease:

In answer to your oral question as to whether or not a person duly qualified as a representative to the Legislature may subscribe to his oath of office before a magistrate other than that set forth by the constitutional provision.

Article IX, Section 1, of the Constitution reads in part as follows:

"The oaths or affirmations shall be taken and subscribed by . . . the senators and representatives before the governor and council. . . ."

It is our understanding that the Governor will be absent from the State for a few days. Although there may be occasions which would necessitate the taking of oaths by such officers before a magistrate other than that specified above, this is not such an occasion. It is our understanding that the Governor and Council will be in session when the Legislature convenes on Tuesday next and at that time the oath may be administered.

The constitutional provision referred to is a directive and should be followed under the present circumstances.

Very truly yours,

FRANK E. HANCOCK

Attorney General

January 20, 1961

To: Honorable Ralph M. Lovell
Senate Chamber
State House
Augusta, Maine

Dear Senator Lovell:

We have your request for an opinion on L.D. #102, entitled "An Act Authorizing Municipal Construction of Industrial Buildings."

The act adds a new section to Chapter 90-A, section 12, the section setting forth the purposes for which a municipality may raise and appropriate money, and reads as follows:

"Sec. 12-A. Industrial building construction. A municipality may issue notes or bonds for constructing buildings for industrial use, for lease or sale by the municipality, to any responsible industrial firm or corporation, for the manufacturing, processing or assembling of raw materials or manufactured products."

It is our opinion that L.D. #102 if enacted into law, would be unconstitutional.

The latest word of our court on such laws permitting towns to raise funds for private industrial purposes is seen in 152 Me. 440.