

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
**ATTORNEY GENERAL**

For the Years  
1967 through 1972

October 23, 1969  
State

Joseph T. Edgar, Secretary of State

This is in reply to your memorandum of October 2, 1969.

*SYLLABUS:*

A registered voter in a municipality is not necessarily a legal resident of that municipality for all other purposes.

*FACTS:*

Some individuals applying for resident hunting and fishing licenses and motor vehicle operator's license are residing and working outside the State but are carried on the voting list of a municipality within the State as registered voters.

*QUESTION:*

Does the fact that a person is a registered voter in this State presuppose his being a legal resident entitled to receive resident hunting and fishing licenses and motor vehicle operator's license?

*ANSWER:*

No.

*OPINION:*

The *registrar of voters* of a municipality, by 21 M.R.S.A. §171, has the exclusive power to prepare and revise the voting list, and under §101 to determine an applicant's qualifications as set forth in § 241, which requires the establishment of a voting residence in the State and municipality.

It is the duty of the *clerk of the municipality*, or appointed agent, to determine eligibility for resident hunting and fishing licenses; it is the Secretary of State's duty to be satisfied that an applicant for an operator's license is a proper person to receive it.

The fact that an applicant for one of these licenses is a registered voter may be considered in determining his eligibility for a license as a resident; but should not be considered conclusive evidence that he is a resident at the time of the application. Other evidence to be considered includes ownership of a home, place of abode, payment of taxes, place of work, and any other evidence indicating the applicant's intent to make the municipality his permanent home, or only to be there temporarily.

LEON V. WALKER, JR.  
Assistant Attorney General