

MAINE STATE LEGISLATURE

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SPECIAL SESSION

E I G H T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1079

H. P. 1904

House of Representatives, Oct. 27, 1937.

Presented by Mr. Hill of South Portland.

S T A T E O F M A I N E

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
THIRTY-SEVEN

AN ACT Amending the Law Relating to Unemployment Compensation.

Emergency preamble. Whereas, legislation previously enacted by the legislature of Maine in relation to unemployment compensation has failed to provide for a method of disbursing benefits which complies with the provisions of the State code; and

Whereas, benefits under the act will be payable on and after January 1, 1938, and

Whereas, failure to so pay benefits will result in hardship and suffering to those entitled thereto, and

Whereas, in the judgment of the legislature these facts create an emergency within the meaning of section 16 of Article XXXI of the constitution of Maine, and require the following legislation as immediately necessary for the preservation of public peace, health and safety; now, therefore

Be it enacted by the People of the State of Maine, as follows:

Sub-sections (b) and (c) of section 9 of chapter 192 of the public laws of 1935, as amended by section 5 of chapter 228 of the public laws of 1937, are hereby further amended to read as follows:

'(b) **Accounts and deposit.** The treasurer of state shall be the ex-officio treasurer and custodian of the fund and shall administer such fund in accordance with the directions of the commission, **and the state controller** ~~and shall issue his warrants, vouchers or checks upon it in accord-~~

ance with such regulations as the commission shall prescribe on certificates issued by the commission. ~~He~~ **The treasurer of state** shall maintain within the fund 3 separate accounts: (1) a clearing account, (2) an unemployment trust fund account, and (3) a benefit account. All moneys payable to the fund, upon receipt thereof by the commission shall be forwarded to the treasurer who shall immediately deposit them in the clearing account. Refunds payable pursuant to section 14 of this act may be paid from the clearing account upon warrants, ~~vouchers or checks~~ issued by ~~the treasurer under the direction of the commission~~ **the state controller on certificates issued by the commission**. After clearance thereof all other moneys in the clearing account shall be immediately deposited with the secretary of the treasury of the United States of America to the credit of the account of this state in the unemployment trust fund, established and maintained pursuant to section 904 of the social security act, as amended, any provisions of law in this state relating to the deposit, administration, release, or disbursement of moneys in the possession or custody of this state to the contrary notwithstanding. The benefit account shall consist of all moneys requisitioned from this state's account in the unemployment trust fund.

Except as herein otherwise provided, moneys in the clearing and benefits accounts may be deposited by the treasurer, under the direction of the commission, in any bank or public depository in which general funds of the state may be deposited, but no public deposit insurance charge or premium shall be paid out of the fund. The treasurer shall give a separate bond conditioned upon the faithful performance of his duties as custodian of the fund in an amount fixed by the commission and in a form prescribed by law or approved by the attorney-general. Premiums for said bond shall be paid from the administration fund.

(c) **Withdrawals.** Moneys shall be requisitioned from this state's account in the unemployment trust fund solely for the payment of benefits and in accordance with regulations prescribed by the commission. The commission shall from time to time requisition from the unemployment trust fund such amounts, not exceeding the amounts standing to ~~its~~ this state's account therein, as it deems necessary for the payment of benefits for a reasonable future period. Upon receipt thereof of the treasurer shall deposit such moneys in the benefit account and **the state controller** shall issue his warrants, ~~vouchers or checks~~ for the payment of benefits solely from such benefit account. ~~Expenditures of such moneys in the benefit account and refunds from clearing account shall not be subject to any provisions of law requiring specific appropriations or other formal re-~~

lease by state officers of moneys in their custody. All warrants, vouchers or checks issued by the ~~treasurer~~ **state controller** for the payment of benefits from the benefit account and of refunds from the clearing account shall bear the ~~signature of the treasurer~~ countersignature of ~~the commission~~ or its duly authorized agent for that purpose. **the state treasurer and when so countersigned and delivered to the payee shall become a check against a designated bank or trust company acting as a depository of the state government.** Any balance of moneys requisitioned from the unemployment trust fund which remains unclaimed or unpaid in the benefit account after the expiration of the period for which such sums were requisitioned shall either be deducted from estimates for, and may be utilized for the payment of, benefits during succeeding periods, or, in the discretion of the commission, shall be redeposited with the secretary of the treasury of the United States of America, to the credit of this state's account in the unemployment trust fund, as provided in sub-section (b) of this section.'