

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

February 27, 1936

Lester Andrews
Town Clerk
Oakland, Maine

Dear Sir:

You have requested of this office an opinion as to the method to be followed in the selection of the 5 councilors to be elected at Oakland in accordance with the provisions of law establishing a Town Manager form of government for Oakland.

I understand from you, and I have inspected the law, and notice that while at the first election one man is to be elected for a 3-year term, 2 men for a 2-year term and 2 men for a 1-year term. The law is silent as to the form of ballot to be used. That is, whether or not candidates are to offer themselves for a 3-year term, the 2-year term and the 1-year term respectively, or whether the 3-year term is to be given to the candidate holding the largest number of votes; the 2-year term to the 2 men holding the second and third largest number of votes, and the 1-year term to the 2 men holding the fourth and fifth largest number of votes.

From a careful study of your question, I do not find that the courts of our state have ever been called to pass upon it, nor do I find any general law which is helpful. However, it has been the ruling of this office in the past in similar situations, and it has been the practice in this state that the long term of office shall be given to the one holding the largest vote. Accordingly, in following out the precedent of practice, I am of the opinion that you should not on your ballot designate the particular terms of office but simply that the voters are to select 5 councilors. From the 5 so selected you will then accord the 3-year term of office to that candidate who has polled the highest vote, the 2-year term office to the 2 candidates polling the second and third largest number of votes, and the 1-year term of office to the 2 candidates holding the fourth and fifth largest number of votes.

Very truly yours,

Attorney General