MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
http://legislature.maine.gov/lawlib

Peter M. Damborg, Deputy Secretary   State

Jon A. Lund, Attorney General   Attorney General

P.L. 1973, C. 402 (L.D. 1391).

21 M.R.S.A. § 1576 (enacted by the reference Public Law) provides that the Secretary of State may establish the layout and content of all forms necessary to the efficient operation of the Title with the following exception:

> "The state committees of the major
> political parties and candidates for
> federal office shall file one copy of
> the completed report required of them
> by federal law with the Secretary of
> State on the same day as required by
> federal law, except for the final cam-
> paign report, which shall be filed not
> later than 45 days after the election.
> Candidates for Governor shall file a
> report of the same form and content on
> the same dates as required of federal
> candidates by federal law, except for
> the final campaign report, which shall
> be filed not later than 45 days after
> the election." (Emphasis supplied).

You ask whether the intent of this Law is to require candidates for Governor to conform with the requirements which must be met by federal candidates as to both the form and content of the campaign reports and the dates when such forms must be filed. The language of the statute, as under-lined above, clearly states this to be so. Furthermore, the Statement of Fact accompanying L.D. 1391, which introduced the bill in the Legislature, states: ". . . this bill would require gubernatorial candidates to submit the financing and operation of their campaigns to public scrutiny just as federal candidates are required to do....." In view of the above, it is incumbent on the Secretary of State to prepare report forms possessing the same form and content as those forms required to be filed by candidates for federal office; modified as necessary to indicate that the forms are for use by candidates for nomination or election as Governor of Maine.

NOT A FORMAL OPINION

You further ask whether, by reason of the reference statute, campaign reports of candidates for Governor will be governed by federal law rather than by election laws of Maine. The answer is no. All that the statute does is require that a report of the same form and content as the one designed by federal authority for use by candidates for federal office be also filed with the Secretary of State by candidates for Governor.

While this form calls for the reporting of some items not required to be reported by candidates for State office under the Maine election laws, the statute does not unconstitutionally delegate legislative or rule-making authority to the Federal government as long as it applies only to present laws and rules of that government, and does not "incorporate by reference into the statute future enactments of Congress."

> State v. Vino Medical Co., 121 Me. 438
> See: 1949-50 Atty. Gen. Rep. p. 230.
> In Vino, the Court said:

> "We are not aware of any objection on constitutional grounds to the adoption, by legislative enactment, of any existing definition or standard enacted by Congress, by which the intoxicating character of liquor shall become fixed by law in this State."

If a statute is susceptible of two interpretations, and one will render the statute unconstitutional, and the other will not, the latter should be adopted. Hamilton v. Portland Pier Site District, 120 Me. 15, 20.

With this principle of law in mind, the view should be adopted that the Legislature did not intend to incorporate by reference into Chapter 402 future enactments of Congress or regulations made by federal authority. It merely adopted a form of report based on federal laws in existence on the effective date of the State enactment.

JON A. LUND
Attorney General

JAL/jwp

NOT A FORMAL OPINION