

MAINE STATE LEGISLATURE

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July 1, 1919

To Hon. Carl E. Milliken, Governor of Maine
Re: Department Heads and Subordinates - Compensation

In my opinion the Superintendent of Public Buildings and the Live Stock Sanitary Commissioner are heads of departments within the meaning of Chapter 215 of the Laws of 1919, when in effect. To my mind, the Secretary of the Board of Charities and Corrections is a clerk, assistant or other employee of the Board.

Such being the case, there is no authority in the Governor and Council, by virtue of Chapter 215, to change the salary of either the Superintendent of Public Buildings or the Live Stock Sanitary Commissioner. It can be done in a case of a Secretary of the Board of Charities and Corrections.

Each administrative division of the state government charged with the specific class of duties and comprising an organized staff of officials, assistants and employees, is a department of the state government within the meaning of this statute in my opinion. The person or group of persons at the head of such division and staff is properly termed the "head of the respective department"; all other connected therewith are either clerks, assistants or employees. In every case where special duties are imposed upon either an individual officer of a board or commission, with authority, expressed or implied, to employ others to assist in carrying out the duties required of the office and the class of work done and responsibilities assumed are separate and distinct from those of any other business, official, or board or commission, in my opinion a department is created and exists within the meaning of Chapter 215. Distinction must be made between subordinate branches or divisions of a main or chief division, as, for illustration, in the Department of Agriculture where certain subordinates have a special class of work to do with numerous assistants acting under their supervision. Such subdivisions are not departments, but merely subdivisions of the main department.

Guy H. Sturgis
Attorney General

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