

MAINE STATE LEGISLATURE

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July 26, 1974

Lt. Robert B. Hayden

Maine State Police

Jon A. Lund, Attorney General

Attorney General

Executive Secretary Electrician's Examining Board

In response to your inquiry of April 26, 1974 in reference to the legality of the Commissioner of Public Safety appointing a full-time executive secretary to the Electrician's Examining Board and the possibility of the Commissioner setting his salary, the answer would be in the negative. The salary of the Executive Secretary shall be

The intent of the Legislature regarding the appointment of a full-time Executive Secretary can be clearly ascertained by a review of 32 M.R.S.A. §1151 which states in part:

"The electrician's examining board . . . shall consist of an executive secretary, who shall be the Commissioner of Public Safety or a representative appointed by said Commissioner . . ."

The fact that the statute provides that the Commissioner of Public Safety "shall be" the executive secretary, lends credence to the theory that the position of executive secretary is not a full-time working position. The Commissioner of Public Safety's duties include the coordination and administration of the entire Department of Public Safety, and the Electrician's Examining Board is just one part of that department. In addition the Commissioner of Public Safety can also appoint himself as executive secretary to other boards, such as he has done in appointing himself the Executive Secretary of the Oil Burner Licensing Board.

This theory is also reinforced by a review of the statute's past history. This statute was originally enacted in 1953 when the Electrician's Examining Board was part of the Insurance Department, and the Executive Secretary was to be either the Insurance Commissioner or his representative of the Insurance Department.

In 1969 an amendment provided that the Executive Secretary be either the Insurance Commissioner or a representative of the State Division of Fire Prevention.

It is also my understanding that a second question has been asked as to whether or not the Commissioner of Public Safety may hire an Administrative Secretary on a full-time basis to manage the workload of both the Oilburner Licensing Board and the Electrician's Examining Board. The answer is in the affirmative. 32 M.R.S.A. §1152 states that:

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"The Commissioner of Public Safety, with the advice and consent of the Board, shall be empowered to appoint subject to the Personnel Law such employees as need be necessary to carry out this chapter. . . ."

JON A. LUND
Attorney General

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