

MAINE STATE LEGISLATURE

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March 8, 1974

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ISSUE:

A member of a Board whose term expires subsequent to the effective date of a law limiting the number of terms a member may serve is subject to that limitation.

FACTS:

A member of the Board of Cosmetology has served since December, 1967. She has served three consecutive 2-year terms. The terms were for 2 years under the law prior to an amendment enacted by the 106th Legislature effective October 3, 1973, when the terms were changed to 3 years.

At the same session of the Legislature, and effective on the same date, Public Laws 1973, Chapter 137, provided:

"The present hair dressing members of the Board shall serve until the expiration of their present term of office and shall be eligible for reappointment; however, no person shall be eligible to serve more than 3 consecutive terms."

The last clause following the semi-colon was added by Chapter 137. The last term of the particular member involved expired in January, 1974.

QUESTION:

Under the above facts, is the member eligible for reappointment to the Board of Cosmetology?

ANSWER:

No.

REASON:

Inasmuch as the law is prospective, it would affect the eligibility

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of a person whose term had expired subsequent to October 3, 1973.
At the time of reappointment she is subject to an existing law.

It is, therefore, concluded that the individual is not
eligible for reappointment having already served three consecutive
terms.

JON A. LUMB
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