

MAINE STATE LEGISLATURE

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June 23, 1965

George J. Mitchell, Esquire
477 Congress Street
Portland, Maine

Dear George:

I wish to acknowledge receipt of your letter inquiring whether or not State Representative John Martin would be holding an incompatible office if he took temporary employment this summer with Senator Muskie's office in Washington.

Section 11 of Article IV of the State Constitution prohibits any person holding an office under the United States from having a seat in either branch of the State Legislature. This provision has been interpreted on at least two occasions by this office to prohibit classified employees of the executive branch from being members of the legislature. However, an opinion of May 18, 1945, held that a guard at the State Prison serving as an employee by the pleasure of the Warden was not incompatible simultaneously with being a Representative to the Legislature.

It is my opinion that temporary employment in Senator Muskie's office, without the enjoyment of civil service status, would not be incompatible with Mr. Martin's position as a State Representative.

Yours very truly,

Richard J. Dubord
Attorney General

RJD:H
cc: Honorable John Martin