

# MAINE STATE LEGISLATURE

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December 24, 1942

To Harry C. McManus, Esquire, Van Buren, Maine  
Re: Vacancy in Legislature

. . . Under Section 74 of Chapter 8, Revised Statutes of 1930, is a provision for the selectmen of the oldest town in the District to appoint a day of election to fill a vacancy where the seat of a representative has been vacated. This section does not place any particular limitation on the time to elapse before the election.

Under Section 25 of Chapter 7 of the Revised Statutes is a provision for primary election for nomination of candidates for special elections. It is suggested that you talk with the Governor relative to the time to be set for the election, as the time set may well determine whether or not there is time for primary election and, if there is not time for a primary election, nomination by committee comes into play.

It is not entirely a question of whether both parties are willing to hold a caucus instead of a primary election, as it is, under the law, a question of whether there is time to hold a primary on Governor's Proclamation. . .

Regardless of the time the special election is completed, the seating of the representative will proceed automatically after proper returns have been made and canvassed and certificate of election issued.

You can thus see that much depends on what action is taken under Section 74, mentioned above.

If all concerned are in more or less agreement as to candidates and as to the undesirability of going to the expense of a primary election, it would probably be best to set the election date early enough to leave insufficient time to hold the primary. This phase of the problem, in my opinion, should be discussed with the Governor relative to nominations under the primary law.

Frank A. Farrington  
Deputy Attorney General

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