

MAINE STATE LEGISLATURE

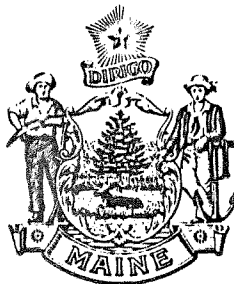
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DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04333

June 21, 1979

James Henderson
Deputy Secretary of State
State Office Building
Augusta, Maine 04333

Dear Jim:

This is in response to your inquiry as to whether Chapters 450 and 456 of the Public Laws of 1979 are competing measures which must be included on the ballot with the initiative question to repeal Maine's "bottle law." We answer your question in the negative.

Chapters 450 and 456 were both passed as emergency enactments. In McCaffrey v. Gartley, Me., 377 A.2d 1367 (1977), the Law Court held that emergency legislation does not constitute a competing measure under art. IV, pt. 3, § 18 of the Maine Constitution. For that reason, we conclude that the changes brought about by Chapters 450 and 456 need not be included on the ballot as an alternative to the repealer initiative. A more detailed explanation of the reasoning behind this conclusion is contained in our May 2, 1979, opinion to Senator Chapman and Representative Howe, a copy of which is attached.

Your question would also seem to apply to L.D. 765 which amended certain other sections of the bottle law. According to Legislative Information, L.D. 765 was enacted as emergency legislation and signed by the Governor in that form.^{1/} Assuming the accuracy of that information, the above conclusion would hold true for that enactment as well.

^{1/} As of this writing, Legislative Information does not have a chapter number for L.D. 765.

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I hope this information is helpful. Please feel free to contact us if we can be of any further service.

Sincerely,



STEPHEN L. DIAMOND
Deputy Attorney General

SLD/ec
Enclosure