

MAINE STATE LEGISLATURE

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June 27, 1972

Peter B. Dublin, Esquire
Merrill & Merrill
Skowhegan, Maine

Dear Mr. Dublin:

This will acknowledge receipt of your letter of June 26 in which you ask if there is any incompatibility in the offices of County Attorney and Selectman of a town. As you know, this office cannot give any formal opinions other than to the Governor, Executive Council, State Departments, and the Legislature. However, we do render informal opinions as to incompatibility of offices.

The offices of County Attorney and Selectman appear to be incompatible. The general rule is that when two offices have a conflict in any area, they are incompatible. See Howard v. Harrington, 114 Me. 443, and Lesieur v. Lausier, 148 Me. 500. It would appear that there could be a conflict because of the possibilities set forth in Title 30 § 501. As I understand this situation, you as County Attorney must act for the County Commissioners at any time they may be a party to, or be interested in, a matter where their actions are called in question. As I interpret this, if a person asks for an abatement of taxes in the Town of Mercer and is refused by the assessors, of which you would be one as Selectman, an appeal is made to the County Commissioners. If, upon refusal of abatement by the County Commissioners, a further appeal is made to the courts, then the official acts and doings of the County Commissioners are called into question and you might be required to represent the County Commissioners in Superior Court. This, of course, would be a conflict because you would also be involved as a selectman and assessor of the town. Because of this possible conflict, I believe the two offices are incompatible.

Very truly yours,

George C. West
Deputy Attorney General

GCW:H