

# MAINE STATE LEGISLATURE

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*House of Representatives Change of Residence  
M.C. 10-7 Art 4 Pt 1, 4*

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AUGUSTA, MAINE 04333

September 12, 1978

Honorable John L. Martin  
Speaker of the House  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Mr. Speaker:

This responds to your request for an opinion on the effect of a member of the House of Representatives change of residence on that persons status as a House member.

FACTS:

A Representative elected to an at-large seat representing one Maine city has moved to another Maine city. Further, the Representative has registered to vote in the second city. The city in which the Representative was originally elected and the city in which the Representative is currently registered to vote are not part of the same representative district.

QUESTION:

Based on the above facts, you ask whether the Representative in question is properly a member of the Maine House of Representatives.

DISCUSSION:

Response to your question requires an analysis of Article IV, Part First of the Maine Constitution. That section provides:

"No person shall be a member of the House of Representatives, unless he shall, at the commencement of the period for which he is elected, have been five years a citizen of

the United States, have arrived at the age of twenty-one years, have been a resident in this State one year; and for the three months next preceding the time of his election shall have been, and, during the period for which he is elected, shall continue to be a resident in the town or district which he represents." (emphasis added)

Thus, the Maine Constitution requires that a person elected to represent a district must remain a resident of the district from which that person is elected in order to remain qualified to be a representative from that district.

In this case, the person has moved to another district and registered to vote there. In registering to vote that person signed an oath indicating that the other city was that person's residence. Upon making that determination, the person no longer resided in the district from which she was elected and the seat automatically became vacant.

Maine law, 21 M.R.S.A. § 242, specifies the law regarding residency. This provision of law articulates the well-established principle that there can only be one residence at one time. 21 M.R.S.A. § 242-2. When the person took up residence in another city, therefore, the person vacated the residence in the first city and residence in the district from which that person was elected.

Sincerely,

  
DONALD G. ALEXANDER  
Deputy Attorney General

DGA:mfe

cc: Representative Linwood Palmer  
William Garside, Legislative Administrative Director