

# MAINE STATE LEGISLATURE

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# STATE OF MAINE

Inter-Departmental Memorandum Date February 11, 1971

To James S. Erwin

Dept. \_\_\_\_\_

From George C. West

Dept. \_\_\_\_\_

Subject \_\_\_\_\_

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Relative to the matter of incompatibility between a member of the legislature and the State Military Defense Commission, there can be an opinion written in either way. Undoubtedly, the duties of the Commission are numerous and a functional part of State government. They would be performing executive powers.

On the other hand, if you look at it whether or not this is an office of profit, it certainly isn't, because in spite of all the work which could be done by this Commission, they are only reimbursed for their expenses. There is no compensation.

I would be inclined, if requested to write an opinion, to take the line which has often been used, that inasmuch as there is no compensation involved, there is no incompatibility. Of course it can be said that there is incompatibility because of being in the legislative and executive departments of government at the same time. This is more or less a matter of preference and choice.

GCW:H