

# MAINE STATE LEGISLATURE

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May 15, 1936

A. M. Drake, Chairman  
Board Selectmen  
Detroit, Maine

Dear Sir:

In response to your letter of May 10, I would call your attention to Section 18 of Chapter 19 of the Revised Statutes which provides that,-

"No money appropriated by law for public schools shall be paid from the treasury of any town except upon written order of its municipal officers; and no such order shall be drawn by said officers except upon presentation of a properly vouched bill of items, said bill of items having first been approved by a majority of the members of the superintending school committee and certified by the superintendent of schools."

It has been held in this state by the Court that offices are incompatible when persons holding same cannot perform all the duties of each office. Consequently, it is still my opinion that a person holding the office of selectman cannot at the same time lawfully hold the office of superintending school committee.

Very truly yours,

Deputy Attorney General

SLF H

OFFICE OF SELECTMEN, ASSESSORS AND  
OVERSEERS OF POOR,  
TOWN OF  
DETROIT, MAINE

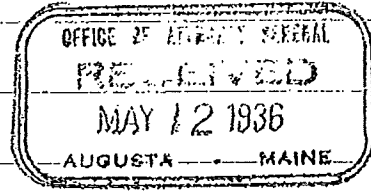
A. M. DRAKE, CHAIRMAN  
S. C. GERRY, 2ND.  
J. A. DAVIS, 3RD.

GEORGIE M. STONE,  
TOWN CLERK AND TREASURER

May 10,

1936

Attorney General Chapman  
Augusta, Maine



Dear Sir:

The present third selectman of this town, J. A. Davis, is also a member of the school committee. He is also one of the candidates for nomination for representative in the state legislature. A person appeared before me recently with an answer to a query he sent to your office as to whether it was legal for one person to hold at the same time both offices, selectman and member of the school committee. The answer signed by Mr. Fogg of your office gave me to understand that it was illegal to hold both offices at the same time. After careful search of the statutes, I failed to find any law which would uphold this ruling. Altho having no knowledge of law, I have reasoned that where the law is silent

The people are within the law  
to proceed in such matters as the  
there were just law. Will you please  
advise me how the ruling, as I have  
understood it, can be made? Further,  
if it is illegal for Mr. Flavin to hold  
the two offices, what would you  
suggest be done?

We shall appreciate an  
early reply.

Respectfully yours,  
R. M. White, Chairman  
Board of Selectmen,

P.O. Address:

P. O.  
Pittsfield, Maine