

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA, MAINE 04330

March 31, 1972

Mr. Frank K. Tutelian
65 Butler Street
South Berwick, Maine 03908

Dear Mr. Tutelian:

Replying to your letter of March 28, 1972, I enclose a copy of an opinion issued by this office on February 9, 1955, for your information, which appears to answer your question.

Sincerely yours,

Leon V. Walker, Jr.
Leon V. Walker, Jr.

Assistant Attorney General

LVWJr:H
Enclosure

February 9, 1955

Honorable Clarence J. Kimball
House of Representatives
Augusta, Maine

Dear Clarence,

In answer to your inquiry as to whether the same person can hold the office of deputy sheriff and selectman, I can advise you informally that if the selectman also acts as assessor the two offices are incompatible. This is a ruling that was made by this office some considerable period ago and has been in effect ever since. It is based upon the case of Howard vs. Harrington, 114 Maine at page 446, where the Court held:

"Two offices are incompatible when the holder cannot in every instance discharge the duties of each. Incompatibility arises where the nature and duties of the two offices are such as to render it improper from considerations of public policy, for one person to retain both."

Sincerely,

Frank T. Harding
Attorney General

FFH/c