

MAINE STATE LEGISLATURE

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December 2, 1969

Honorable Bennett D. Katz
State Senator
27 Westwood Road
Augusta, Maine 04330

Dear Senator Katz:

In your letter of October 6, 1969 you asked if the Constitution of Maine would preclude members of the State Legislature from also serving in various other positions. The attached list outlines the compatibility of the various positions to that of a member of the State Legislature as determined by express constitutional provisions or previous official opinions or informal letters of the Attorney General. Copies of the content of the constitutional articles and opinions have been attached for your reference.

Very truly yours,

CLAYTON N. HOWARD
Assistant Attorney General

CNH/ec
Enclosure

I. LIST OF POSITIONS:

Position	Compatibility	*Authority
1. Mayor	Compatible	4/12/35
2. City or Town Manager	Compatible (Town)	3/21/40
3. Councilman or Alderman		
4. Selectman	Compatible	3/6/36
5. City or Town Clerk	Compatible (Town)	12/4/35
6. Town Agent		
7. Assessor	Incompatible	12/17/48
8. Auditor		
9. Constable		
10. Overseer of Poort		
11. Road Commissioner	Compatible	2/20/26
12. Superintendent of Schools	Compatible	11/19/62
13. School Board Member	Compatible to School Committeeman	10/3/30
14. Principal		
15. Teacher		
16. Postmaster		
17. Police & Fire Chiefs		
18. County Commissioner	Incompatible	5/20/35
19. County Treasurer		
20. Clerk of Courts	Incompatible	Art. IX § 2
21. Judge of Probate	Incompatible	Art. IX § 2
22. Register of Deeds & Probate	Incompatible	Art. IX § 2
23. Sheriff	Incompatible	4/27/51
24. County Attorney	Incompatible	Art. IX § 2
25. Medical Examiner	Incompatible	1928
26. Bail Commissioner		
27. Municipal Employee on full time basis		

*Dates represent the most recent opinion of the Attorney General and articles refer to the Constitution of the State of Maine. The compatibility of the positions for which no opinion has been rendered are being considered, and you will be advised of our decision at a later time.

II. Maine Constitutional Provisions:

Article IX § 2.

Offices incompatible with each other; election to Congress disqualified.

Section 2.

No person holding the office of Justice of the Supreme Judicial Court, or of any inferior court, attorney general, county attorney, treasurer of the State, adjutant general, judge of probate, register of probate, register of deeds, sheriffs or their deputies, clerks of the Judicial Courts, shall be a member of the Legislature; and any person holding either of the foregoing offices, elected to, and accepting a seat in the Congress of the United States, shall thereby vacate said office; and no persons shall be capable of holding or exercising at the same time within this State, more than one of the offices beforementioned.

III. Copies of Reports of the Attorney General: