

MAINE STATE LEGISLATURE

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December 28, 1967

Richard R. Collins, Exec. Director
Garth K. Chandler, Assistant

Commission on Arts and the
Humanities
Attorney General

Question on Conflict of Interest

FACTS:

The Commission on the Arts and Humanities has a need for employing a consultant on theatre for three months. The consultant must be familiar with the State of Maine, its institutions and unique problems. After investigation, the Commission feels that the only qualified consultant is a person who happens to also be a member of the Commission.

QUESTION:

You ask in your inquiry of December 13, 1967 whether the Commission on the Arts and Humanities may hire one of its own members to be a consultant on theatre.

ANSWER:

No.

OPINION:

The statute establishing the Commission states "The members of the Commission shall not receive any compensation for their services, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties as members of the Commission." Certainly while doing acts which it is their duty to do, members should receive no compensation.

Even assuming that the performance is a duty which the Commission may properly delegate, to delegate it to a member under a contract which would result in compensation to the member is improper. A member should not be involved in making of a contract between the Commission and himself or to become interested in a contract thus made. People, for use of Board of Commissioners of Montazoma County v. Brown. 24 P. 2d. 757, 93 Colo. 182.

GKC/mf

Garth K. Chandler
Assistant Attorney General