

MAINE STATE LEGISLATURE

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No ✓
July 16, 1965

Linwood F. Ross, Deputy

Secretary of State

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Terms of Registrars as effected by Public Law of Maine 1965
Chapter 398, Section 3.

FACTS:

The 102nd Legislature enacted Public Law of Maine 1965, Chapter 398, section 3 which requires that towns having populations of 5,000 or over must have a board of registration appointed. This public law becomes effective September 3, 1965.

Pursuant to 21 M.R.S.A. § 41 registrars of voters were duly appointed by municipal officials following annual town meetings in the spring of 1965 for one-year terms and until a successor is appointed.

QUESTION:

In those towns with a population of 5,000 or over what is the effect of Public Law 1965, Chapter 398, Section 3 on the terms of the duly appointed registrars?

ANSWER:

See opinion.

OPINION:

Registrars of voters in towns with populations of 5,000 and over that have been duly appointed and sworn shall continue to hold office until the full 3 member board of registration as set forth in 21 M.R.S.A. § 41, as amended by Public Law of 1965, Chapter 398, Section 3, is duly appointed and sworn.

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Although it is clear that our Legislature intends in towns with populations of 5,000 and over to replace registrars of voters with duly qualified boards of registration, it is equally clear that our Legislature does not intend any town to be without some means of qualifying and registering voters.

In fact, because of the statutory requirements of 21 M.R.S.A. § 43 for nomination of one member by city committees of each of the two major parties, appointment by municipal officers of two members of the board, appointment of a third member of the board by the Governor requiring advice and consent of the Council, it would not be possible on September 3, 1965, the effective date of Public Law 1965, Chapter 398, Section 3 and for a period of time thereafter to have a qualified board of registration. If during this interim period registrars could not continue to exercise statutory duties, a situation would arise where prospective electors would not have the statutory authority to become duly qualified voters until there was a duly qualified board of registration. This situation would be repugnant to the provisions of Article IX, section 1 of the State of Maine Constitution setting forth qualifications of electors.

The action of our Legislature in providing for boards of registration in towns with populations of 5,000 or over makes it mandatory for city committees of each of the two major political parties, municipal officers and the Governor and Council to act as promptly as possible in establishing boards of registration in accordance with 21 M.R.S.A. § 43 as amended by Public Law of 1965, Chapter 398, section 3. However, until such time as a board of registration is fully qualified, the registrars must continue to exercise their statutory duties.

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