

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date January 3, 1977

To Siebert, State Budget Officer Dept. Finance and Administration

From Donald G. Alexander, Deputy Dept. Attorney General

Subject Effective date of termination of the Executive Council

This responds to your request to this office for an opinion on two questions:

1. At what date and time does the constitutional resolution abolishing the Executive Council take effect such that the authority of the Executive Council is terminated?
2. Is there any gap in time between the date and time of termination of the authority of the Executive Council and commencement of the authority of the Governor to act in place of the Executive Council in certain circumstances as provided in P.L. 1975, Chapter 771?

ANSWER:

The Executive Council is abolished and its authority terminated immediately after midnight of January 3, 1977. The authority of the Governor to act in place of the Executive Council under certain circumstances takes effect immediately after midnight of January 3, 1977. There is no time gap between the termination of the authority of the Executive Council and commencement of the Governor's authority under Chapter 771.

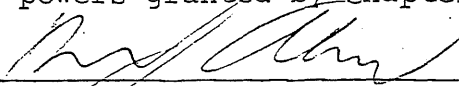
DISCUSSION:

The Constitutional Resolution abolishing the Executive Council, Constitutional Resolutions 1975, Chap. 4, specified that, if adopted by the electorate, "The amendment shall on January 4, 1977 become a part of the constitution." Thus these amendments become effective immediately after midnight of January 3, 1977 and the Executive Council's authority and existence is terminated as of that time, no other time during the day January 4, 1977 being specified in the resolution. P.L. 1975, Chap. 771 granting the Governor, legislative committees, and other entities powers formerly held by the Executive Council specifies by its terms, in Section 430: "This Act shall take effect on January 4, 1977."

Thus, as with the constitutional resolution, Chapter 771 takes effect immediately after midnight of January 3, 1977. Thus, with the first seconds of the day of January 4, 1977, the Executive Council is abolished and the Governor and other entities may exercise the powers granted by Chapter 771.

DAG:jg

cc: David Silsby


DONALD G. ALEXANDER
Deputy Attorney General