

# 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)

57 MRS A 558  
F  
May 3, 1976

The Honorable Walter W. Hichens  
Senate - State of Maine  
State House  
Augusta, Maine

The Honorable William J. Hennessey  
House of Representatives - State of Maine  
State House  
Augusta, Maine

Dear Senator Hichens and Representative Hennessey:

Each of you has inquired into the legality of the Governor's appointment of Helen Longley to membership on the Maine Committee on Problems of the Mentally Retarded. Additionally, you, Representative Hennessey, has inquired into whether the provision of 34 M.R.S.A. §2063 which refers to the Maine Association for Retarded Children and appointment from the membership thereof to the Maine Committee on Problems of the Mentally Retarded have continuing viability.

As to your first question, we find no prohibition against the appointment of Helen Longley to membership on the Maine Committee on Problems of the Mentally Retarded. The nepotism provision of 5 M.R.S.A. §558 does not apply here since membership on the Maine Committee on Problems of the Mentally Retarded is not employment by the State. The fact that members are entitled to receive expenses of travel does not render the appointment of Mrs. Longley, illegal.

It is clear that the Legislature intended that a representative of the Maine Association for Retarded Children serve as a member of the Maine Committee on Problems of the Mentally Retarded. On June 18, 1974, the Maine Association for Retarded Children, Inc. became the Maine Association for Retarded Citizens, Inc. We do not consider that the name change affects the operation of 34 M.R.S.A. §2063 as to appointment of a committee member who represents this statewide association for the retarded.

Respectfully submitted,

JOSEPH E. BRENNAN  
ATTORNEY GENERAL

JEB/vv