

# MAINE STATE LEGISLATURE

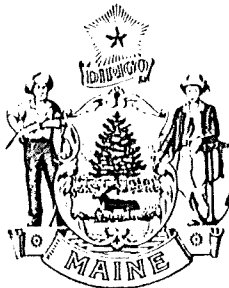
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79-214

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December 31, 1979

Honorable John L. Martin  
Speaker of the House  
State House  
Augusta, Maine 04333

Dear Speaker Martin:

This is in response to your question regarding the requirement in the statute creating the Probate Law Revision Commission that its membership consist of 12 members, including "2 members of the Senate, appointed by the President of the Senate, [and] 3 members of the House, appointed by the Speaker of the House." (P. & S.L. 1973, c. 126, § 2). As I understand it, your specific question is whether this membership language should be construed to mean that whenever a "legislative member" of the Commission either retires or is defeated, a new member should be appointed.

The issue you raise was specifically addressed by the Legislature in a 1975 amendment to the act creating the Probate Law Revision Commission. That amendment, enacted as P. & S.L. 1975, c. 14, § 2, added the following sentence to the original act:

All members appointed to the commission shall continue to serve as members until the work of the commission is completed, except that if a vacancy occurs through resignation or death, that vacancy shall be filled in the manner in which the original appointment was made.

In light of the above amendment, it is clear that a "legislative member" may continue to serve on the Commission even after he has lost his seat in the House or Senate.

I hope this information is helpful. Please feel free to contact me if you have any further questions.

Sincerely,

*Richard S. Cohen*  
RICHARD S. COHEN  
Attorney General

RSC/ec