

MAINE STATE LEGISLATURE

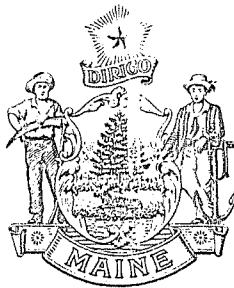
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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

April 25, 1979

Honorable Barry J. Hobbins
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Hobbins:

This responds to your request for an opinion as to whether, under the Maine election laws, a member of a municipal committee may serve as a member of a board of registration. We answer in the negative.

In an Opinion of the Attorney General issued to Doris Hayes on May 9, 1978 (copy enclosed), we indicated that the qualifications for membership on a board of registration are controlled by 21 M.R.S.A. § 41(1). That section requires, in relevant part, that the member

. . . must be a citizen of the United States, a resident of the municipality and at least 18 years of age. He may not hold or be a candidate for any state or county office, or hold membership on any political committee.

Accordingly, the only issue is whether membership on a municipal committee constitutes membership on a political committee. In our opinion, it does.

A political committee is defined as follows:

"Political committee" means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle. (emphasis supplied)
21 M.R.S.A. § 1, sub-§ 24.

While there is a separate definition in Title 21 of a "municipal committee,"* it is our opinion that a municipal committee is simply a type of political committee. It does not differ significantly in function or purpose from a political committee, but is merely restricted in geographical area. A person serving on the municipal committee of a political party is associated for the purpose of promoting that party, and is, therefore, precluded by 21 M.R.S.A. §§ 41 and 43, sub-§ 4, from serving as a member of a board of registration.

If we may be of further service in this matter, please let us know.

Sincerely,



RICHARD S. COHEN

Attorney General

RSC/ec
Enclosure

* A municipal committee is defined as follows:

"Municipal committee" refers to a town, ward or city committee of a political party. 21 M.R.S.A. § 1(18).

JOSEPH E. BRENNAN
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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

May 9, 1978

To: Doris Hayes, Deputy Secretary of State

From: Joseph E. Brennan, Attorney General

Subject: Members of Local Voter Registration Boards Serving as
Delegates to State Political Party Conventions

This responds to your opinion request of May 2, 1978. You have asked whether a member of a board of registration may hold the position of delegate to a party convention. We answer in the negative.

21 M.R.S.A. § 41, sub-§ 1, establishes the qualifications for a registrary. That section provides, in part:

The registrar must be a citizen of the United States, a resident of the municipality and at least 18 years of age. He may not hold or be a candidate for any state or county office, or hold membership on any political committee.

21 M.R.S.A. § 43 requires municipalities with a population of 5,000 or over to have, instead of a registrar, a three member board of registration. Two of the three members are nominated by the city committee of each of the two major political parties. 21 M.R.S.A. § 43 provides that each of these members "shall be enrolled in the party of the city committee by which he is nominated. . ." The third member, the chairman of the board of registration is nominated by the municipal clerk, and all the members are appointed by the municipal officers.

Section 43 of Title 21 does not, however, provide or establish any qualifications for members of boards of registration. 21 M.R.S.A. § 43, sub-§ 4, does state:

Except as otherwise provided in this section, the provisions of law pertaining to the registrar apply equally to a board of registration.

It is our opinion that the Legislature, by not restating or establishing different criteria for qualification as a member of a board of registration and by making the provisions pertaining to registrars apply to members of boards of registration, intended that members of boards of registration be treated and regulated similarly. A further indication of this legislative intent is contained in 21 M.R.S.A. § 1, sub-§ 33, defining "registrar."

"Registrar" means the registrar, deputy registrar of the board of registration of voters of a municipality.

With this definitional background, the only remaining question under § 43 is whether the position of delegate to a convention constitutes "membership on any political committee." We answer in the affirmative. A political committee is defined thusly:

"Political committee" means 2 or more persons associated for the purpose of promoting or defeating a candidate, party or principle. 21 M.R.S.A. § 1, sub-§ 24.

Anyone serving as a member of a delegation to a party's convention is associated for the purpose of promoting or defeating a party.



JOSEPH E. BRENNAN
Attorney General

JEB:mfe