

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1961 - 1962

cumstances, the Governor and the President of the Senate both become unavailable to exercise the office of Governor, then that office devolves upon the Speaker of the House of Representatives, until a President of the Senate shall be chosen. For this reason we are of the opinion that it is not mandatory for the Governor to convene the Legislature for the purpose of filling the vacancy caused by a resignation in the office of President of the Senate.

As a matter of interest, in August, 1953, the President of the Senate resigned and that office remained vacant until September, 1954.

FRANK E. HANCOCK

Attorney General

August 17, 1962

To: R. W. Macdonald, Chief Engineer, Water Improvement Commission

Re: Classification of Tidal Waters

We have your request of August 14th for an opinion with regard to the extent of the authority of the Water Improvement Commission over tidal waters in the State of Maine.

It is our opinion that the authority of the Water Improvement Commission extends out to the territorial limits of this State. As the authority of the State of Maine extends out three miles to sea from the shore line, the authority of the Commission would extend out a like distance. Specifically, water between an island and the mainland, which water is within three miles of the coastline of the State of Maine, would fall within the jurisdiction of the Water Improvement Commission.

THOMAS W. TAVENNER

Assistant Attorney General

August 17, 1962

Honorable Ralph D. Brooks, Jr.
142 High Street
Portland 3, Maine

Dear Senator Brooks:

The Attorney General has asked me to reply to your letter of August 3rd in which you request an opinion with regard to the propriety of State insurance being placed with a firm which is owned wholly or in part by a member of the State Legislature.

We have examined this problem and have discovered that the same question has been decided by this office several times in the past. On February 18, 1944, Abraham Breitbard, the then Deputy Attorney General, issued an opinion that there was nothing illegal in the members of the State Legislature contracting with the State of Maine. This opinion was based upon a letter received in 1931 from the Chief Justice of the Supreme Judicial Court. As the law in question has not