

# MAINE STATE LEGISLATURE

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ATTORNEY GENERAL



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

August 6, 1981

Rodney S. Quinn  
Secretary of State  
State House  
Augusta, Maine 04333

Dear Secretary Quinn:

This letter will respond to your memorandum of July 24, 1981, in which you raise certain questions regarding the procedures for complying with 3 M.R.S.A. § 552. As you know, that section provides that whenever a bond issue must be ratified by the voters under the Maine Constitution, "the question submitted to the electors shall be accompanied by a statement setting forth. . . [an] estimate of the total debt service for the bond."

Your first inquiry is whether the statement setting forth the estimate must be included on the ballot or whether it may simply be posted in polling places and published in official election notifications. It is my view that the latter procedure would not satisfy the unequivocal mandate of the Legislature that the estimate accompany the question.

Your second inquiry apparently pertains to those elections at which more than one bond issue is being presented to the voters. In essence, you have asked whether in these cases estimates for all of the bond issues may be printed together on one location on the ballot rather than having each estimate immediately precede or immediately follow the bond issue to which it pertains. Given the unique nature of this inquiry, I am reluctant to conclude that either of the above alternatives represents the only legally acceptable procedure. Nevertheless, I believe there are certain factors you should consider in making this decision. Those factors are set forth in the remainder of this letter.

It seems beyond dispute that it would be more consistent with the language of 3 M.R.S.A. § 552 to print the estimate of the total debt service immediately before or immediately after the question to which it pertains. Such an approach would also more effectively implement the apparent intent of the Legislature that the voter be aware of this estimate when making his or her decision on the particular question. In short, your paramount objective in discharging your duty under § 552 should be that of an informed voter, and the placement of the debt service estimate next to the question would appear most likely to accomplish this objective.

I recognize that the above procedure differs from that which has been followed with respect to the information about the State's indebtedness which must be included on the ballot pursuant to art. IX, § 14 of the Maine Constitution.<sup>1/</sup> That situation is distinguishable, however, in that the information required by the Constitution is the same for each bond issue. Thus, it may be reasonably argued that it would be administratively inconvenient and financially wasteful to repeat this information in connection with each question. By contrast, the estimate of the total debt service relates only to the particular bond issue, and accordingly, there must be a separate statement for each question. As a result, there would not appear to be any significant administrative or financial reasons for separating the estimate from the question.

To conclude, I cannot say that there is only one legally correct procedure for complying with 3 M.R.S.A. § 552. However, unless there is some significant administrative or financial consideration of which I am unaware, I would strongly recommend, for the reasons stated above, that the estimate of total debt service immediately precede or immediately follow the bond issue question to which it pertains.

Sincerely,

*Stephen L. Diamond*

STEPHEN L. DIAMOND  
Deputy Attorney General

SLD:jwp

<sup>1/</sup> Art. IX, § 14 requires that the question be accompanied by a statement setting forth the following information: the total amount of bonds of the State outstanding and unpaid, the total amount of bonds of the State authorized and unissued, and the total amount of bonds of the State contemplated to be issued if the enactment submitted to the electors be ratified. See also 5 M.R.S.A. § 152.