

# MAINE STATE LEGISLATURE

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June 18, 1942

To Honorable Sumner Sewall, Governor of Maine  
In re: Single Commissioner to Head both Department of Health and Welfare  
and Department of Institutional Service

By statutes enacted in 1931 and again in 1933, Institutional Service was made an integral part of the Department of Health and Welfare by being designated as a Bureau in that Department. In 1939, by specific legislation, the Legislature took the Bureau of Institutional Service completely away from the Department of Health and Welfare and made it a completely separate Department. The statutes indicate a clear legislative intent to separate Institutional Service from the Department of Health and Welfare.

Even though this intent seems apparent, it is, nevertheless, my opinion that the offices of Commissioner of Health and Welfare and Commissioner of Institutional Service are not incompatible, so that, if you thought it wise to appoint a single commissioner to hold both offices, you would have a legal right so to do.

John S. S. Fessenden  
Assistant Attorney General

JSSF:GH

NOTE: This question came up as a result of the great disruption of the State service in the first year of the second World War. It was difficult to get, or keep, one competent man and often impossible to get two.