

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years

1959 - 1960

MAINE STATE
LIBRARY

I have reviewed the opinions compiled in this office regarding the incompatibility of holding an office in more than one branch of the State Government and am of the opinion that the two offices would be incompatible.

GEORGE A. WATHEN
Assistant Attorney General

December 23, 1960

To: E. L. Newdick, Commissioner of Agriculture

Re: Airplane Insurance for our Marketing Specialists

We have your letter of November 23, 1960 in which you inquire as to the legality of the Maine Potato Commission's paying for a group flight policy for those employees of your department doing work servicing and promoting Maine potato advertising.

We are of the opinion that flight insurance would be a proper expenditure of funds and could appropriately be paid by the Maine Potato Commission under its agreement with you for servicing and promoting Maine potato advertising. However, authority for the purchase of such insurance should be obtained from the Governor and Council.

It has long been the policy of the state that the Governor and Council authorize the procurement of insurance both on State property and other forms of insurance. For this reason we believe a Council Order should be prepared for presentation to the Governor and Council with respect to this problem.

JAMES GLYNN FROST
Deputy Attorney General

December 23, 1960

Mr. Harold Dow
Eliot, Maine

Dear Harold:

This is regarding your oral request for an opinion as to whether or not you, as a member of the Interstate Bridge Authority, could also be elected and serve as a Governor's Counsellor.

As you know by the Act creating the Interstate Bridge Authority, the Governor with the advice and consent of the Council, appoints members of the Authority. It is further provided that members may be removed by the Governor and Council for cause. These facts alone, in my opinion, create a conflict between the two offices.

I might add further that the term "civil officer under this state" as used in Article V, Part Second, Section 4 of the Maine Constitution would embrace a member of the Interstate Bridge Authority. The office is created, the powers given, and the duties defined directly by act of the legislature.