

# MAINE STATE LEGISLATURE

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March 25, 1966

Mr. Charles Althenn  
Wayne  
Maine

Dear Sir:

It has just been called to the attention of this office that you are attempting to hold both the office of Notary Public and Constable. These two positions are incompatible and you cannot hold both of them. This fact was established by the case of Pooler v. Reed, 73 Me. 129. In that case the court said:

"His appointment to an acceptance of the office of Justice of the Peace, after his election and qualification as constable, must be held to be a surrender of the office of constable. Stubbs v. Lee, 64 Me. 195."

According to the records of the Secretary of State, you qualified as a Notary Public October 6, 1961. If you have been appointed constable since that date, you are no longer a Notary Public and should not perform functions in that capacity.

If, on the other hand, your appointment as constable was prior to that date, then you are no longer a constable and should not perform duties of that office.

It is highly improbable that you would have been appointed a constable prior to that date without having been reappointed. It would appear that probably your appointment and qualification as a constable was subsequent to October 6, 1961, so that probably you are a duly qualified constable but are not a duly qualified Notary Public.

Mr. Charles Althenn

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March 25, 1966

I felt I should advise you so that you will not perform acts which might occasion troubles and problems for you.

Very truly yours,

George C. West  
Deputy Attorney General

GCW:H