

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date February 12, 1970

To Attorney General Erwin,

Dept. _____

From George C. West

Dept. _____

Subject _____

You have asked on behalf of T. Tarpy Shulten if there is a conflict of interest between being a member of the State Senate and Vice President and Director of the Canal National Bank.

I can find no opinion in our files which discusses the matter. The only possible reason for a conflict of interest would be in the language of Article IV, Part Third, Section 11, of the Constitution. This section provides in part:

"No member of Congress, nor person holding any office under the United States (post officers excepted) . . . shall have a seat in either House during . . . his continuing in such office."

National banks have been almost unanimously held to be instrumentalities of the United States. However, I feel it would be stretching the language of the Maine Constitution to say that an officer of a National Bank is a "person holding any office under the United States." I would feel that there is no conflict of interest.

GCW:H