

MAINE STATE LEGISLATURE

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June 4, 1973

John W. Briggs, Historian

Parks and Recreation

Lee M. Schepps, Assistant

Attorney General

Frank F. Kauffman; Incompatibility Problem

By memo dated May 4, 1973, you inquired whether or not Mr. Kauffman, who is a member of the House of Representatives, may be employed by your Department for seasonal work at the Fort McClary Historic Memorial, Kittery, Maine. You pointed out that he has been a seasonal (classified) employee in years past and that he became a member of the 106th Legislature by virtue of a special election following the death of Representative Hodgdon.

By an opinion of this office dated May 29, 1956, confirmed in all respects by a subsequent opinion dated January 23, 1962, we have expressed the unqualified opinion that a member of the Legislature should not be employed by the Executive branch of the government. Accordingly, the proposed employment of Representative Kauffman by the Department of Parks and Recreation is legally incompatible with his membership in the 106th Legislature.

Let me know if I can be of further assistance.

LEE M. SCHEPPS
Assistant Attorney General

LMS:mfe