

MAINE STATE LEGISLATURE

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See July 23, 1941

July
28th
1941

Honorable Sumner Sewall
State House
Augusta, Maine

Dear Governor:

I have been giving further study to the Office Building Commission and to the Opinions of the Justices concerning Incompatibility of Offices.

I find that the Justices have used the expression, "standing" law and that a person whose duty it is to exercise discretion in the administration of a "standing" law, and who takes an oath, occupies an "office", whereas a person who simply administers a function carrying out the instructions of the legislature or the executive in connection with a self-limiting act, such as the act providing for the erection of an office building, is merely an agent.

There is no incompatibility between the person acting as agent and serving as a member of the legislature. The members of the Office Building Commission will be simply agents, and Judge Sanborn is fully eligible even though he accepts the ten dollar a day perquisite.

Very truly yours,

Frank I. Cowan
Attorney General

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