

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

June 29, 1961

To: Edward Langlois, General Manager
Maine Port Authority
Maine State Pier
Portland, Maine

Dear Mr. Langlois:

In answer to your letter of June 26th, you are correct in stating that L. D. 1633 (now Chapter 217, P & S Laws of 1961) cannot take effect until September 16, 1961, ninety days after the recess of the Legislature (Constitution of Maine, Article IV, Part Third, § 16). In theory, the matter could be put to referendum within that ninety-day period and defeated by a vote of the people.

There is nothing to prevent you from making a request of the Governor and Council for a sum of money from the contingent fund to allow you to provide adequate service to Long Island Plantation until the specific appropriation is available in September. The Governor and Council legally may make such funds available.

In answer to Mr. Thompson's question submitted in his letter of June 27th to this office, we agree that L. D. 1633 is not an amendment to Chapter 190 relating to Penobscot Ferry Service. It is simply an appropriation and a direction by the Legislature to the Authority to provide service for the next two fiscal years to Long Island Plantation. The Department of Accounts and Control will set up, after September 16th, a Long Island Plantation activity account within the Maine Ferry Service Account. Only \$12,000 will be available and can be expended on that activity in each of the next two fiscal years. This is a bookkeeping transaction but in effect is a separate and distinct fund.

Very truly yours,

FRANK E. HANCOCK
Attorney General

June 30, 1961

Lee Ricker, Trial Justice
Eustis
Maine

Dear Mr. Ricker:

Recently this office was asked informally if the holding of the positions of Trial Justice and Selectman of a town were incompatible. I checked into the matter and found that on several occasions this office has ruled that such offices are incompatible.

This opinion is based on a Maine case, *Howard v. Harrington*, 114 Me. 443. In that particular case the law court held that the office of Mayor and Judge of the Municipal Police Court were incompatible because the Mayor was charged with the responsibility of enforcing certain laws and city ordinances. The same laws required that any violations be brought before the police court.