

MAINE STATE LEGISLATURE

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August 14, 1972

Peter M. Damborg, Deputy
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Secretary of State
Attorney General

Interpretation of 21 M.R.S.A. § 702, sub-§ 2, ¶ A.

In your memo of August 10, 1972, you inquired as to whether the requirement set forth in the second sentence of paragraph A, subsection 2, section 702 of Title 21 of the Revised Statutes is mandatory or permissive.

The provision in question reads as follows:

"When the names to be printed on the ballot are over 25, another column or columns may be added in which the names of the additional nominees shall be printed." (Emphasis supplied)

Furthermore, Title 21 M.R.S.A. § 2, sub-§ 2 provides, in pertinent part, that:

"§ 2. Construction

"The following rules of construction apply to this Title:

"2. Use of words. 'shall' and 'must' are used in a mandatory sense. 'May' indicates authority and permission." (emphasis supplied)

In view of the language of the foregoing statutory provisions, it would appear that, when the names to be printed on a ballot are over 25, then it is permissive that another column or columns be added; however, if another column or columns are added to the ballot, then it is mandatory that the names of the additional (over 25) nominees be printed in the additional column or columns.

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NOT A FORMAL OPINION