

MAINE STATE LEGISLATURE

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9-1-1971

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AUGUSTA, MAINE

September 1, 1971

Peter M. Damborg, Deputy

Secretary of State

Robert G. Fuller, Jr., Assistant

Attorney General

Eligibility of 18-19 year old voters to hold elective office

By memo of August 25, 1971 you have made general inquiry as to the circumstances under which persons over the age of eighteen years will be eligible to hold elective office in this State. Since you do not present any specific set of facts calling for a legal interpretation in order for you to reach a decision, we respond informally.

We start by calling your attention to several provisions of the Constitution of Maine which impose age requirements relative to certain State elective offices. Me. Const., Art. IV, Pt. 1, § 4 is typical of such provisions. In pertinent part, it reads:

"No person shall be a member of the House of Representatives, unless he shall, at the commencement of the period for which he is elected. . . have arrived at the age of twenty-one years. . . "

To the same effect, see Me. Const., Art. IV, Pt. 2, § 5 (State Senators -- twenty-five years); Art. V, Pt. 1, § 4 (Governor -- thirty years). Cf. U.S. Const., Art. I, § 2, (U.S. House of Representatives -- twenty-five years); U.S. Const., Art. I, § 3 (U.S. Senate -- thirty years).

Regarding municipal elective offices, a determination must first be made concerning whether or not the municipality holds a charter. If chartered, then resort must be had to the charter to determine its provisions regarding age limitations upon the holding of office in that municipality. If the municipality is not chartered, then 30 M.R.S.A. § 2060 (3) applies, which statute provides:

"In order to hold municipal office, a person must be. . . at least 20 years of age."

Apart from the cited provisions, we find no other Maine law which places age limitations upon the holding of elective office.

RGFJr./ec

NOT A FORMAL OPINION

MAR 13 1992