

MAINE STATE LEGISLATURE

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November 26, 1974

Nicholas Caraganis, Director

Personnel

John W. Benoit, Jr., Deputy

Attorney General

Jurisdiction of Director of Personnel Regarding 5 M.R.S.A. § 555.

Last week, you, Bob Washburn and I discussed two opinions of this office, one dated March 28, 1973, the other dated August 27, 1974. I was asked whether the two opinions were in conflict. The answer is no. The earlier of the two opinions contained the expression that the Director of Personnel was responsible for administration of 5 M.R.S.A. § 555 involving persons seeking benefits under those provisions. The opinion concluded with the following:

"Chapter 51 through Chapter 61 of Title 5 are commonly referred to as Civil Service Chapters. They include the general provisions of civil service; the State Personnel Board; Director of Personnel; classified service; unclassified service and violations of the entire chapters. Section 631 of Chapter 55 states in part, 'The Director shall have the power and duty to administer and make effective Chapters 51 to 61 and the rules and regulations of the Board.' The Director, which is referred to in § 631, is the Director of Personnel, and accordingly has the power and is responsible for the administration of 5 M.R.S.A. § 555 which would involve persons and situations covered by the Personnel Law."

In the August 27, 1974, opinion, it was stated that "questions as to your authority must be resolved on an individual case by case basis." The August 27 language in no way changes the conclusion of the March 28 opinion respecting your authority under § 555 of Title 5.

JOHN W. BENOIT, JR.
Deputy Attorney General

JWBJr./ec

cc: Robert E. Washburn,
Director, Bureau of Veterans Services