

# MAINE STATE LEGISLATURE

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May 5, 1972

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

Dear Sir:

This will acknowledge receipt of your letter of April 11 concerning the matter of one Robert T. Gagne, assessor of South Berwick and deputy sheriff.

Since receiving your letter of April 11, we have done some checking in this office concerning the question of incompatibility between a local tax assessor and a deputy sheriff. My curiosity was aroused as to the basis on which the original letter was written dated March 5, 1937. I have had several people, including some in the Bureau of Taxation, working on the matter. I have found only one provision in the statutes which would seem to support this position. There is a provision which states that if there is no tax collector in a town that the tax assessors may commit the taxes to a deputy sheriff. As far as I can ascertain, that is the only provision in the statutes where there might be a problem as to compatibility of the two offices.

In view of the above facts, I believe it is advisable to now state that the position taken by this office on March 5, 1937 and February 9, 1955, was erroneous and that there is no incompatibility between holding these two offices.

Very truly yours,

George C. West  
Deputy Attorney General

GCW:H  
cc: Sheriff Dutremble