

# MAINE STATE LEGISLATURE

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STATE OF MAINE  
DEPARTMENT OF THE ATTORNEY GENERAL  
AUGUSTA, MAINE 04333

January 23, 1976

Mr. David W. Spaulding  
Stratton  
Maine

Dear Mr. Spaulding:

I have been asked to respond to your letter of December 30, 1975, wherein you ask whether there would be a "conflict of interest" if the same person held the positions of town selectman and of county commissioner. You stated that you are presently a selectman for the town of Eustis, and are seeking the position of Franklin County Commissioner.

The offices of town selectman and county commissioner are incompatible. 30 M.R.S.A. § 51 provides in applicable part as follows: "No person holding the office of county commissioner shall at the same time hold either the office of mayor or assessor of a city or of selectman or assessor of a town. . . ."

The Maine Supreme Court has stated that "[i]t is well settled that one person cannot hold two incompatible offices, and the acceptance of the later office vacates ipso facto the prior one." Howard v. Harrington, 114 Me. 443, 445 (1916). Therefore, if you accept the office of Franklin County Commissioner, you will by that act vacate your position as selectman for the Town of Eustis.

We hope that we have been of assistance to you in this matter.

Very truly yours,

A handwritten signature in cursive script that reads "David Roseman".

DAVID ROSEMAN  
Assistant Attorney General

DR:mfe