

# MAINE STATE LEGISLATURE

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December 10, 1971

Ms. Jean T. Barker  
Town Clerk  
Town of Bar Harbor  
Municipal Office  
Bar Harbor, Maine 04609

Dear Ms. Barker:

This will acknowledge receipt of your letter dated December 8, 1971 in which you ask if it is lawful and proper for a janitor employed by the Town of Bar Harbor School Department to be elected to the Superintending School Committee.

This Office cannot issue official opinions to municipalities. However, we do make a practice of trying to answer questions relative to the incompatibility of offices. These opinions are not official, as we have no means of enforcing them.

In answer to your inquiry, I would say that it is not lawful and proper for a school janitor to hold an office of School Committeeman in a municipality. 30 M.R.S.A. § 1901, sub-section 8 defines a municipality as any elected or appointed member of a municipal government. Hence, a member of the Superintending School Committee would be a municipal official. 30 M.R.S.A. § 2251, sub-section 2 provides that a contract other than a contract obtained through properly advised bid procedures made by a municipality during the term of a municipal official who has a direct or an indirect pecuniary interest in it is void.

We therefore would note that a contract between a school committee and one of its members, even a contract for employment, would be void unless it were obtained through competitive bidding.

I might also add that it would be highly improper for a person to hire himself for a position. In other words, the individual as a member of the School Committee would be hiring himself as a janitor in one of the schools.

Very truly yours,

GEORGE C. WEST  
Deputy Attorney General

GCW/bew