

MAINE STATE LEGISLATURE

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January 16, 1970

JB Gul JS
Governor Kenneth M. Curtis

Executive

Garth K. Chandler, Assistant

Attorney General

Appointment of Disclosure Commissioner

SYLLABUS:

Disclosure Commissioners must be appointed from the town or city in which they have their legal residence.

FACTS:

An attorney who resides in Town M but practices law in Town A has applied for appointment as a Disclosure Commissioner pursuant to the terms of 14 M.R.S.A. § 3351. He desires to be appointed in the town where he practices law as the town where he resides has a population of less than 4000 and presently has one Disclosure Commissioner who resides in that town.

QUESTION:

May the individual be appointed from Town A rather than Town M?

ANSWER:

No.

REASON:

The resolution of this question rests with the determination of legislative intent expressed in 14 M.R.S.A. § 3351, et seq. Section 3351 provides:

"....They shall have an official seal which shall have engraved thereon the name of the commissioner, the words "disclosure commissioner" and the word "Maine" and the name of the county and the town or city where the commissioner resides. Each town or city of not....".
(Emphasis added).

The requirements that one's town or city of residence be included in the seal, and then the limitation of commissioners according to population of a town or city, leads to the conclusion that the Legislature intended that the commissioner be appointed from the town or city where he resides and be considered in the determination of how many are allowable from that town or city.

GARTH K. CHANDLER
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GKC/p