

MAINE STATE LEGISLATURE

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March 19, 1971

Mr. Philip H. Bartram
34 Autumn Avenue
Dover-Foxcroft, Maine 04426

Dear Mr. Bartram:

This will acknowledge receipt of your letter of March 18. You state that you have been appointed to the position of Economic Development Representative for Maine with the Department of Commerce, Economic Development Administration, with an office in the Federal Building in Augusta. You also indicate that you are a county commissioner in the county of Piscataquis with a term expiring December 31, 1974. On these facts you ask if there is any conflict which would bar you from holding each position.

I know of no specific State constitutional provision or State statute which creates an automatic conflict of interest between the two positions. What there might be in the Federal law, I am not sure. However, I would call to your attention that there is a possibility that the Federal Hatch Act might be involved. After all, you are holding a political office which was obtained by a partisan election. The full answer to that particular problem would have to come through the Federal Civil Service Commission.

As far as State law is concerned, I would expect that there could be a possibility of a conflict between the two positions which you would be holding. If I am not mistaken, I believe that it is possible for the County of Piscataquis to seek Federal funds for some purpose from the Economic Development Administration. If this is true, there could and would develop a strong conflict of interest inasmuch as you would be in the position of applying

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as a county commissioner to yourself as representative of EDA. This, I am sure, you can recognize would be in conflict. Now, if a county cannot apply to EDA for funds, or in no way could be dealing with your new employer, then I can see no conflict of interest between the two positions from the point of view of State law.

I am sorry that I cannot give you a straight "yes" or "no" answer. It just is not possible in this particular instance.

Very truly yours,

George C. West
Deputy Attorney General

GCW:H