

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

November 21, 1974

Mr. James McGregor  
40 Robinson Gardens  
Lewiston, Maine

Dear Mr. McGregor:

This is a reply to your question whether the Governor could legally be sworn into office at a place in Augusta other than in the State House.

The provisions of Article IX, § 1, ¶ 2, specify that the Governor shall be sworn into office before both Houses of the Legislature in joint convention. If the Governor is unable to attend the joint convention of both Houses of the Legislature to take the oath of office, the oath of office shall be administered to him, in the recess of the Legislature, before any Justice of the Supreme Judicial Court.

Although the Maine Constitution does not specifically preclude the Legislature from meeting in joint session at an alternative location in Augusta, the Constitution does appear to contemplate that such a session of the Legislature be held in the State House. I am enclosing Xerox copies of Article IX, § 1, ¶ 2, and § 16 for your attention. The latter section specifies that Augusta is the seat of State Government.

In the event the inauguration of the Governor was to occur at a place in Augusta outside the State House, both Houses would have to concur in moving themselves elsewhere.

There is some question whether, in the absence of exigent circumstances such as destruction of the State House, outbreak of disease, etc., the inauguration of the Governor can occur at a public place in Augusta other than in the State House.

Mr. James McGregor  
Page 2  
November 21, 1974

" \* \* \* The constitution delegates and distributes to the several departments of the government their respective powers, and determines generally in what manner they shall be exercised. Where the constitution is silent, much depends on precedent and usage, which is generally respected, and would not it is presumed be lightly or unnecessarily changed.

"There may arise, and there have arisen, in the history of States, extraordinary periods, where the course prescribed by usage and the fundamental laws, either cannot be, or is not, pursued. What remedy shall in such cases be applied, to prevent a dissolution of the government, or to bring its powers into action, it cannot belong to those, whose duty it is to interpret existing laws, to determine." 6 Me. 519, 520.

Sincerely,

JON A. LUND  
Attorney General

JAL:mfe

Enclosures