

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)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

July 18, 1967

Stanley F. Hanson, Jr., Deputy
Secretary of State
Robert G. Fuller, Jr., Assistant

State
Attorney General

Special Referendum Election of September 12, 1967.

FACTS:

You have requested an opinion from this office on the validity of the date fixed by the Legislature for a special referendum election.

The Legislature has, at the session just recessed, passed several acts involving construction to be financed by bond issues. Each of these acts provides, in substance, that it shall not become effective until 30 days after its ratification by the voters of the State at a special referendum election to be called for that purpose. Absent the referendum provisions, each of these acts would become law 90 days after the Legislature recessed. Me. Const., Art. IV, pt. 3, § 16. The Legislature has fixed a date for the special election - September 12, 1967 - which is less than 90 days after recess.

QUESTION:

Having passed an act requiring ratification by the voters of the State at a special referendum election to be called for that purpose, may the Legislature then fix a date for such election which is less than 90 days after recess of the session at which such act was passed?

OPINION:

This question has been answered in the affirmative in Opinion of the Justices, 144 Me. 412, 66 A. 2d 378 (1949) which states that ". . . (t)he Legislature has power and authority to fix the day upon which such an election shall be held in accordance with its judgment and discretion, which may be within ninety days after the recess of the Legislature, as that term is defined in Section 20 of Part Third of Article IV of the Constitution." 144 Me. 412, 415, 66 A. 2d 378, 380.

Based on the language in the cited opinion of the Justices, it is the opinion of this office that the Legislature has acted validly in fixing September 12, 1967 as the date for a special referendum election, even though such date is within 90 days after the recess of the Legislature at which the measures, sought to be ratified at such election, were passed.

Robert G. Fuller, Jr.
Assistant Attorney General

RGFJr./eh