

MAINE STATE LEGISLATURE

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February 1, 1966

Honorable John H. Reed
Governor of Maine
Augusta, Maine

Dear Governor Reed:

This letter is in reply to your inquiry as to the eligibility of an attorney for the office of Judge of Probate. The attorney lives and practices in one county but has a voting residence in the county where the vacancy exists.

The Constitution of Maine, Article VI, Section 6, states:

"Judges and registers of probate shall be elected by the people of their respective counties,"

4 M.R.S.A., Section 301 states in part:

"Only attorneys at law admitted to the general practice of law in this state and resident therein may be elected or appointed as judges of probate."

It would appear that there are three criteria to be fulfilled by a candidate for Judge of Probate.

1. An attorney at law admitted to the general practice of law in this State,
2. A resident of the State, and
3. A resident in the county where he is to be elected (or appointed).

Honorable John H. Reed

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February 1, 1966

The candidate in question appears to fulfill all three requirements. The maintenance of a voting residence in a county would make him eligible for election to any office which would be subject to election in that county. Therefore, he is eligible to be appointed to fill the unexpired vacancy.

Very truly yours,

George C. West
Deputy Attorney General

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