

MAINE STATE LEGISLATURE

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November 30, 1973

Honorable Kenneth M. Curtis, Governor

Executive

Jon A. Lund, Attorney General

Attorney General

Compatibility of offices of Member and Chairman, Human Rights Commission and Director, Bureau of Civil Defense

SYLLABUS:

One person may not simultaneously hold the positions of Director of the Civil Defense Bureau, and Member (and Chairman) of the Human Rights Commission because the Civil Defense Director, by statute, may not hold any other state office for compensation, and members of the Human Rights Commission, as such, do hold a state office and are compensated therefor.

FACTS:

The Governor has asked whether two offices are compatible.

QUESTION:

Are the offices of Member (and Chairman) of the Human Rights Commission, and Director of the Bureau of Civil Defense compatible?

ANSWER:

No.

REASONS:

The question is answered by reference to 37-A M.R.S.A. § 1 sub-§2 pertaining, in part, to the organization of the Bureau of Civil Defense and to 5 M.R.S.A. §4564 pertaining to the compensation of Human Rights Commission members. 37-A M.R.S.A. § 1, sub-§2 states in part:

"The Bureau of Veteran's Services and the Bureau of Civil Defense each shall have a director. A bureau director shall not hold any other state office for compensation."

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5 M.R.S.A. § 4564 states in part:

"Each member of the commission shall receive compensation of \$25 for each day or part thereof necessarily spent in the discharge of his official duties with a maximum of \$1000 a year, and shall be entitled to his expenses actually and necessarily incurred by him in the performance of his duties.

. . ."

The latter excerpt makes it clear that members of the Human Rights Commission are compensated for their work and it is clear from the Human Rights statute in general that these members hold state offices as members of the Commission. Therefore, under the first citation the Civil Defense Bureau Director may not simultaneously be a member of the Human Rights Commission because to do so would be holding another "state office for compensation" contrary to the statute.

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