

# MAINE STATE LEGISLATURE

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October 7, 1971

Edward I. Bernstein, Esquire  
Clerk of Courts  
County Building  
142 Federal Street  
Portland, Maine

Dear Ed:

This will acknowledge receipt of your letter of October 6 in which you state that you are presently Clerk of Courts and also, of course, Clerk to the County Commissioners of Cumberland County. You are also a member of the Portland City Council and plan to run for another term at the municipal election December 6. You ask if there is any incompatibility between the offices of Clerk of Courts and a member of the Portland City Council.

My research cannot disclose any conflict or incompatibility between the two offices. The Clerk of Courts and Clerk of the County Commissioners are primarily a recording office. The Clerk of Courts' duty is to keep the records of the Superior Court. The duty as Clerk of the County Commissioners is keeping the records of the County Commissioners. In those capacities you are doing purely ministerial duties. There is no instance in which you in either of those capacities would be called upon to do a duty which would conflict with your duties as a member of the City Council.

I, therefore, conclude that there is no incompatibility between being a Clerk of the Superior Court and being a member of the City Council.

Very truly yours,

GCW:H  
cc: Robert W. Donovan, Esquire

George C. West  
Deputy Attorney General