

MAINE STATE LEGISLATURE

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Joseph E. Brennan
ATTORNEY GENERAL



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DEPARTMENT OF THE ATTORNEY GENERAL
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JOHN W. BENOIT, JR.
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General

January 29, 1975

Mr. William A. Larrabee
22 Wilson Street
Topsham, Maine

Dear Mr. Larrabee:

This is a reply to your letter of January 24 requesting an interpretation as to whether a part-time school bus driver is considered to have a conflict of interest in the event he is elected to the Board of Directors of the School Administrative District in which he is employed. We answer the question in the affirmative. It makes no difference whether an employee of the District is in full time or in a part-time position; he still could not hold the employment and be a District Director at the same time.

In an opinion dated December 19, 1972, we ruled that it would not be lawful and proper for a janitor employed by a municipal school committee to, at the same time, qualify for a position on the school committee. That situation is analogous to the one posed in your letter except for the factor of part-time employment. It is not controlling whether the person is a part-time employee. What is controlling is that it would be highly improper for a person to be both employee and employer. The duties and obligations of both positions are incompatible.

Very truly yours,

A handwritten signature in cursive script that reads "John W. Benoit, Jr.".

John W. Benoit, Jr.
Deputy Attorney General

JWBJr/mf