

MAINE STATE LEGISLATURE

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*County Commissioner Candidate Tony Oliver
30 M.R.S.A. § 51*

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

March 9, 1978

Honorable John H. Rollins
House of Representatives
State House
Augusta, Maine 04333

Dear Representative Rollins:

This responds to your request for an opinion on the question of whether a person who is town manager and treasurer of a town may also run for the office of county commissioner. Our review of the law discloses no bar to a person who is a town manager or the treasurer of a town running for the office of county commissioner.

We would also note that there does not appear to be a statutory bar to a person who is a town manager or treasurer of a town serving as a county commissioner at the same time. 30 M.R.S.A. § 51 specifies those offices which are incompatible with the office of county commissioner. That section provides, in pertinent part:

"No person holding the office of county commissioner shall at the same time hold either the office of mayor or assessor of a city or of selectman or assessor of a town."

As the only town officers which are mentioned as incompatible with the office of county commissioner are selectmen and assessors, the Legislature may be presumed to have contemplated concurrent service in the office of county commissioner and other municipal offices, including the office of town manager and treasurer. We would note, however, that this advice is given without knowledge of the duties assigned any particular town manager. If indeed a town manager should also play any significant or determinative role in assessment of the town, a problem may be presented. As such problem would be a local matter, it would have to be reviewed by the appropriate local officials and local counsel.

I hope this information is helpful.

Sincerely,

DONALD G. ALEXANDER
Deputy Attorney General