

MAINE STATE LEGISLATURE

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STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
AUGUSTA

April 11, 1934

Hon. William A. Funnells
State Controller
Augusta, Maine

Dear Sir:

In answer to your recent oral inquiry regarding the appointment of the State Librarian, I am pleased to call your attention to Chapter 216 of the Public Laws of 1931 (sometimes referred to as the "State Code") relating to the administration of the State.

By the express terms of this chapter there were created four "Administrative Departments", one of which is the Department of Education. Section 2 of said chapter provides that,--

"A commissioner of finance, a commissioner of health and welfare, a commissioner of sea and shore fisheries, and a commissioner of education, shall be appointed by the governor with the advice and consent of the council".

Section 3 provides that the heads of departments may employ such bureau chiefs, deputies, assistants and employees as may be necessary, with the approval of the Governor and Council.

Under the provisions of Article V of said chapter, Section 1, the Department of Education has the power "To supervise the Maine State Library". Section 2 provides that,--

"The commissioner of education shall organize the department of education, with the approval of the governor and council, under such bureaus and divisions as he may deem necessary for the satisfactory performance of its functions."



STATE OF MAINE
DEPARTMENT OF THE ATTORNEY GENERAL
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It seems to follow from the foregoing that the Commissioner of Education has the power to organize his department, with the approval of the Governor and Council, under such bureaus and divisions, including the State Library, as he may deem necessary.

It further appears that the Commissioner may employ

"bureau chiefs, deputies, assistants and employees as may be necessary, with the approval of the Governor and Council"

and it seems to me evident that the Librarian is a "Bureau Chief" within the meaning of the "Code".

Very truly yours,

Deputy Attorney General

SLF H