

MAINE STATE LEGISLATURE

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March 10, 1967

Honorable L. Robert Porteous
Porteous, Mitchell & Braun
522 Congress Street
Portland, Maine

Dear Bob:

The Attorney General has asked me to write you concerning the eligibility for appointment as the "commercial airport operator" member of the Aeronautics Commission of a person who is an employee and pilot of a flying service at a municipal airport.

A strict interpretation of the above statutory language would result in an almost nonexistent list of eligibles. It is not believed that the legislature intended such a result. It seems sensible, therefore, to make a liberal interpretation so as to include as eligibles those who engage in airport operations. Under this view, the person concerned would be eligible. The fact that he is an employee of a person engaged in such operations would not matter. One of the dictionary definitions of "operator" is "agent", and there is no doubt that an agent can be an employee.

It is understood that the flying service concerned is also in the business of selling aircraft, and that it occasionally sells such to certain departments of the state government by direct sale to the buyer. If the person concerned should be serving as a member of the Commission at the time of such a sale, but has no pecuniary interest in the transaction, you ask whether there might be a conflict of interest. The applicable statute is 17 M.R.S.A. § 3104, which provides that no person holding a place of trust in any state office shall be pecuniarily interested directly or indirectly in any contracts made in behalf of the state. While the person concerned would be holding a place of

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trust, under the facts presented he would have no pecuniary interest in such contracts. It is our opinion, therefore, that there would be no conflict of interest.

Sincerely,

Leon V. Walker, Jr.
Assistant Attorney General

LVWJr:H