

# MAINE STATE LEGISLATURE

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JOSEPH E. BRENNAN  
ATTORNEY GENERAL



*State Rep. - Municipal Officer*

RICHARD S. COHEN  
JOHN M. R. PATERSON  
DONALD G. ALEXANDER  
DEPUTY ATTORNEYS GENERAL

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

June 3, 1976


The Honorable Judy C. Kany  
18 West Street  
Waterville, Maine 04901

Dear Judy:

This is in response to your request for an opinion as to whether a State Representative is a "municipal officer" such as would be barred from serving on a charter commission necessary to implement line item budgeting legislation in a municipality. See 20 M.R.S.A. § 3752 as enacted by P.L. 1975 Chap. 738. You further ask if there is any other reason a legislator could not serve on such a charter commission.

30 M.R.S.A. § 1913 limits membership of municipal officers on charter commissions. However, a State Representative would not be so limited as a State Representative is a State Officer but not a municipal officer regulated by the provisions of section 1913. Further, there is no other provision of law which would prevent a State Representative from serving on a municipal charter commission, whether for the purpose of implementing line item budgeting legislation or for any other purpose.

Sincerely,

  
DONALD G. ALEXANDER  
Deputy Attorney General

DGA:jg