

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

January 9, 1978

Honorable Joseph Sewall
President of the Senate
State House
Augusta, Maine

Honorable John L. Martin
Speaker of the House
State House
Augusta, Maine


Dear Gentlemen:

We wish to bring to your attention a problem which has resulted from enactment of P. & S.L. 1977, c. 10, AN ACT to Annex the Town of Otisfield to Oxford County. The Act was designed to remove Otisfield from Cumberland County and make it part of Oxford County, and is to become effective as of July 1, 1978, if approved by the voters of Otisfield and Oxford County at referendum. It is our understanding that both referendum votes were successful, so that Otisfield will be part of Oxford County as of July 1, 1978.

The problem results from the fact that Cumberland County is designated as part of the First Congressional District, while Oxford County is part of the Second Congressional District (21 M.R.S.A. § 1571), and the fact that the transfer of Otisfield from one county to the other will occur between the primary election on the second Tuesday of June (21 M.R.S.A. § 448) and the general election on the Tuesday following the first Monday of November (Art. II, § 4, Const. of Me.). In other words, as matters presently stand, the voters of the Town of Otisfield would be voting for party candidates in the primary election for Cumberland County offices and for Representative from the First Congressional District, but would be casting their general election votes for Oxford County offices and for Representative for the Second Congressional District.

We believe that this unintended result of the timing of Otisfield's transfer from Cumberland to Oxford County may raise questions concerning the validity of the Otisfield vote in either election. Therefore, we suggest that the Legislature may wish to consider legislation which would designate the county and Congressional District within which the Town of Otisfield will be considered as a part for both the primary and general elections in 1978. It should be noted that this problem exists with regard to the election of county officials and United States Representatives. It does not affect the electoral districts for the State Legislature.

Sincerely,


JOSEPH E. BRENNAN
Attorney General

JEB/ec

cc: Legislative Leadership
Sen. Philip C. Jackson
Rep. Gail H. Tarr
Markham L. Gartley