

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

RICHARD S. COHEN
ATTORNEY GENERAL



79-154
STEPHEN L. DIAMOND
JOHN S. GLEASON
JOHN M. R. PATERSON
ROBERT J. STOLT
DEPUTY ATTORNEYS GENERAL

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

August 6, 1979

TO: James Henderson, Deputy Secretary of State
FROM: Steven Wright, Assistant Attorney General
Re: Conflicts between P.L. 1979, c. 434 and P.L. 1979, c. 479

On June 14, 1979, the Governor approved P.L. 1979, c. 434, "AN ACT to Clarify the Requirements Relating to Campaign Reports and Finances." Section 5 of this bill amended 21 MRSA §1397, sub-§7, first sentence, by adding to that sentence language requiring the Secretary of State to send duplicate campaign finance report forms to each candidate. Section 6 appropriated for the Department of Secretary of State a total of \$421 for fiscal years 1979-80 and 1980-81 to defray the cost of mailing.

On June 20, 1979, the Governor approved P.L. 1979, c. 479, "AN ACT to Amend the Campaign Finance Law." Section 2 of this bill amended 21 MRSA §1397, sub-§7, first sentence (without reference to P.L. 1979, c. 434) by adding to that sentence language requiring the Commission on Governmental Ethics and Election Practices to send campaign finance report forms to candidates at least 7 days prior to the filing date for the report. Section 3 adds a new sentence at the end of this subsection which provides that failure to receive the reports mailed out by the Commission does not excuse anyone from filing. P.L. 1979, c. 479 carries no appropriation.

Both of these acts are effective September 14, 1979, 90 days after the recess of the Legislature which enacted them. Your question is whether the Secretary of State or the Commission on Governmental Ethics and Election Practices will have the statutory obligation of mailing out campaign finance report forms. We answer that this responsibility falls to the Commission.

P.L. 1979, c. 479, §2 impliedly repeals P.L. 1979, c. 434, §5 to the extent that the two provisions are inconsistent and cannot stand together.

While there is a presumption against implied repeals,¹ if two statutory provisions are enacted by the same legislative session and have the same effective date and are irreconcilable, then the provision that was enacted later in time prevails.² Although P.L. 1979, c. 479 does not refer to P.L. 1979, c. 434, the Legislature is presumed to have full knowledge of the body of law with which it deals at any given point.³ Thus, legislation enacted later that is inconsistent with that enacted earlier will prevail over the earlier legislation if the two cannot be given a reasonable construction allowing both to stand together.

If you have any further questions on this matter, please feel free to contact me.


Steven F. Wright
Assistant Attorney General

¹1A Sutherland, Statutory Construction §§23.09, 23.10 (4th ed. 1974); State v. London, 56 Me. 123, 162 A 2d 150 (1960).

²Sutherland, *supra*, §23.17.

³Finks v. Maine State Highway Commission (1974) Me., 328 A 2d 791.