

MAINE STATE LEGISLATURE

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March 14, 1950

To John C. McFaul, Chairman, County Commissioners, Washington County
Re: Voting by Residents of Unorganized Territory

. . . I have your letter enclosing one from Deputy Secretary of State Paul MacDonald, referring to the law covering voting by residents of unorganized territory.

You state that several years ago when you learned what had been done by a number of voters you discussed the matter with the Secretary of State but could not convince him that the matter was not already covered by the present law.

You further state that in most unorganized districts it would matter little if the law was violated, as the effect on the total vote would be small, but in Washington County, where you have so many deorganized towns it might have a decided effect, as there are many voters who are keenly interested in certain candidates. You give the instance of Edmunds with more than 100 voters who can vote for a State or county office at Dennysville, the adjoining town, but not for representatives to the legislature, as Edmunds is in the Whiting class. They therefore go to Whiting and vote for representative, and this is the point you make; they can also vote again for county and State candidates. The law says they cannot, but you ask who is allowed to inspect their ballots or see that they do not so vote again.

You further state that with deorganized towns having such a large number of voters as Trescott, Topsfield, Baring, Marion and Edmunds, there is a possibility of concerted action to defeat a candidate, and do it illegally and not be detected. You cite the case of Cliff Chase when he ran for the legislature; he resided in Baring and his townspeople, who voted in Calais, could not vote for him. It was otherwise with your story of old Tyler Smith of Calais who always came down after election to inform you he had voted for you and expected a drink, and who told the truth, as he voted for no one else on the ballot and dutifully signed his name at the bottom. I will say that Tyler showed his intent, but there certainly was a distinguishing mark on his ballot, and the trouble is that it might not be counted by some election officials.

You ask if I have anything to suggest on the above subject, but the only thing I can suggest, John, is that an amendment be presented to the next legislature, to change this set-up as outlined by Deputy Secretary of State MacDonald in the second paragraph of his letter, "In the case of Edmunds, which is classed with the towns of Lubec and Whiting, all those who wish to vote for representative should do so in Whiting. Any ballots cast by residents of Edmunds in the Town of Dennysville are subject to challenge so far as representative to the legislature is concerned." Mr. MacDonald was simply citing the voting law of unorganized territory, as it stands today, and he called attention in his letter to the fact that a different law applied to the

handling of beer licenses in unorganized territory and that it is improper for any resident of such territory to vote on such a question in an adjoining town. As you know, that is a local option for the voters of each city or town to pass upon every two years.

Mr. MacDonald further called attention in his letter to the fact that the voters in unorganized territory have no voice in the selection of municipal officers, such as members of the school board, and he commented that in a sense residents of unorganized territory are wards of the State. Apparently Mr. Kilby had stated in his letter to Mr. MacDonald that he thought they were in about the same class as the Indians.

I feel that the remedy for this defect in our voting laws in regard to residents of unorganized territory is by legislation.

The trouble is, John, that so many towns want to deorganize to get rid of the responsibilities of home rule government that they will sacrifice their rights, which they should have retained and kept the town going as organized territory, held their town meetings, raised money, and managed their towns in an economical manner, so that they will not lose their rights of voting in organized towns.

Some time when you are in Augusta, John, I would be glad to sit down and overhaul this deorganized-town law relating to voting in adjoining towns and see if we cannot figure out some way of removing this inequality in the voting law, especially for representatives to the legislature. . .

Ralph W. Farris
Attorney General

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