

MAINE STATE LEGISLATURE

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STATE OF MAINE

Inter-Departmental Memorandum Date March 2, 1977

*-public offices
enforcement officer/Dedimus Justice*
Doris Hayes, Deputy

Dept. Secretary of State

Raymond E. Ritchie, Assistant
Attorney Gen.

Dept. Human Services

You have asked our office for an opinion as to whether a law enforcement officer may also hold the office of Dedimus Justice.

ANSWER:

Yes, a law enforcement officer may also be a Dedimus Justice, since the positions are not legally incompatible.

OPINION:

There is no inherent incompatibility between being a law enforcement officer and a Dedimus Justice. The functions of a Dedimus Justice are statutorily limited to the administration of certain oaths, 5 M.R.S.A. § 4, and witnessing and subscribing absentee ballots executed within the State, 21 M.R.S.A. § 1254.

In an Opinion of the Justices rendered in 1825, it was stated that it would be incompatible for a sheriff or deputy sheriff to hold office as a Justice of the Peace. 3 Me. 484 (1825). The reasoning of the Justices was that such a person could not, and should not, serve both executive and judicial departments simultaneously. The Court was concerned that a single individual might issue a process as a Justice of the Peace, serve it as a Deputy Sheriff, decide it as a Justice of the Peace, and then execute his own judgment as a deputy. The possibilities of abuse which prompted the Justices' decision then are not present in the above-stated inquiry.

Raymond E. Ritchie
RAYMOND E. RITCHIE
Assistant Attorney General

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