

MAINE STATE LEGISLATURE

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March 15, 1974

Mr. Ralph Prime
R.F.D.#5
Augusta, Maine 04330

Dear Mr. Prime:

This will acknowledge receipt of your letter of March 13 addressed to the Honorable Jon Lund, Attorney General. You have asked if you may be a member of the Legislature and at the same time continue to be a member of the Maine Dairy Council.

I assume by the Maine Dairy Council you are referring to the Maine Dairy Council Committee provided by Title 7, § 2958. Unfortunately we must rule that it is not possible to be a member of the House of Representatives and at the same time be a member of the Maine Dairy Council Committee. I must call your attention to Article III, Sections 1 and 2 of the Constitution of Maine. Section 1 divides the powers of the government into three distinct departments - the Legislative, Executive and Judicial. Section 2 provides "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."

As you understand, a member of the House of Representatives is a member of the Legislative department. A member of the Maine Dairy Council Committee would be a member of the Executive department. In view of Article III as indicated above, a person may not hold the positions which you have indicated in your request.

If you are a candidate for the legislature and are successful, upon being sworn into office you would automatically vacate the position as a member of the Maine Dairy Council Committee.

Very truly yours,

George C. West
Deputy Attorney General

GCW:H