

MAINE STATE LEGISLATURE

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March 18, 1957

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To Honorable Edmund S. Muskie, Governor of Maine
Re: Maine General Hospital

You ask us to advise you of your obligations relative to appointments of directors on the Board of the Maine General Hospital and the present vacancies to be filled.

The Maine General Hospital was created in 1868 under the provisions of Chapter 573 of the Private and Special Laws of that year. That law provided for 9 trustees, 6 chosen by the corporation and 3 by the Board of Visitors, the latter Board being composed of the Governor, the President of the Senate, and the Speaker of the House.

By Chapter 12, Private and Special Laws of 1903, the Board of Directors was authorized to increase, and did increase, from 9 to 12. In the event such increase was made, the Board of Visitors was to make one additional appointment, making a total of 4 such appointments to be made by the Board of Visitors.

Again, in 1921, by Chapter 94 of the Public Laws, the corporation was authorized to increase the number of directors from 12 to 24, the Visitors to make additional appointments if the number was so increased. The corporation never availed itself of the authority granted in 1921, so we need not concern ourselves with that law.

As it now stands, the directors are 12 in number, 8 appointed by the corporation, 4 by the Board of Visitors.

While the records of the offices of the Governor and the Secretary of State reveal only two such appointments, Virgil McGorrill (expired March 16, 1957) and Fred Scribner (expired in the fall of 1956), the records of the hospital show four directors appointed by the Board of Visitors who have been serving as follows:

Virgil McGorrill, expired 1957
Fred Scribner, to expire 1958
Judge Thaxter, to expire 1959, and
Roland Irish, life appointment by Horace Hildreth.

From conversation with the attorney of the hospital it appears that when an appointment expires, the incumbent is automatically continued on the records of the hospital as if he were reappointed for a second or subsequent term.

From the foregoing, giving particular weight to the State records, it appears that there are presently 4 vacancies to be filled by the Board of Visitors.

Such appointments present the further problem of staggered terms. which cannot, in our opinion, be overcome. All the statutes relating to the appointments of directors of the hospital take great pains to see that a nucleus of experienced people remain on the board; it is contemplated that the Board of Visitors make one appointment

each year for a term of four years..

It has been suggested that appointments to fill the present vacancies be staggered. However, we are of the opinion that there is no authority for that type of appointment, and that such appointments must be for a term of four years.

James Glynn Frost
Deputy Attorney General

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