

MAINE STATE LEGISLATURE

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March 9, 1972

Joseph T. Edgar, Secretary of State

State

Leon V. Walker, Jr., Assistant

Attorney General

21 M.R.S.A. §§ 631 - 633

SYLLABUS:

The words "time schedule" as used in 21 M.R.S.A. § 633, which authorizes the municipal officers to change the time schedule for registration of voters prior to elections provided in §§ 631 and 632, according to the needs of the municipality, refer to the hours of the day during which registrations shall be accepted.

FACTS:

21 M.R.S.A. § 631, provides that the registrar of voters "shall accept registrations prior to a regular election according to the time schedule prescribed by this section." (Emphasis supplied.) Subsections 1 through 5 of this section then outline a schedule of days and hours during which voter registrations shall be accepted by the registrar of voters, the days and hours being established with relation to the population of the various municipalities.

Section 632 contains the same provision as quoted above, regarding registrations for special elections, with the days and hours also varying according to population.

Section 633 provides as follows:

"The time schedule established by sections 631 to 632 may be changed by the municipal officers according to the needs of the municipality."

QUESTION:

Do the words "time schedule" as used in section 633 refer to both the days and the hours within which registrations shall be accepted, or do those words refer only to the hours without in any way conferring upon the municipal officers the authority to change the days specified in sections 631 and 632?

ANSWER:

The words "time schedule" in section 633 refer to hours, and not to days.

REASON:

Registrars of voters, except as provided in 21 M.R.S.A. §§ 631 and 632, may accept voter registrations on any day of the year at such hours as may be convenient, including such office hours as may be established by the municipal officers under 21 M.R.S.A. § 41, subsection 6.

Sections 631 and 632 provide that registrars "shall accept" registrations on certain enumerated days prior to general and special elections, "but not" on certain other days prior to such elections. (Emphasis supplied.) These provisions are mandatory and may not be varied by the municipal officers acting under § 633.

The hours when such registrations shall be accepted, under §§ 631 and 632, are as prescribed by the municipal officers, or as prescribed in the statute, according to the population of the municipality and the type of election (general or special). Since the municipal officers may not vary the prescribed days, it is these hours which may be changed by the municipal officers. The words "time schedule" in § 633 therefore apply only to hours of the day, which the municipal officers may change "according to the needs of the municipality."

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