

MAINE STATE LEGISLATURE

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STATE OF MAINE

REPORT

OF THE

ATTORNEY GENERAL

for the calendar years
1951 - 1954

as a result it indirectly repeals that portion of Section 4 of Chapter 20 which grants that power to the chief engineer, it appears that additional matters have been contemplated by making the chairman the *chief administrative officer*. Normally, it is an administrative function to employ clerical and other assistance, and the right to employ such help, subject to the right and direction or the approval of the commission, have been given to the chief engineer under the provisions of Section 4 of Chapter 20. It is the opinion of this office that there should not be the inconstancy resulting when, on the one hand X by statute is made the chief administrative officer, and on the other hand the chief engineer may select the personnel, subject to the approval or under the direction and control of the commission. The employment of personnel being one of the primary functions of the chief administrator, we believe that Section 4 of Chapter 20 has been further repealed, to the extent that such employment of personnel is now subject to the direction and control of the chairman of the commission — the chief administrative officer.

It should be noted that the chief engineer *shall* have general charge of all construction and maintenance work under the control of the commission and *may*, subject to the direction and control of or with the approval of the chairman, employ personnel. While the chief engineer will continue, under our interpretation of the law, in charge of all construction and maintenance work under the direction and control of the commission, employment is under the supervision of the chairman. That is, the chairman may directly control such employment or he may delegate that power, subject to his supervision, to the chief engineer.

An examination of the first above quoted sentence clearly reveals that the chairman has now been given by the legislature all administrative duties with the exception of policy decisions, which latter decisions remain with the commission as a whole. The commission, in addition to deciding policy matters, will have its other normal quasi-judicial functions and other statutory duties not administrative in nature.

JAMES G. FROST
Deputy Attorney General
L. SMITH DUNNACK
Assistant Attorney General

January 6, 1954

To I. W. Russell, Superintendent of Public Buildings
Re: House and Senate Chambers

In response to your memo dated December 31, 1953, please be advised that under the provisions of Section 7 of Chapter 9 of the Revised Statutes, as amended by Chapter 375 of the Public Laws of 1945, Harvey R. Pease, Clerk of the House, has general oversight of chambers and rooms occupied by the legislature, when the legislature is not in session.

It would appear, therefore, that you have no authority in connection with the giving out of the House and Senate chambers.

JAMES G. FROST
Deputy Attorney General