

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

**This document is from the files of the Office of
the Maine Attorney General as transferred to
the Maine State Law and Legislative Reference
Library on January 19, 2022**

July 28, 1975

Chipman C. Bull, Executive Director

Maine Potato Commission

S. Kirk Studstrup, Assistant

Attorney General

Compatibility - Membership on County Commission and Maine Potato Commission
Ref: Memorandum of July 1, 1975 to Attorney General Brennan

SYLLABUS:

There is no incompatibility between the position of member of a County Commission and member of the Maine Potato Commission. These positions may be held concurrently.

FACTS:

Stated in question.

QUESTION AND ANSWER:

Is there any incompatibility inherent in an individual serving concurrent terms as a member of a County Commission and the Maine Potato Commission? No.

REASONS:

A board of county commissioners, as established by 30 M.R.S.A. § 101, exercises the county's corporate powers, manages and controls its property, handles its financial affairs, and has exclusive jurisdiction over county matters. Watts Detective Agency v. Inhabitants of Sagadahoc County, 137 Me. 233, 18 A.2d 308 (1941). There is a specific provision that one cannot concurrently hold office as a county commissioner and as a mayor or assessor of a city or of selectman or assessor of a town. 30 M.R.S.A. § 51. The interests and functions of such commission are necessarily local in nature and do not extend to promotion of any Statewide agricultural interests. Salaries for county commissioners are paid by the county treasurers. 30 M.R.S.A. § 106.

The Maine Potato Commission, as established by 36 M.R.S.A. § 4563, has the primary interest of fostering and promoting the Maine potato industry. Its functions are limited to that one industry, though it may operate on a State-wide basis. There is no specific provision disqualifying any person from being a commissioner on the basis of holding other public office. With the exception of the chairman, who receives a per diem of \$25, commissioners serve without pay. 36 M.R.S.A. § 4563, 4.

It is clear that the two commissions are entirely separate entities with distinctly different duties and functions. Also, there would be no financial conflict because Maine Potato Commissioners serve without pay. Therefore, in the absence of constitutional or statutory authority to the contrary, it is our opinion that there is no incompatibility between the two offices and they may be held concurrently by one person.

S. KIRK STUDSTRUP
Assistant Attorney General

SKS:jg