

# MAINE STATE LEGISLATURE

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JAMES E. TIERNEY  
ATTORNEY GENERAL



86-17

STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
STATE HOUSE STATION 6  
AUGUSTA, MAINE 04333

September 3, 1986

Richard W. Redmond, Commissioner  
Department of Educational and Cultural Services  
State House Station #23  
Augusta, Maine 04333

Dear Commissioner Redmond:

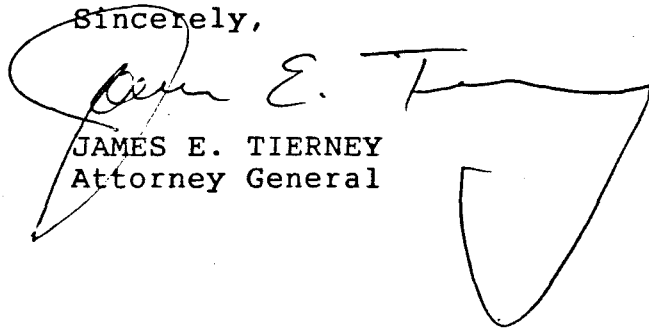
You have requested the opinion of this office with respect to the legal effect of the two amendments of 20-A M.R.S.A. § 15904(1) enacted during the Second Regular Session of the 112th Legislature. First, in emergency legislation directed exclusively to the procedures for local referendum votes on school construction, the Legislature amended the statute to provide an express exception from a filing requirement in Title 30 that would otherwise apply. P.L. 1985, c. 570, § 1, effective March 6, 1986. Subsequently, in a piece of legislation correcting errors and inconsistencies in the statutes as they existed at the beginning of the Second Regular Session, the same subsection was repealed and reenacted. P.L. 1985, c. 737, § 46, effective April 18, 1986. The sole purpose of the latter amendment was to integrate, in one enactment, two changes in the language of the subsection made during the First Regular Session in 1985 which, although not inconsistent, failed to take account of one another. See P.L. 1985, c. 161, § 4 and c. 248, § 4.

The question presented by your inquiry is whether this latter amendment must be viewed as repealing the former, thereby reinstating the filing requirement which that amendment removed. In the view of this office, no such effect may be read into the Errors bill amendment. The limited intention of that provision is definitively confirmed by its language, which repeals § 15904(1) "as amended by P.L. 1985, c. 161, § 4, and c. 248, § 4." Thus, in enacting the Errors bill, the 112th Legislature expressly negated any intention to repeal the final clause added to the school construction referendum statute by P.L. 1985, c. 570.

This office has consistently advised that legal effect should be given to separate amendments of the same statutory provision where no actual inconsistency or repugnancy exists between the two amendments. Op.Me.Att'y Gen., December 19, 1975. The Law Court has repeatedly embraced the same principle. Penobscot Nation v. Stilphen, 461 A.2d 478, 481 (Me. 1983); State v. London, 156 Me. 123, 127, 162 A.2d 150, 153 (1960). Thus, legal effect should be given to the final clause of 20-A M.R.S.A. § 15904(1), as enacted by P.L. 1985, c. 570, exempting referenda covered therein from the filing requirement contained in 30 M.R.S.A. § 2061(4).

I hope the foregoing answers your question.

Sincerely,

A large, stylized handwritten signature in dark ink, appearing to read "James E. Tierney". The signature is written over the typed name and title.

JAMES E. TIERNEY  
Attorney General

JET/EC