

MAINE STATE LEGISLATURE

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Teacher + member of
city council

September 12, 1968

The Honorable Bennett D. Katz
State Senator
Augusta, Maine

Dear Senator Katz:

By letter dated September 10, you have asked me to clarify for you whether or not a teacher employed by the Board of Education of the City of Augusta may serve as an elected member of the Augusta City Council.

The question has both a general and a specific inquiry.

Generally speaking in the absence of provisions of the City Charter or City Ordinances to the contrary, I think there is no basic incompatibility occasioned by a salaried teacher serving as a member of the City Council. The Board of Education, which is elected by the voters of the city, has the power to engage and discharge teachers and to set teachers salaries. The City Council has no power in these areas. Therefore, the fact that a teacher serves also as a City Council member does not create an incompatibility in the sense that a conflict of interest may arise or that the teacher may have dual responsibilities working against each other.

Article II, Sec. 2, of the City Charter was amended October 7, 1967, states among other things, ". . . and no member (of the City Council) shall be eligible while a member of the Council to hold any office of emolument or profit under the City Charter or Ordinances, nor to hold the office of City Manager, nor to act as City Manager during the term for which he was elected."

This office cannot advise upon either the provisions of the City Charter or City Ordinances. Further inquiry should be directed to the City Solicitor. I think I may state informally, however, and not as a matter of official opinion or advice, that I do not believe that a teacher hired and paid by the Board of Education holds any "office of emolument or profit under the City Charter".

I reiterate that you should seek the opinion of the Augusta City Solicitor with respect to the provisions of the Charter and City Ordinances.

Sincerely yours,

James S. Erwin
Attorney General

JSE:m