

# MAINE STATE LEGISLATURE

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April 11, 1972

Mr. Roland Huston  
Chief of Police  
Hampden, Maine 04444

Dear Chief Huston:

This is in reply to your letter of April 5, 1972. You state that your police department has in its employ a special officer, named John G. O'Brien, who has been working as a patrolman and also at special functions of S.A.D. #22, of which School District he was recently elected a director by vote of the inhabitants of your town. You ask if in this situation there is a conflict of interest.

There is no inherent incompatibility between the duties of a police officer and the office of director of the school Administrative District of which the town is a part. The answer to the question in your specific case, then, depends upon whether, when Mr. O'Brien works at special functions of the S.A.D., he is in the employ of the town or of the S.A.D.

If the situation is that when the S.A.D. needs a patrolman for one of its functions you are requested to furnish one and you assign one of your men to that duty as part of his regular duties to the town, then if Mr. O'Brien is designated by you, there is no conflict of interest by reason of his being also a director of the S.A.D.

If, however, the S.A.D. employs Mr. O'Brien in his off-duty hours, and pays him for his services, then he is not acting as an employee of the town, but as an employee of the S.A.D. of which he is a director. This creates an incompatibility situation since as director he is deemed to have a part in choosing himself for the services to the S.A.D. and also in determining the amount of money he is to receive therefor.

Sincerely yours,

LW/mf

Leon V. Walker, Jr.  
Assistant Attorney General