

# 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)

**This document is from the files of the Office of  
the Maine Attorney General as transferred to  
the Maine State Law and Legislative Reference  
Library on January 19, 2022**

112  
January 25, 1965

Honorable John H. Reed  
Governor of Maine  
State House  
Augusta, Maine

Dear Governor Reed:

This office has carefully considered my letter of January 5, 1965, advising you that there is no incompatibility or conflict of interest in being a member of the Legislature and a complaint justice of the District Court. My letter was in error and should be withdrawn.

Article III of the Constitution states that the powers of government shall be divided into three distinct departments, the legislative, executive and judicial. Section 2 provides that a person belonging to one of these departments shall not exercise any of the power properly belonging to either of the others. Thus, the Constitution prevents a member of the Legislature from exercising powers properly belonging to the executive or judicial departments.

The office of complaint justice is a new office created by the Legislature when it created the District Court. His function is to issue warrants of arrest or search warrants upon presentation of proper information. It is not necessary to decide if this office is judicial or executive.

If it is not judicial, it could well be an office of profit under this State. The holding of such an office by a member of the Legislature is prohibited by our Constitution Article IV, Part Third, section 11.

Honorable John H. Reed

-2-

January 25, 1965

In either event, there is an incompatibility between being a member of the legislature and a complaint justice.

Very truly yours,

George C. West  
Deputy Attorney General

GCW:H