

# MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT  
OF THE  
ATTORNEY GENERAL

for the calender years

1961 - 1962

Inasmuch as the type of plate issued and the manner and method of displaying such plates is regulated by the commission, we see no reason why the commission cannot amend its regulations to provide for issuance of floater plates to interstate carriers.

GEORGE C. WEST

Deputy Attorney General

January 23, 1962

To: Ober C. Vaughan, Director of Personnel

Re: State Employee as political candidate

We have your request for an opinion with regard to whether or not State employees can be members of the State Legislature if granted leaves of absence in order to attend the sessions of that legislature. We understand that your original request for an opinion would involve a determination of whether any State employee could ever run for an elective office. As this question must be determined on an individual basis, we are limiting our opinion to the situation to which a State employee desires to run for the State Legislature.

We would call your attention to an opinion issued by this office on May 29, 1956 to the effect that no State employee, as a member of the executive branch of State government, could carry out the duties of a member of the legislature and that no State employee could be given leave to attend the annual session of the legislature or any special session thereof. We have examined this question anew, but can find no reason why this opinion should be altered.

It is, therefore, our opinion that no State employee can run for or be elected to the State Legislature whether or not he has been granted a leave of absence by his department.

THOMAS W. TAVENNER

Assistant Attorney General

January 29, 1962

To: Steven D. Shaw, Administrative Assistant, Executive Department

Re: Incompatibility of Office

We have your request of January 6, 1962, for our opinion as to whether a member of the State Board of Examiners of Funeral Directors and Embalmers could at the same time hold the office of member of the Governor's Executive Council.

The Constitution of Maine, Article V, Part Second, Section 4, provides as follows:

"Persons disqualified. Not to be appointed to any office."

"Section 4. No member of Congress, or of the legislature of this state, nor any person holding any office under the United States, (post officers excepted) nor any civil officers under this state (justices of the peace and notaries public excepted) shall be counsellors. And no

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DEPARTMENT OF MENTAL HEALTH AND CORRECTIONS

STATE OF MAINE

AUGUSTA, MAINE

*M.H. & C.  
Personnel*

March 30, 1962

Mrs. Minnie E. G. Knapp -  
3 South St.,  
Yarmouth, Maine

Dear Mrs. Knapp:

This letter is to confirm what I tried to explain to you by telephone this evening. If you choose to run for the Legislature you should resign from your position as a classified State employee at the Pineland Hospital and Training Center effective the date you file your papers as a candidate.

If you file and choose not to resign your position I will tell Dr. Bowman to advise you, on the proper Personnel form, of your dismissal as a State employee. The reason for this action, if necessary, stems from my belief that in running for the Legislature as a State employee you violate the Personnel Law as interpreted by the Attorney General Ruling of January 23, 1962. I enclose a copy of this ruling and also refer you to the letter of March 8, 1962 to you from Mr. George C. West, Deputy Attorney General on the same subject.

You understand, of course, that this action, if necessary, in no way reflects upon your ability as a highly skilled employee at Pineland. Your devotion to your work and your efforts to establish the Departmental Drug Committee, of which you have been an active member, are well known and appreciated.

Very truly yours,

Commissioner

*F.C. DeBowman  
Chas. Vaughan  
Attorney General ✓*

APR 1962
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