

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE

1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Discard Previous Supplement

THE MICHEL COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

(1955, c. 271, § 2; c. 352, § 2. 1957, c. 397, § 14; c. 429, § 23. 1959, c. 303, § 3. 1961, c. 359, § 5.)

Effect of amendments. — The first 1955 amendment inserted the words "the board of examiners in physical therapy" near the beginning of the first sentence, and the second 1955 amendment, which did not refer to the first amendment and did not incorporate the change made by it, inserted the words "the oil burnermen's licensing board" near the middle of the first sentence. Both amendments have been given effect in the first paragraph of the section as set out above.

This section was amended twice by the 1957 legislature. P. L. 1957, c. 397, § 4 re-enacted the first sentence as changed by the two 1955 amendments. Section 23 of c. 429 added the words "of the profession" after the word "commissioners" and be-

fore the word "of" in the first sentence of the first paragraph.

The 1959 amendment substituted the words "state board of nursing" for the words "board of registration of nurses" near the beginning of the first sentence of the first paragraph.

The 1961 amendment substituted "state board of barbers, state board of hairdressers" for "state board of barbers and hairdressers" in the first sentence of the first paragraph.

As the second paragraph was not changed by the amendments, it is not set out.

Effective date. — P. L. 1957, c. 429, amending this section, became effective on its approval, October 31, 1957.

Chapter 19.

Department of Audit.

Sec. 1. State auditor; salary. — The state auditor shall be the head of the department of audit as heretofore established. He shall be a certified public accountant or shall have had satisfactory experience as an auditor of public accounts. He shall be elected by the legislature by a joint ballot of the senators and representatives in convention and shall hold office for a term of 4 years or until his successor is elected and qualified. He shall exercise such powers and perform such duties as are set forth in the subsequent sections of this chapter. In case the office of state auditor shall become vacant during a period when the legislature is not in session the appointment of a person to fill such vacancy shall be made immediately by the president of the senate or if that office be vacant, by the speaker of the house, said person to hold office until such time as the legislature shall meet in regular or special session, and either confirm the appointment of said person or choose another person to fill the office during the unexpired term. He shall receive an annual salary of \$11,000. (R. S. c. 16, § 1. 1947, c. 405. 1951, c. 412, § 4. 1955, c. 473, § 4. 1957, c. 418, § 4. 1959, c. 361, § 4. 1963, c. 396, § 2.)

Effect of amendments. — The 1955 amendment increased the annual salary of the state auditor from \$7,000 to \$8,000.

The 1957 amendment, effective July 1, 1957, increased his annual salary from \$8,000 to \$9,000 and carried appropriations for fiscal years ending in 1958 and 1959.

The 1959 amendment increased the salary of the auditor from \$9,000 to \$10,000 and carried appropriations for the fiscal

years ending June 30, 1960 and 1961.

The 1963 amendment increased his salary from \$10,000 to \$11,000 and carried appropriations for the fiscal years ending June 30, 1964 and 1965.

Effective date. — P. L. 1959, c. 361, amending this section, provided in section 14 thereof as follows: "The provisions of this act shall become effective for the week ending August 22, 1959."

Sec. 3. General powers and duties.

III. To install uniform accounting systems and perform audits for cities, towns and villages as required by sections 24 to 26, inclusive, of chapter 90-A.

IV. Accounting systems for clerks of courts, etc. To install uniform accounting systems and perform post-audits for the clerks of superior courts and probation officers, the expenses of such audits to be paid as follows: 50% by the

county where the audit is performed, 30% by the state highway department and 20% by the department of inland fisheries and game;

V. Post-audit for teachers' colleges, etc. To perform a post-audit of all accounts and other financial records of the state teachers' colleges, the Maine port authority and the Maine forestry district;

(1957, c. 405, § 6. 1963, c. 402, § 16; c. 414, § 1.)

Effect of amendments. — The 1957 amendment changed the reference in subsection III from sections 142 to 151, inclusive, of chapter 91 to sections 24 to 26, inclusive, of chapter 90-A.

P. L. 1963, c. 402, § 16, deleted "judges and recorders of municipal courts, trial justices" following "superior courts" in subsection IV. P. L. 1963, c. 414, § 1, deleted "normal schools and" preceding "teachers' colleges" in subsection V.

As the rest of the section was not affected by the amendments, it is not set out.

Application of 1963 act. — Section 280 of c. 402, P. L. 1963, provides that the act shall apply only to the district court when established in a district and that the laws in effect prior to the effective date of the act shall apply to all municipal and trial justice courts.

Chapter 20.

Attorney General.

Sec. 1. Duties; salary; fees. — The attorney general shall appear for the state, the secretary of state, the treasurer of state, the bank commissioner, the insurance commissioner, the head of any other state department and the state boards and commissions in all civil actions and proceedings in which the state is a party or interested, or in which the official acts and doings of said officers are called in question, in all the courts of the state; and in such actions and proceedings before any other tribunal when requested by the governor or by the legislature or either branch thereof. All such actions and proceedings shall be prosecuted or defended by him or under his direction. Writs, summonses or other processes served upon such officers shall forthwith be transmitted by them to him. All legal services required by such officers boards and commissions in matters relating to their official duties shall be rendered by the attorney general or under his direction. Said officers boards and commissions shall not act at the expense of the state as counsel in any action or proceedings in which the state is interested. The attorney general shall have an office in the state capitol and shall receive an annual salary of \$11,000 in full for all services and in lieu of all fees. He shall receive his actual expenses incurred in the performance of his official duties while away from his home. During his term of service, he shall not be an officer or director of any corporation engaged in business for profit within the state of Maine. The attorney general shall be the executive head of the department of the attorney general, as heretofore established.

For approval of certificate of organization of a corporation under chapter 53, \$10 in advance.

For approval of certificate of change of purpose under chapter 53, \$10.

(1955, c. 473, § 5. 1957, c. 129, §§ 1, 2; c. 418, § 5. 1959, c. 361, § 5. 1961, c. 417, § 28. 1963, c. 396, § 3; c. 414, § 2.)

Effect of amendments. — The 1955 amendment increased the annual salary of the attorney general from \$7,000 to \$8,000.

The first 1957 amendment increased the fee of the attorney general in the third paragraph from \$5 to \$10 and inserted the last paragraph set out above as the fourth paragraph of this section. The second

1957 amendment, effective July 1, 1957, increased his annual salary from \$8,000 to \$9,000 and carried appropriations for the fiscal years ending in 1958 and 1959.

The 1959 amendment increased the salary of the attorney general from \$9,000 to \$10,000 and carried appropriations for the fiscal years ending June 30, 1960 and 1961.

The 1961 amendment deleted "suits and