

MAINE STATE LEGISLATURE

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*Employment Security Commission
Manpower Affairs & Consumer Authority
26 M.R.S.A. 1082-4*



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September 15, 1978

Mr. Robert E. Pendleton, Jr., Chairman
Employment Security Commission
20 Union Street
Augusta, Maine 04330

Dear Mr. Pendleton:

You have requested an interpretation of Title 26, M.R.S.A. § 1082 (4) as enacted by P.L. 1977, c. 675, regarding the duties and responsibilities of the three-member Employment Security Commission in personnel matters of the Employment Security Agency. Title 26 M.R.S.A. § 1082 (4) provides, in part, as follows:

Subject to other provisions of this chapter, the Commissioner of Manpower Affairs, with the advice and consent of the commission, is authorized to appoint and prescribe the duties and powers of, and fix the compensation of, such officers, accountants, attorneys, experts and other persons as may be necessary in the performance of his duties, subject to the Personnel Law....

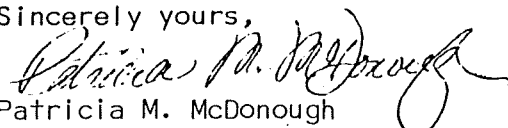
This statutory section provides that the Commissioner of Manpower Affairs is the appointing authority for personnel needed to carry out the provisions of the Employment Security Act. However, this appointing authority is qualified by the language "...with the advice and consent of the commission..." Webster's New World Dictionary, Second College Edition, defines "advice" to mean an opinion as to what to do or how to handle a situation and "consent" to mean permission, approval or assent.

Mr. Robert E. Pendleton, Jr., Chairman

September 15, 1978

A basic tenet of statutory construction is to attach plain meaning to words chosen by the legislature, Appeal of Davis 369 A. 2d 263 (Me. 1977). The plain meaning of the language "advice and consent" is that the Commissioner of Manpower Affairs must obtain the approval of the three-member Employment Security Commission when exercising his duties as the appointing authority in personnel matters.

Sincerely yours,


Patricia M. McDonough
Assistant Attorney General

PMM:e

cc - Joseph E. A. Cote, Employee Representative
Thomas N. Karlen, Employer Representative
Seth W. Thornton, Temp. Dep. Commissioner