

MAINE STATE LEGISLATURE

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June 11, 1975

The Honorable Charles A. Jacobs
Maine Executive Councillor
Council Chambers
State House
Augusta, Maine

Re: Incompatibility of Public Employers Consultant and
Public Employer Representative to the Public Employees
Labor Relations Board.

Dear Charlie:

This will respond to your letter of June 5, 1975, inquiring whether a conflict of interest exists between Mr. Robert D. Curley's position as Public Employer Representatives on the Public Employees Labor Relations Board and his work as a consultant to public employers. It is our opinion that no conflict exists.

Pursuant to 26 M.R.S.A. § 968, the Governor, with the advice and consent of the Council, is required to name three members and three alternate members to the Board: One member and one alternate to represent public employees; one member and one alternate to represent public employers; and one member and one alternate to represent the public. Mr. Curley, as the public-employer representative, is charged with the duty of representing the interests of public employers on the Board. The interest of the public employers and Mr. Curley are identical and that identity of interest exists whether Mr. Curley is acting as their consultant or their representative on the Public Employees Labor Relations Board.

We express no opinion as to whether a conflict might arise by virtue of consulting on a specific matter before the Board, i.e., there may well be a conflict if one of the parties appearing before the Board is the very party to whom consulting services have been rendered.

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If I may be of further assistance, please feel free to contact me.

Sincerely yours,

ROBERT J. STOLT
Assistant Attorney General

RJS/ec