

MAINE STATE LEGISLATURE

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20 MAY 1977

JOSEPH E. BRENNAN
ATTORNEY GENERAL



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

May 10, 1977

Honorable Laurier G. Biron
House of Representatives
State House
Augusta, Maine

Dear Representative Biron;

This responds to your request for advice regarding any potential conflict of interest between the positions of Chairman of the Lewiston Police Commission and Chairman of the Board of Trustees of the Maine Criminal Justice Academy.

In response to your request we have reviewed the law and the relevant decisions on the subject. Based on that review, we see no inherent conflict of interest between the two positions such that the same person could not serve without conflict as both the Chairman of the Board of Trustees of the Maine Criminal Justice Academy and the Chairman of the Lewiston Police Commission. We would note that on occasions the Chairman of the Board of Trustees of the Maine Criminal Justice Academy may face a situation where he might have to vote on a matter affecting a Lewiston police officer or providing or denying some benefit to the City of Lewiston or the Lewiston Police Department. In such cases it may be appropriate for the Chairman of the Lewiston Police Commission to decline to participate in a particular matter affecting the City of Lewiston before the Board of Trustees. However, the fact that such individual conflicting matters may arise on occasion does not prevent the specter of such continuing conflict as to prevent the Chairman of the Lewiston Police Commission from serving on the Board of Trustees.

Hon. Laurier G. Biron
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In this connection, we would note that the Board of Trustees is intended to include, in part, representatives of law enforcement and criminal justice agencies, 25 M.R.S.A. § 2802. Accordingly, the Legislature may be presumed to have contemplated and intended service on the Board of Trustees by such officials as the Chairman of the Lewiston Police Commission.

Sincerely,

JOSEPH E. BRENNAN
Attorney General

JEB/ec