

MAINE STATE LEGISLATURE

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JAMES E. TIERNEY
ATTORNEY GENERAL



Attachment E

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

February 3, 1987

Honorable Kelley P. Simpson
Maine House of Representatives
State House Station #2
Augusta, ME 04333

Honorable Thomas H. Andrews
Maine State Senate
State House Station #3
Augusta, ME 04333

Dear Representative Simpson and Senator Andrews:

I am writing in response to your inquiries concerning the constitutionality of Legislative Document No. 119, "Resolve, to Simplify the Wording on the Ballot of the Proposed Initiative Regarding the Generation of Electric Power and High-level Radioactive Waste." As you know, the purpose of this bill is to change the text of the question to be put to the voters at referendum with regard to Initiated Bill No. 1 (Legislative Document No. 20), "AN ACT Regarding the Generation of Electric Power and High-level Radioactive Waste," which at present is before the Legislature for its consideration. You have asked whether it is within the power of the Legislature to enact L.D. 119.

Subsequent to the conversations which you had with our office, a review of the Department's previous Opinions indicated that the office had answered this question last year in the context of a proposal to have the Legislature redraft the question to be presented to the voters with regard to the Local Measured Telephone Service referendum. At that time, as you will see from the attached Opinion, the office advised the Legislature that it did not have the authority under the Maine

Constitution to alter the question. Since the question which you pose is exactly the same, our response is the same as well.

Please let me know if you have any further questions regarding this matter.

Sincerely,



CABANNE HOWARD
Deputy Attorney General
Chief, Opinions Division

CH:sw

cc: Sen. Judy C. Kany
Rep. Charles R. Priest
Chairpersons, Joint Standing Committee on Legal Affairs
Sen. Nancy R. Clark
Sen. Thomas R. Perkins
Rep. Harry L. Vose
Rep. Eugene J. Paradis
Sponsors, Legislative Document No. 119