

MAINE STATE LEGISLATURE

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January 25, 1978

Otis N. LaBree, Sheriff
Penobscot County
85 Hammond Street
Bangor, Maine 04401

Dear Otis:

This responds to your letter of January 16, 1978, asking about the capacity of Deputy Sheriffs to run for municipal officers. I believe that the provisions of 30 M.R.S.A. § 951 prohibit Deputy Sheriffs from serving in municipal or State offices if they are fulltime Deputies. The fourth paragraph of § 951 reads as follows:

"A full-time deputy shall not hold any other municipal, country or state office, and may reside outside the county during the term of his appointment only with the permission of the sheriff and county commissioners."

Section 951 is not inconsistent with § 959, which relates to the political activities of Deputies. Section 959 allows Deputies, while off duty and not in uniform, to engage in certain nonpartisan political activities, for example, working for the election of municipal candidates or other matters. 30 M.R.S.A. § 959-2 reads, in pertinent part, as follows:

"* * * while off duty and not in uniform a sheriff or deputy may engage in political activities relating to nonpartisan municipal, school board or special district elections and may solicit or receive contributions or political services for the purpose of electing himself to a political office."

Section 959 does not expressly authorize Deputies to run for municipal office. Accordingly, I believe that the prohibition

on Deputies holding municipal office in § 951 continues to apply.

Sincerely,

JOSEPH E. BRENNAN
Attorney General

JEB/ec