

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

May 23, 1962

To: Governor John H. Reed

Re: Amendment of Reapportionment Provision of the State Constitution

You have asked this office for its opinion relative to the necessity of a special session of the 100th Legislature to consider an amendment to Article IV, Part First, Section 3, of the Constitution relative to apportionment of the House of Representatives.

It would appear that a special session of the 100th Legislature, even if held immediately, would not affect the composition of the 101st Legislature. If a constitutional amendment were proposed at a special session held in the immediate future, the amendment could not be voted upon by the people until the general election in November, 1962. Normally this amendment would then become effective on the first Wednesday of January, 1963 unless the resolve made it effective at an earlier date. Therefore, it would be impossible to make this amendment effective to reapportion the 101st Legislature.

On the other hand, if the matter is considered by the 101st Legislature and an amendment is proposed, it can be voted upon on the Tuesday following the first Monday of November, 1963. Normally the amendment would be effective on the first Wednesday of January, 1964. The resolve proposing the amendment can, however, carry an earlier effective date.

As soon as the Governor and Council have canvassed the votes and the Governor has proclaimed the ratification of the amendment, he may then call a special session of the legislature for the purpose of reapportioning the House of Representatives in accordance with the new constitutional amendment. This apportionment resolve could be passed as an emergency measure which would be effective upon the signature of the Governor and would be effective in time for candidates to secure signatures and file papers for the primary election in June, 1964.

From the foregoing it is very evident that a special session of the 100th Legislature would be of no advantage in this situation.

GEORGE C. WEST

Deputy Attorney General

May 23, 1962

To: Austin H. Wilkins, Commissioner of Forestry

Re: Powers of Deputy Forest Fire Wardens

We have your request of May 3 for an opinion as to whether or not the chief warden has the authority under the provisions of Revised Statutes, chapter 36, § 103, to delegate to his deputy forest fire wardens the power to arrest violators of the laws relating to forests and forest preservation. We have your additional request for an opinion as to whether or not a deputy forest fire warden has the right to take evidence such as a gasoline fuel stove.

Revised Statutes, chapter 36, § 103, provides in part that each chief forest fire warden "shall have and enjoy the same right as a sheriff to require aid