

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calender years

1965 - 1966

OPINIONS

January 14, 1965

Honorable Denis Blais
Executive Council
State House
Augusta, Maine

Dear Councillor:

Since your request I have reviewed the procedure which was followed on January 6th in connection with the swearing in of the new Executive Council. Apparently the Council was sworn in to office by the Governor in the Council Chamber following the instructions set forth in an agenda for council protocol which was prepared by the outgoing Secretary of State and Council.

However, I find that Article IX, Section 1, of the Constitution of Maine, requires that the members of the Council must be sworn in before the presiding officer of the Senate in the presence of both Houses of the Legislature. It, therefore, appears that the procedure set forth in the council protocol agenda which was followed was incorrect.

I must, therefore, conclude that the constitutional oath of office has not yet been properly administered to the newly elected members of the Executive Council and that they should be sworn in before the presiding officer of the Senate in joint convention before both Houses of the Legislature.

Yours very truly,
RICHARD J. DUBORD
Attorney General

January 21, 1965

Honorable Leon J. Crommett
House of Representatives
State House
Augusta, Maine

Re: *Ministerial and School Lands; and Funds therefrom. Use of Entire Fund for School Purposes by Administrative Unit.*

Dear Representative Crommett:

In answer to your request, we tender the following formal opinion:

FACTS:

Some years ago, the Town of Millinocket sold its public school lot pursuant to existing statutory authority. The funds realized from said sale are on deposit in the Millinocket Trust Company; and are earning a yearly income of \$300. The school officials of the Town desire to make use of the principal for school purposes.