

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT
OF THE
ATTORNEY GENERAL

for the calender years

1961 - 1962

March 28, 1962

To: Kermit S. Nickerson, Deputy Commissioner of Education

Re: School Holidays

This is in answer to your memorandum of March 26, 1962.

As I understand it a school committee voted to keep the schools open on January 1st without in the vote directing the teachers to observe the holiday by appropriate exercises. I am of the opinion that it is not necessary that the school committee direct the teachers to hold appropriate exercises on January 1st since section 154 of Chapter 41 lists the exercises to be held on January 1st should the schools remain open.

It is my opinion, therefore, that the day should not be observed as a legal holiday since the school committee voted to keep the school open on that day.

RICHARD A. FOLEY

Assistant Attorney General

April 2, 1962

To: Joseph T. Edgar, Deputy Secretary of State

Re: Voting Rights of Public Assistance Recipients

A question has arisen relative to the right to vote of a person who has received supplies from a municipality within a three-month period immediately preceding an election. Particular attention is focused upon the cases of persons receiving Aid to Dependent Children, Old Age Assistance, Aid to the Blind and Aid to the Disabled, who have these grants supplemented by assistance from the welfare funds of the municipality. The four categories enumerated above are generally denominated as public assistance and will be so referred to hereafter.

Our Constitution, Article II, section 1, provides:

“Every citizen of the United States of the age of twenty-one years and upwards, excepting paupers and . . . shall be an elector for governor

Early in our state the question arose as to who was a pauper under this provision of the State Constitution. Our court in reply to questions submitted by the House of Representatives on March 28, 1831, said:

“ . . . a man is to be considered a pauper so long as he receives supplies, as such, from the town where he resides, but no longer. Some limit must be fixed, for some must have been intended; and as residence in a particular town for three months next preceding an election authorizes a citizen of the United States to be an elector of state officers in that town, we are of opinion that such a person cannot constitutionally be considered as an excepted pauper, unless within that term, he shall have been directly or indirectly furnished with supplies, as such, from or under the sanction of the overseers of the poor of such town.”

Opinion of the Justices, 7 Maine 497 at 499.

This Opinion of the Justices stated the law of Maine relative to the definition of a pauper and the right to vote. This definition consists of two parts (1) de-