

MAINE STATE LEGISLATURE

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November 4, 1975

Joseph Hochadel

Executive

John W. Benoit, Jr., Deputy

Attorney General

Governor's Voting Residence

This is a reply to your interdepartmental memorandum of November 3 asking whether the Governor may continue to vote at his residence in Lewiston, notwithstanding that the provisions of 2 M.R.S.A. § 1 state that the Governor shall ". . . have his official residence. . . in Augusta." The answer is yes.

The provisions of 21 M.R.S.A. § 242 define voting residence. That statute states that the voting residence of a person is that place in which his habitation is fixed and to which, whenever he is absent, he has the intention to return. Subsection 3 of § 242 specifies that a person does not lose his residence if he leaves his home and goes to another place in this State for temporary purposes only, with the intention of returning.

Your memo states that the Governor presently resides with his family in Lewiston and that he spends a significant amount of time at his Lewiston home. Moreover, the Governor intends to permanently return to Lewiston after his stay in Augusta as Governor. It seems clear, therefore, that the Governor's voting residence, within the meaning of 21 M.R.S.A. § 242, is Lewiston and that he may legally vote November 4 in that place.

JOHN W. BENOIT, JR.
Deputy Attorney General

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