

MAINE STATE LEGISLATURE

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September 8, 1961

Joseph T. Edgar, Deputy Secretary

Secretary of State

Frank E. Hancock, Attorney General

Attorney General

Chapter 81 of the Resolves of 1961

Reference is made to your memorandum of September 5, 1961, relative to Chapter 81 of the Resolves of 1961 "Resolve to Apportion 151 Representatives Among the Several Counties, Cities, Towns, Plantations and Classes in the State of Maine." The resolve apportions the representatives to the Legislature among the various towns within Knox County but nowhere is mentioned the Town of Isle au Haut. Your question is "Since Isle au Haut is not only not included in any of the representative districts but is not even mentioned, what is the status of this particular town in relation to being a part of a representative district and its inhabitants voting for and having representation in the State Legislature?"

We do not feel that an advisory opinion from this office is the appropriate method to be used to settle the question. We would suggest that it would be proper for the Governor to request an opinion upon this important question of law from the Supreme Judicial Court under Article VI, Section 3 of our Constitution.

With respect to the second question contained in your memorandum, we respectfully decline to answer at this time because of need for further study.

With respect to the third portion of your memorandum referring also to Chapter 81 of the Resolves of 1961, in which you state that the towns of Willimantic and Topsheld are referred to in said resolve as being unorganized townships and whereby you ask the question "Does this error have any legal ramifications as far as these two towns are concerned?" We would state that in our opinion this erroneous designation is harmless error. Such a designation does not in any way change the charter of these two towns. They remain towns with all the duties, responsibilities and obligations of towns.

Frank E. Hancock
Attorney General

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