

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date December 22, 1966

To Richard J. Dubord, Attorney General

Dept. Attorney General's Dept.

From Ronald L. Kellam, Asst. Attorney General
& Counsel for the Commission

Dept. State Liquor Commission

Subject Eligibility of city councillor to serve on Commission

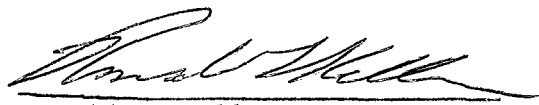
Eligibility for Commission membership is contained in Section 52, 28 Maine Revised Statutes 1964 and nothing contained therein would prevent a member of a city council to serve on the Commission.

Among the duties of the Commission is to sit as a review board on municipal decisions as to approval of licensees. This is contained in sub-section 11 of Section 55.

The procedure as to municipal officers and appeal therefrom is contained in relation to liquor license applications in Section 252. Since the Commission is empowered to overrule the municipal officers in any event I do not believe that the two positions would be incompatible for that reason.

Consequently I believe that any incompatibility would have to be arrived at outside of the liquor laws, and I am of the opinion at this time that there is none.

31 Pkw
Brewer



Ronald L. Kellam
Asst. Attorney General and
Counsel for the Commission

RLK:fd

Dick -

I disagree. It seems to me that two offices are incompatible when one reviews the action of the other. Of course the individual could disqualify himself from reviewing applications approved by him as a council member. However, this does not seem appropriate as then only 2 members of a commission would be acting. In a contested matter the 2 remaining members could split and no majority could be reached.

Geo.