

# MAINE STATE LEGISLATURE

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September 1, 1971

Kenneth M. Curtis, Governor

Executive

Robert G. Fuller, Jr., Assistant

Attorney General

**Incompatibility of Offices**

**SYLLABUS:**

A member of the Legislature may during his term hold the office of dedimus justice.

**QUESTION:**

Whether a member of the Legislature may during his term hold the office of dedimus justice?

**ANSWER:**

Yes.

**OPINION:**

Although you do not state which office the individual in question first assumed, it makes no substantive difference. In either case, there is no violation of Me. Const., Article IV, Pt. 3 § 10 or § 11; nor is there any violation of Me. Const., Art. IX, § 2.

Nor do we find any inherent incompatibility between the two offices which would require the result that acceptance of the latter vacated the former. See Howard v. Harrington, 114 Me. 443, 96 Atl. 769 (1916). The functions of a dedimus justice extend only to the administration of certain oaths. 5 M.R.S.A. § 4; 21 M.R.S.A. § 1254. We find no conflict between these functions and that of a state legislator.

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