

# MAINE STATE LEGISLATURE

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October 11, 1967

Harold Frank  
President  
The Maine Institution for the Blind  
189-201 Park Avenue  
Portland, Maine 04102

Re: Power of Governor to appoint directors of Maine  
Institution for the Blind when Legislature fails  
to appropriate funds for Institution.

Dear Mr. Frank:

You have requested an opinion as to whether, in view of the fact that the Legislature has failed to appropriate funds this year for Maine Institution for the Blind, the Governor retains the power vested in him by virtue of Me. Priv. & Spec. Laws 1923, ch. 96, to appoint six of the Institution's eleven directors.

The answer is yes. Section 1 of the cited statutes is mandatory. "The board of directors of the Maine Institution for the Blind shall consist of eleven persons, six of whom shall be appointed by the Governor. . . ." (Emphasis supplied) This section is completely independent of § 3 of the statute, which merely makes state aid to the Institution contingent upon a majority of the Institution's directors being gubernatorial appointees. The failure of the Legislature to appropriate funds for the Institution in no way vitiates the Governor's power to appoint a majority of the Institution's board.

Very sincerely yours,

Robert G. Fuller, Jr.  
Assistant Attorney General

RGFjr/slf