

MAINE STATE LEGISLATURE

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July 2, 1975

Honorable David R. Ault
State Representative
Wayne, Maine 04284

Dear Representative Ault:

This is a reply to your letter to Attorney General Brennan of June 26, 1975, asking whether there is a conflict between simultaneously holding office as a State Legislator and as a Code Enforcement Officer and Assistant to the Town Manager. The answer to your question is that there would appear to be no conflict or incompatibility between the positions.

This Department has previously held that there would be no incompatibility when the offices involved were State Legislator and Town Manager. (See Op. Atty. Gen. March 21, 1940 and September 24, 1973). The rationale for these decisions was that the Town Manager's duties were purely municipal in nature. 30 M.R.S.A. 2317. An Assistant Town Manager would logically be in the same position since his duties would be delegated from those of the Town Manager.

In the same manner, the offices of State Legislator and Code Enforcement Officer would not conflict, so long as the latter is a municipal official whose duties derive from a municipal source and do not include administration and enforcement of State programs. It would be difficult to reach a definitive opinion on this point without knowing more precisely the duties of the office. However, from the information you have given it is apparent that there would be no incompatibility between the offices.

Very truly yours,

JOHN W. BENOIT, JR.
Deputy Attorney General

JWB:jg