

MAINE STATE LEGISLATURE

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September 5, 1973

Peter M. Damborg, Deputy

State.

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Attorney General

P.L. 1973, Chapter 199

Section 1 of the reference Public Law, amending 21 M.R.S.A. § 1211, provides as follows:

"After the time for completion of recounts following any election has elapsed, on request of any registered voter, the clerk of any municipality or the Secretary of State, or both, shall produce any checklists in his custody."

The effective date of this Public Law is October 3, 1973. Your question is whether checklists used in elections held prior to this effective date become public records as of that date. We answer in the negative.

It is well established law in this State that in the absence of any contrary provision, all laws are to commence in futuro. It is presumed that all laws are prospective in application, unless the intention of the Legislature to give them a retrospective effect is expressly declared or is necessarily implied from the language used. See Opinion of Attorney General to Paul A. MacDonald, dated August 14, 1959, 1959-60 Report of Attorney General, p. 68. There is no expressed intention in the reference statute to give it a retrospective application, nor are there any convincing implications to that effect. Nor do the Statement of Facts, in either the L.D. or the Senate Amendment thereto, express any such intent. The Act applies to checklists used in connection with elections held after its effective date.

In Dyer v. Belfast, 88 Me. 140, the Supreme Judicial Court said:

"We never hold an act to be retrospective unless it is plain that no other construction can be fairly given."

JON A. LUND
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JAL/jwp

NOT A FORMAL OPINION