

# MAINE STATE LEGISLATURE

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June 20, 1973

Honorable Harold L. Silverman  
House of Representatives  
State House  
Augusta, Maine

Dear Mr. Silverman:

You have asked two questions of this office.

1. May a member of the Legislature be a member of the Maine Industrial Building Authority? ✓
2. May a member of the Legislature be a member of the Land Use Regulation Commission? ✓

The answer is "No."

The Constitution of Maine, Article III, Section 2, states:

"No person or persons, belonging to one of these departments, shall exercise any of the powers properly belonging to either of the others, except in the cases herein expressly directed or permitted."

Our court in Bamford v. Melvin, 7 Me. 14 (1830) said the prohibition "applies to persons belonging to the respective departments." Therefore, a person belonging to the Legislative department cannot belong to the Executive department.

Both MIBA and LURC are instrumentalities of the State and are part of the Executive department.

Very truly yours,

Jon A. Lund  
Attorney General

GEW