

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date July 31, 1974

To Doris Hayes, Supervisor

Dept. Corporation & UCC Division
Secretary of State

From Robert J. Stolt, Assistant

Dept. Attorney General

Subject Incompatibility of Office - your memorandum of July 22, 1974

QUESTION:

Whether the office of Notary Public is incompatible with that of United States Customs Warehouse Officer or United States Customs Inspector? No.

The positions of Notary Public and Justice of the Peace (Judicial offices) have long been held incompatible with positions in Maine law enforcement; e. g., Maine sheriffs, constables, etc. (Executive offices). The incompatibility is based upon judicial interpretation of the Constitution of Maine, [See, Opinion of the Justices, 3 Me. 484 (1825)], as it relates to the Judicial and Executive powers of government.

There is no Maine Constitutional or statutory impediment for a federal customs officer to serve as a Notary Public. However, Federal law may prohibit the holding of a State office by a Federal employee requiring forfeiture of the Federal office.

RJS/cmf

AN INFORMAL OPINION