

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

I would, therefore, suggest that the Governor and Council may properly accept this equipment on behalf of the public schools in Westbrook and direct the school board of Westbrook to carry out the provisions of the contract.

RICHARD A. FOLEY
Assistant Attorney General

July 28, 1961

To: Doris M. St. Pierre, Secretary of Real Estate Commission

Re: Trading Stamp Premiums for Listings of Real Estate

This is in answer to your memorandum of June 15, 1961, requesting an opinion as to the legality of giving green stamp premiums when a real estate broker gets a three month exclusive contract for the sale of real estate.

Such an offer of premiums appears to be in violation of Section 13 of Chapter 84, R. S. 1954, providing that it shall be unlawful for any licensed broker to offer, promise, allow, give or pay, directly or *indirectly*, any part or share of his commission from any real estate transaction to any person who is not a licensed broker or salesman.

RICHARD A. FOLEY
Assistant Attorney General

August 2, 1961

To: Honorable Harold Stewart
Box 773
Presque Isle, Maine

Dear Bud:

I believe you asked a question of the girls in my office as to whether or not you could accept an appointment to the bench of the new district court. Article IV, Part Third, Section 10 of the Constitution 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."

This would mean that you would be unable to accept an appointment as a district court judge during the two year term beginning January, 1961, and this would be true even though you resigned from your legislative position. There is nothing to prevent your appointment after that two year period assuming, of course, you are no longer a senator or a representative at that time.

I trust this will answer your inquiry.

Sincerely yours,

FRANK E. HANCOCK
Attorney General