

MAINE STATE LEGISLATURE

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January 24, 1941

Frank I. Cowan, Attorney General

Sumner Sewall, Governor of Maine

In re Eastport Election.

I find from the Secretary of State's office that the resignation of Mr. McNichol, the Representative-elect from Eastport, reached Governor Barrows on December 27th, 1940, too late to call an election before the end of the year.

On January 3rd, Mrs. McNichol wired the Secretary of State in regard to the matter and a few days thereafter, Mr. Goss, the Deputy Secretary of State, wrote to Mrs. McNichol and explained to her the procedure under our statutes for the calling of an election by the municipal officers, and made some suggestions in regard to getting further information to him so that he could provide ballots.

I have had a telephone conference with Mr. Holley, Chairman of the Emergency Municipal Finance Board, concerning the possibility of any objection by Mr. Ela to the spending of money for holding an election. Mr. Holley understands that the powers of the Board do not extend to interference with the constitutional and statutory powers of the municipal officers except as expressly set forth in the statutes creating the Board, and that statute has no provision in regard to elections. Mr. Holley says that there will, of course, be no controversy between Mr. Ela and the municipal officers of Eastport if the latter decide to hold an election.

So far we have no evidence that the municipal officers have refused to issue such a call.

Very truly yours,

Frank I. Cowan
Attorney General

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