

MAINE STATE LEGISLATURE

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January 18, 1967

Willard R. Harris, Director

Personnel

James S. Erwin, Attorney General

Attorney General

This is in reply to your memorandum dated January 12, 1967 asking for a written opinion covering our discussion January 11 about the status of the Deputy Secretary of State.

By written opinion dated January 5, 1967 I informed the Secretary of State that in view of the language of section 2 of Chapter 421 of the Public Laws of 1965, the tenure of the Deputy Secretary of State had expired with the tenure of the Secretary of State himself.

In our discussion at the meeting of the Personnel Board on January 11, we also discussed appointment procedures. Since the Secretary of State is given the power in the Constitution of Maine under Article V, Part Third, paragraph 2, to appoint his deputies, this power of appointment may not be abridged or diminished by legislation. While there may be doubts as to the constitutionality of sections 1 and 2 of Chapter 421 of the Public Laws of 1965, we must assume the legislature intended some valid result by this enactment.

I do not believe that the Personnel Law procedures limiting or diminishing the Secretary's power to appoint his deputies can be applied to this Act. Tenure we have already dealt with.

In all other applications it is my opinion that the protection of the provisions of the Personnel Law is afforded the office of the Deputy Secretary of State by section 1 of Chapter 421 of the Public Laws of 1965.

James S. Erwin
Attorney General

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