

# MAINE STATE LEGISLATURE

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OFFICE OF THE ATTORNEY GENERAL  
Inter-Departmental Memorandum Date June 15, 1976

To Leo O. Martin, Chairman Dept. Electricians Examining Board  
From Donald G. Alexander, Deputy Dept. Attorney General  
Subject Board Member Applying for Job with the Board

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Your memorandum to this office of May 21, 1976, poses the following question: "Can a Board member apply for a job, when the Board is the employer and the Board member would become the employee and still remain a member of that Board during consideration for or actual employment by the Board involved?"

We believe that a board member may apply for a position with the board without having to resign his position on the board as a precondition of such application. However, at the time the board member makes such application, he should abstain from all further board considerations pending board action on his job application. This is important as the board does have a consulting role in selecting employees, 32 M.R.S.A. § 1152.

Further, the board member should agree to resign from the board should his application be acted on favorably by the board. We do not believe that a person can serve upon the board as a member and as employee of that board. Such holding of dual positions with one agency is generally not allowed unless specifically authorized by statute or as a result of unusual circumstances which require a person temporarily holding two positions. In the case of the Electricians Examining Board, 32 M.R.S.A. § 1151 provides for one State employee member (the Executive Secretary); therefore, it cannot be presumed that other Board employees could also be members.

DONALD G. ALEXANDER  
Deputy Attorney General

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