

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)



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
STATE HOUSE STATION 6
AUGUSTA, MAINE 04333

March 5, 1985

Honorable Joseph E. Brennan
Governor of Maine
State House Station #1
Augusta, Maine 04333

Dear Governor Brennan:

You have asked whether a member of the Maine Committee on Aging who has served for two consecutive three-year terms may be eligible for a reappointment to an additional term.^{1/} For the reasons which follow, it is the opinion of this Office that a member of the Committee who has served two consecutive terms is eligible for reappointment for a third term.

The facts as we understand them are as follows: Mr. John J. Joyce of Portland has recently completed two full terms as a member of the Maine Committee on Aging. You indicate that you wish to reappoint Mr. Joyce for an additional term. The statute governing service on the Committee provides, in relevant part, as follows:

Members shall be eligible for reappointment for
not more than 2 consecutive full terms of 3 years
each . . . 22 M.R.S.A. § 5109.

The issue, therefore, is the meaning of the term "reappointment."

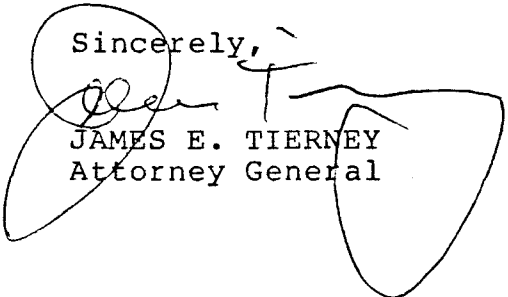
^{1/} You have also asked whether, if the answer to your principal question is in the negative, a member who has served two terms representing the House of Representatives may continue for another term by representing a different constituency enumerated in the enabling legislation of the Committee on Aging. In view of our answer to your principal question, however, it is not necessary to reach this issue.

The Maine Committee on Aging was first created in 1973, and was composed of fifteen members, who were to serve staggered terms of three years each, such that one group of five would be appointed every year. P.L. 1973, c. 630, § 1, enacting 22 M.R.S.A. § 5109. With regard to reappointment, the original statute provided that members of the Committee may be "eligible for reappointment for not more than 3 consecutive terms." This provision was subsequently changed in 1974, without explanation, to the current language. P.L. 1973, c. 793, § 9 amending 22 M.R.S.A. §5109. The apparent reason for the change was to limit to two the number of additional terms which the initial group of five members who were appointed to full three-year terms could serve, since under the original statute such members would be entitled to four three-year terms. Any other reading of the 1974 amendment would render it identical in meaning to the original language. In any event, this history of the statute reveals that the Legislature intended that the term "reappointment" in both the original version of the statute and its current version must be read to have its ordinary meaning: it only operates to limit the number of terms for members who have already been appointed once, and not to those who have yet to be appointed in the first place.

Accordingly, a member of the Committee who is appointed for an initial term is eligible to be reappointed for two more consecutive full terms under the plain meaning of the statute. Thus, Mr. Joyce, who has been appointed to the Committee and served one additional term, is eligible to serve a third consecutive term. Consequently, if you should desire to reappoint him to such term, there is no legal impediment to your doing so.

I hope the foregoing answers your question. Please feel free to reinquire if further clarification is necessary.

Sincerely,



JAMES E. TIERNEY
Attorney General

JET/ec