

# 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



STEPHEN L. DIAMOND  
JOHN S. GLEASON  
JOHN M. R. PATTERSON  
ROBERT J. STOLT  
DEPUTY ATTORNEYS GENERAL

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

January 31, 1980

80-17

Honorable Judy Kany  
District 52-2  
House of Representatives  
State House  
Augusta, Maine 04333

Dear Representative Kany:

You have asked if section 6111(2) of Title 36 of the Maine Revised Statutes, as repealed and replaced by Public Laws 1979, Chapter 561 (Elderly Householders Tax and Rent Refund Act), effective January 1, 1980 (hereafter "the 1980 version"), violates either the United States or Maine Constitutions.

In an opinion addressed to Representative James K. McMahon, dated April 24, 1979, we discussed the constitutionality of the 1979 version of section 6111(2). That version required that a claimant for property tax relief be a "widow or widower." Presently, the section requires that a claimant be "currently not married." In other respects, the 1979 and 1980 versions of section 6111(2) are identical.

A review of the legislative history of Public Laws 1979, Chapter 561 reveals that it originally had no marital status eligibility requirements.<sup>1/</sup> The marital status eligibility requirement was added to reduce funding costs.<sup>2/</sup>

---

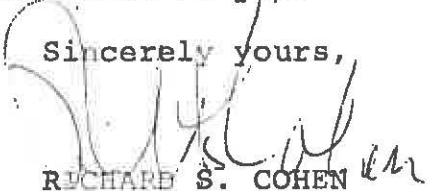
1/ L.D. 41.

2/ The original bill carried an appropriation of \$800,000 (Committee Amendment "A", H-653). The amended bill appropriated only \$60,000 (S-374).

As we emphasized in our opinion to Representative McMahon, the Legislature does not offend the Constitution when it offers assistance only to the neediest because it has determined the State cannot afford to assist all those in need. In this area, a classification will be upheld if any reasonable set of facts exists to support it. It is reasonable for the Legislature to have determined that among the disabled elderly, those who are single are more likely to be in financial distress than those who are married. We conclude, therefore, that section 6111(2) does not violate either the United States or Maine Constitutions.

I trust this response is helpful. Please let me know if my office may be of further assistance to you.

Sincerely yours,

  
RICHARD S. COHEN  
Attorney General

RSC/ec  
Enclosure