

MAINE STATE LEGISLATURE

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SC M.R.S.A. 1982-5

June 29, 1976

Timothy P. Wilson, Director

Community Services

Donald G. Alexander, Deputy

Attorney General

Question of validity of Title 36, M.R.S.A. Section 1482, sub-section 3

This responds to your memorandum of December 19, 1975, and the follow-up memorandum of May 27, 1976, requesting an opinion on the compatibility of the above-captioned section of Maine law with the equal protection clause of the Maine and United States Constitutions. We have reviewed the provisions of law. The Department of the Attorney General in examining the constitutionality of provisions of existing law (unlike legislation which is not yet enacted) issues opinions holding such provisions of law unconstitutional only with the greatest reluctance and then only in cases where the constitutionality of the issue is very clear, usually as the result of a recent opinion of the United States Supreme Court. In this connection, we do not believe that the distinction between used car purchasers and new car purchasers adopted in the subject statute is so totally without a rational basis as to clearly violate the equal protection clauses of the Maine and United States Constitutions. Therefore, it is the position of this office that the subject statute is constitutional.

DONALD G. ALEXANDER
Deputy Attorney General

DGA:mfe