

MAINE STATE LEGISLATURE

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February 16, 1965

Walter B. Steele, Jr.

Maine Milk Commission

George C. West, Deputy

Attorney General

Reference is made to your memo of February 12th expressing concern as to whether or not the ex officio member of the Maine Milk Commission, who is the Commissioner of Agriculture, may vote and may be Chairman of the Commission.

The Milk Commission Law, Title 7, section 2952, provides, "The Commissioner of Agriculture shall be ex officio a member of said Commission." Ex officio means, "by virtue of office." Thus, the above-quoted sentence really means that the Commissioner of Agriculture by virtue of his office is a member of the Commission. He is as much a member of the Commission as any of the other six persons appointed by the Governor.

As a member of the Commission he has the right and duty to vote on any and all questions. He may also serve as Chairman if elected by a majority of the members.

George C. West
Deputy Attorney General

GCW:H

cc: Maynard Dolloff