

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

September 27, 1961

To: Honorable John H. Reed, Governor of Maine

Re: Meaning of Term "Regular Election" — Public Laws of 1961, C. 302

This is in answer to your request for an interpretation of the term "any regular election" as contained in Chapter 302 of the Public Laws of 1961.

Subparagraph E-3 of Chapter 302, Public Laws of 1961, provides:

"Paragraph E shall not be effective in any city until a majority of the legal voters, present and voting, at *any regular election* so vote, and shall not be effective in any town until an article in a town warrant so providing shall have been adopted at an annual town meeting. The question in appropriate terms may be submitted to the voters at *any regular city election* by the municipal officers thereof and shall be so submitted upon petition of at least 20% of the number of voters voting for the gubernatorial candidates at the last state-wide election in that municipality. Such petition shall be filed with the municipal officers at least 30 days before *such regular election*. When a municipality has voted in favor of adopting paragraph E, said paragraph shall remain in effect until repealed in the same manner as provided for its adoption." (Emphasis supplied)

The key phrase in the above-mentioned section is "The question in appropriate terms may be submitted to the voters at any regular city election. . ." The words underlined above "any regular election" and "such regular election" relate to the words "any regular city election." It is my opinion that "any regular city election" does not mean a general election for state, county or national officers, a referendum election or special election but means the city election provided for in the city charters for the election of municipal officers.

The same reasoning applies to a town vote on the question, i.e., the question may be presented at the annual town meeting and not at a special meeting.

FRANK E. HANCOCK

Attorney General

September 28, 1961

Governor John H. Reed
State House
Augusta, Maine

Dear Governor Reed:

We have an inquiry from Alvin W. Perkins as to his status as Judge of the Piscataquis Municipal Court after October 7, 1961, the expiration date of his present term.

Sec. 2 of Chapter 386 of Public Laws, 1961, refers to the transition from the present municipal court system to the district court system. The second paragraph of that section reads as follows:

"After the effective date of this act, except as provided in the following paragraphs, no trial justice and no judge, associate judge