

MAINE STATE LEGISLATURE

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January 14, 1970

Honorable Sam A. R. Albair
Council Chamber
State House
Augusta, Maine

Dear Councillor Albair:

The Attorney General has asked me to reply to your letter of January 13, 1970, in which you ask whether there is an incompatibility of office in a member of the Legislature serving as a member of the Municipal Valuation Appeals Board.

The Appeals Board was established under the provisions of P. L. 1969, Chapter 502. A reading of this law shows the Board to be a part of the Executive branch of the State Government whose members are appointed by the Governor with the consent of the Executive Council and who receive \$50 a day from the State for services actually performed plus expenses.

Article III, Section 1, of the Maine Constitution divides the State Government into three distinct departments, the legislative, executive and judicial. Article III, Section 2, provides that no persons belonging to one of these departments shall exercise any of the powers belonging to either of the others.

Thus, in our opinion, a member of the Legislature cannot serve as a member of the Municipal Valuation Appeals Board.

Very truly yours,

Leon V. Walker, Jr.
Assistant Attorney General

LWVJr:H