

MAINE STATE LEGISLATURE

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September 7, 1956

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2-6-70*

To Paul A. MacDonald, Deputy Secretary of State
Re: Togus Residents

Y. G. C.

We have your memo of August 28, 1956, and the attached copy of a letter, as a result of which you ask the following question:

"Can a person acquire a legal voting residence in Maine in accordance with Section 1 of Article II of the Maine Constitution by residing on the government reservation at Togus for a period of six years, and if such residence can be established in this manner, in what city or town would such person be registered?"

Answer. A person may not acquire a legal voting residence in Maine by residing on the government reservation at Togus for a period of six years.

By virtue of Chapter 66 of the Public Laws of 1867 and Chapter 612 of the Private and Special Laws of 1868, legislative jurisdiction was ceded by the State of Maine over Togus to the United States. The only jurisdiction retained by the State of Maine was the right to serve process, and this right relates only to processes arising out of activities which have occurred outside the reservation.

Cobough With respect to Togus our Court has stated in Helyoke vs. Helyoke, 78 Me. 401: *State ✓*

"The laws of this State do not reach beyond its own territory and liquors sold in the ceded territory (Togus) cannot be considered sold in violation of the laws of this State."

It thus appears that a person residing on government property, over which the State of Maine has ceded jurisdiction to the federal government, is not residing on Maine property and for this reason cannot acquire a residence in the State of Maine.

James Glynn Frost
Deputy Attorney General

Jgf/c