

# 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)

Inter-Departmental Memorandum Date January 27, 1967

To Representative Gerard P. Conley

Dept. House of Representatives

From Jon R. Hayle, Asst. Atty. General

Dept. Bureau of Taxation

Subject Re: L. D. 57 - H. P. 37 - AN ACT Relating to Citizenship Requirements  
for Municipal Assessors

You have asked this office to determine the background of the requirement of citizenship which is presently part of the law relating to qualifications of municipal officers, particularly assessors. The effect of the above legislation would be to relieve assessors of the requirement of being a citizen of the United States.

You have further inquired as to whether there is any constitutional requirement that municipal officials be citizens of the United States.

Title 30 M.R.S.A. Section 2060 (3) now provides that in order to hold a municipal office, a person must be a citizen of the United States, be a resident of the state and at least 21 years of age.

My research indicates that the requirement of citizenship has only been present in the law since 1957 when there was undertaken a general revision of the laws relating to municipalities.

Previous to this time, tax assessors, who are municipal officers, had only been required to be "inhabitants" of the town in which they served.

I can find no indication in the legislative record or in the notes of the draftsmen of the provision, indicating what the intent of the legislature was in requiring United States citizenship.

It would be my best judgment that the requirement was a rather routine uniform provision which was inserted only because citizenship was assumed to be a general requirement.

It is interesting to note however, that there had been no requirements of United States citizenship for tax assessors in this state until 1957.

Constitutionally, I can find no requirements that municipal officials be citizens of the United States. It is true that certain state officers must be U. S. Citizens, for example, the Governor, members of the House of Representatives, members of the Governor's Council and electors.

It is therefore safe to assume that there is no constitutional requirement requiring tax assessors to be citizens. On the other hand, there seems to be no reason available for the insertion of a requirement, in 1957, that tax assessors be United States citizens. In all probability, the provision concerning citizenship was copied from some uniform provision available to draftsmen of the legislation.

If I can be of any further help, please do not hesitate to call upon me.