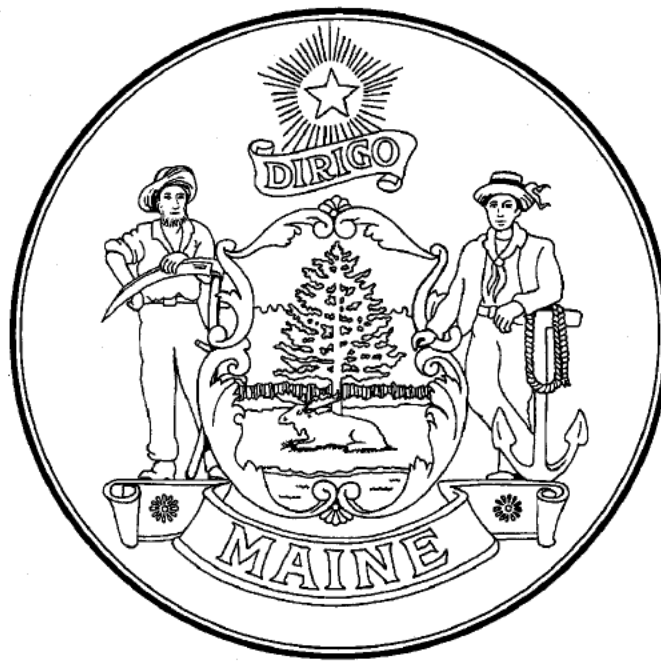


MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

February 5, 1974

Mr. Raymond G. Champagne
2 Holden Street
Sabattus, Maine 04280

Dear Mr. Champagne:

This will acknowledge receipt of your letter of February 2 inquiring as to whether or not a full-time police officer can hold the office of selectman in the town in which he is employed and resides. The answer to your question is that he cannot hold both offices unless there is something in the municipal charter to the contrary.

Normally, the selectmen will hire, fire and determine the compensation of a police officer. This would mean that if you were a selectman you would be involved in hiring yourself, firing yourself and determining your compensation. This, of course, is not legal. If, however, you have a Police Commission which does the hiring, the firing, and determining the compensation, then you would be able to be a selectman and police officer.

The reason for such a ruling is because of a Maine case, Howard v. Harrington 114 Me. 443 (1916). In that case they indicated that two officers are incompatible when the holder cannot in every instance discharge the duties of each officer. They further stated that the acceptance of an incompatible office automatically vacates the office held at that time.

Very truly yours,

George C. West
Deputy Attorney General

GCW:H