

MAINE STATE LEGISLATURE

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21 M.R.S.A. '13

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DEPARTMENT OF THE ATTORNEY GENERAL

AUGUSTA, MAINE 04333

April 7, 1977

Honorable Linwood E. Palmer, Jr.
House of Representatives
State House
Augusta, Maine

Dear Representative Palmer:

This responds to your opinion request of March 15, 1977. By that request you inquired as to whether partisan members of a municipal board of registration may continue their membership in their municipal political committees during their term as a member of the board of registration. We answer that question in the affirmative.

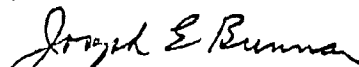
21 M.R.S.A. § 41 provides for appointment of municipal registrars in communities of less than 5000 population. That section specifically prohibits the individual municipal registrar from being a member of any political committee. For larger communities, however, an alternative procedure is established by 21 M.R.S.A. § 43. This section requires appointment of a municipal board of registration with one member of the board to be nominated by the city committee of each of the two major political parties and a third member to be appointed by the municipal officers on nomination of the city clerk. Thus, partisan representation is intended on municipal boards of registration.

Further, additional qualifications for board members are specified in § 43. Exclusion from membership in political committees as specified in § 41 is not a qualification. The fact that there is no exclusion from membership on political committees in § 43 while exclusion is contained in § 41 indicates that the Legislature did not intend that partisan board members be barred from political committee membership. Further, the legislative purpose sought to be achieved by

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excluding registrars from partisan committee membership would not apply in situations where, with the board of registration, the Legislature has specifically intended a balance of partisanship through membership representation of persons designated by party leaders. Here the equal treatment is assured by membership on the board of registration of representatives of both parties. Thus, as to the partisan members, we see no bar to their continuing membership on or joining municipal political committees at the same time they serve as registrars designated by each of the two major political parties.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

JEB/ec