

# MAINE STATE LEGISLATURE

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County Charter Election Procedures  
Elections; County Charter Commission

30 M.R.S.A. 1551  
30 M.R.S.A. 1552

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September 27, 1978

To: Doris Hayes, Deputy Secretary of State  
From: Sarah Redfield, Assistant Attorney General  
Re: Election of County Charter Commissioners

This is in response to your request of September 5, 1978, for an opinion of the Attorney General's Office concerning the manner of election of county charter commission members. You have inquired as to the role of the Secretary of State in the election of county commissioners. In general, the role of the Secretary of State in such elections should parallel exactly his role in any other election.

Title 30 M.R.S.A. § 1551 concerns the adoption of county charters and the revisions thereof. Title 30 M.R.S.A. § 1551 sets out the various procedures by which a charter commission may be established to carry out such adoption or revision of a county charter. The initiation of such a commission may be accomplished by order of the county commissioners or by initiative. See 30 M.R.S.A. § 1551.1 and § 1551.2. Once the procedure has been initiated, the question of establishment of the commission must be submitted to the voters consistent with Title 30 M.R.S.A. § 1551.5. Title 30 M.R.S.A. § 1552 provides for the membership of the commission as follows:

"1. Membership. The charter commission shall consist of 9 members, 6 of whom shall be voters of the county, elected as hereinafter provided, and 3 of whom shall be appointed by the county officers.

"A. Voter members shall be elected in the same manner as county officers, and shall be elected by district if the county officers are so elected, except that they shall be elected without party designation. Election of voter members may be held at the same election as the referendum for the charter commission, but shall be held within 60 days of such referendum election. The names of the candidates shall be arranged alphabetically by last name immediately below the question relating to the charter commission. \* \* \* ."

"County office" is defined as: "'County office' means the judge of probate, register of probate, county treasurer, register of deeds, sheriff, district attorney, and county commissioner," Title 21 M.R.S.A. § 1.8. The election of county officers is provided for in various sections of Title 30; see, e.g., Title 30 M.R.S.A. § 101 and 105 re: county commissioners; Title 30 M.R.S.A. § 451 re: the district attorneys; Title 30 M.R.S.A. § 601 re: the election of county treasurer. More generally, elections are governed by the provisions of Title 21.

In regard to the specific questions you have asked, the Secretary of State's role concerning ballot preparation is governed by 21 M.R.S.A. §§ 701 and 702 which require the Secretary of State to prepare a primary election ballot and the general election ballot, respectively. The Secretary of State should, in the case of county charter commissioners, act in the same manner as he would in the election for any other county officer consistent with these sections. Similarly, nomination of candidates for county commissioners, as is the case with "any state or county office," may be made by primary election or by nomination petition. See, e.g., Title 21 M.R.S.A. §§ 441 and 491.

The above provides a general answer to your questions. If you should require further advice, please feel free to contact this office.

  
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SARAH REDFIELD  
Assistant Attorney General

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