

MAINE STATE LEGISLATURE

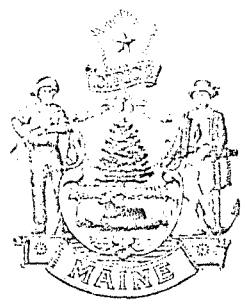
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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

April 18, 1979

Bill Brown
State Government Committee
State House
Augusta, Maine

Dear Bill:

Enclosed is an opinion of the office which I believe answers your question as to the meaning of "ex officio."

As to your second inquiry - whether inclusion of the State Treasurer on the Board of an Authority would make the State liable for the indebtedness of the Authority - it is my opinion that the mere fact of the Treasurer's membership would not suffice to create such liability. Generally speaking, both the relevant statutes and the bonds expressly recite the liability or nonliability of the State, and in my view, those recitations would be controlling.

Please let me know if I may be of any further service.

Sincerely,

Stephen L. Diamond
STEPHEN L. DIAMOND
Deputy Attorney General

SLD/ec
Enc.

February 16, 1965

Walter B. Steele, Jr.

Maine Milk Commission

George C. West, Deputy

Attorney General

Reference is made to your memo of February 12th expressing concern as to whether or not the ex officio member of the Maine Milk Commission, who is the Commissioner of Agriculture, may vote and may be Chairman of the Commission.

The Milk Commission Law, Title 7, section 2952, provides, "The Commissioner of Agriculture shall be ex officio a member of said Commission." Ex officio means, "by virtue of office." Thus, the above-quoted sentence really means that the Commissioner of Agriculture by virtue of his office is a member of the Commission. He is as much a member of the Commission as any of the other six persons appointed by the Governor.

As a member of the Commission he has the right and duty to vote on any and all questions. He may also serve as Chairman if elected by a majority of the members.

George C. West
Deputy Attorney General

GCW:H

cc: Maynard Dolloff