

# MAINE STATE LEGISLATURE

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✓  
December 7, 1972

The Honorable Kenneth M. Curtis  
Governor of State of Maine  
State House  
Augusta, Maine

Dear Governor Curtis:

In your memorandum of November 22, 1972, you ask whether there is a conflict of interest between Trial Justices, Justices of the Peace and Notaries Public on the one hand, and Licensed Detectives and Watch Guard Agencies on the other. We answer the question in the negative.

Although detectives and watch guard agencies are required to be licensed under 32 M.R.S.A. § 3806 by the Governor and Council, the licensees' businesses, as defined in 32 M.R.S.A. § 3803, are of a private nature, and the licensees, simply by reason of such licensure, are not holding public office.

Since these licensees are not exercising "any of the powers" of the executive branch of the State government, as is the case with duly constituted law enforcement officials holding public offices provided for by statute or by the Constitution, there is no question of separation of powers under M.R.S.A. Const., Art. III, § 2, with those of Justices of the Peace and Notaries Public.

The question then resolves into whether there is any actual conflict of interest involved. As between Notaries (and Justices of the Peace) and these licensees no such conflict is apparent.

Very truly yours,

LW/mf

Leon V. Walker, Jr.  
Assistant Attorney General

\*The office of trial justice is no longer in existence since the advent of the District Court system.