

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04330

January 3, 1975

Honorable Gerald E. Talbot
House of Representatives
State House
Augusta, Maine

Dear Representative Talbot:

This will respond to your letter dated January 2, 1975, requesting my opinion whether under the Rules of the House, the Speaker may appoint the two Indian Representatives at the Legislature to joint committees as members. For the reasons which follow, it is my opinion that the Speaker does not have such authority.

This office has, on three different occasions, expressed the view that Indian Representatives at the Legislature are not constitutional representatives, i.e., they do not have powers and authority as members of the Legislature, and have no vote. See Opinions of the Attorney General dated August 31, 1972, December 3, 1970, and May 20, 1969, copies of which are enclosed for convenient reference.

The House Rule pertaining to naming persons to serve on committees reads as follows:

"It shall be the duty of the Speaker...to appoint the members who are to serve on committees,..." (Emphasis added.)

Since the Rule applies only to members of the Legislature, it does not provide any authority to the Speaker to appoint Indian Representatives at the Legislature to committees as members.

Honorable Gerald E. Talbot

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Notwithstanding the foregoing, there would appear to be no prohibition to naming the Indian Representatives at the Legislature to serve on such House committees as the Speaker deems appropriate, or such joint committees as the Speaker of the House and President of the Senate deem appropriate, in some non-member capacity without the right to vote. In the absence of any rule to the contrary and if the Speaker of the House and President of the Senate deem it appropriate, such service might possibly include the ability to participate fully in all committee activities, such as participating in discussions and asking questions of witnesses appearing before the Committee, as if the Indian Representative was a member, except with no right to vote.

Very truly yours,

Joseph E. Brennan
Attorney General

JEB/ec