

MAINE STATE LEGISLATURE

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PART 1

STATE DEPARTMENTS

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CHAPTER 1

STATE OFFICERS AND EMPLOYEES
GENERALLY

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§ 1. Appointment of temporary officials; removal; salary

In order to provide for the uninterrupted and orderly functioning of any agency, board, commission or department of the State Government during a vacancy in the office of the appointive or elective head thereof and whenever there is no state official, deputy, assistant or other state employee duly authorized by law to exercise the powers and perform the duties of such appointive or elective head during such vacancy, the Governor is empowered to appoint a temporary deputy commissioner to exercise the powers and perform the duties of the appointive or elective head of such office during such vacancy. The term of office of such temporary deputy commissioner so appointed shall be at the pleasure of the Governor and shall not extend beyond the date of qualification of a successor to the office of appointive or elective head of such agency, board, commission or department or 60 days from the date of his appointment, whichever shall first occur. Such temporary deputy commissioner shall not be eligible for reappointment. Such temporary deputy commissioner shall be appointed from the personnel of the agency, board, commission or department in which such vacancy occurs.

During the term of such appointment, the temporary deputy commissioner shall be paid a salary to be determined by the Governor but not to exceed that received by the appointive or elective head at the termination of his services with the State Government.

In the event an employee in the classified service of the State Government is appointed as a temporary deputy commissioner he shall, during the term of his appointment as temporary deputy commissioner, retain all of the rights and all of the retirement benefits to which he may be entitled as a classified employee of the State Government.

1957, c. 256.

§ 2. Tenure of office; citizenship

All civil officers, appointed by the Governor and Council, whose tenure of office is not fixed by law or limited by the Constitution, otherwise than during the pleasure of the Governor and Council, except ministers of the gospel appointed to solemnize marriages and persons appointed to qualify civil officers, shall hold their respective offices for 4 years and no longer, unless reappointed, and shall be subject to removal at any time within said term by the Governor and Council.

All such officers so appointed shall be citizens of the United States of America.

R.S.1954, c. 11, § 5.

§ 3. Civil officers serve until successors qualify

All civil officers, other than judicial officers, appointed by the Governor with the advice and consent of the Council and whose terms of office are fixed by law, shall hold office during the term for which they were appointed and until their successors in office have been appointed and qualified, unless sooner removed in accordance with law.

R.S.1954, c. 11, § 6.

§ 4. Dedimus justices; appointment

The Governor, with the advice and consent of the Council, may appoint in every county persons who shall be designated as dedimus justices, before whom the oath required by the Constitution to qualify civil officers may be taken and subscribed. Such persons shall exercise their powers and duties, and shall be commissioned to act within and for every county.

R.S.1954, c. 11, § 7.

§ 5. Oath of office; before whom taken

The Justices of the Supreme Judicial Court and of the Superior Court and all state officials elected by the Legislature shall

take and subscribe the oath or affirmation required by the Constitution, before the Governor and Council, when in session, and in their recess, before any 2 members of the Council. Every other person elected or appointed to any civil office shall take and subscribe the oath before any one member of the Council, or before any magistrate commissioned by the Governor for that purpose, except when the Constitution otherwise provides.

R.S.1954, c. 11, § 8.

§ 6. Officials have 30 days to qualify

All public officers appointed by the Governor and Council shall, within 30 days after being commissioned, qualify to perform the duties of their office and the certificate of such qualification shall be filed in the office of the Secretary of State. Any such officer who fails to qualify and file a certificate of qualification in the office of the Secretary of State within 30 days shall be deemed to have forfeited his appointment and the office may be declared vacant by the Governor and Council and a new appointment made.

R.S.1954, c. 11, § 9.

§ 7. State owned cars; marking

The State shall provide no automobiles for travel of state employees. This shall not apply to the Governor, the State Police, the Department of Inland Fisheries and Game, the Department of Sea and Shore Fisheries, supervising state fire inspectors, the Department of the Secretary of State, supervisors in the Maine Forestry District, the State Highway Commission nor to such other agencies, boards, commissions and departments of the State Government as the Governor and Council may from time to time designate.

All state owned cars shall display a marker or insignia, approved by the Secretary of State, plainly designating them as state owned vehicles. The Governor and Council may designate the use of certain state owned cars without the said insignia thereon.

R.S.1954, c. 16, § 30; 1957, c. 340, § 1; c. 429, § 12.

§ 8. Mileage allowance

The State shall pay for the use of privately owned automobiles for travel by employees of the State in the business of the

State not more than 9¢ per mile for the first 5,000 miles actually travelled by such employees on such business in any one fiscal year, and 7¢ for each mile exceeding 5,000 miles, except that the State shall pay inspectors of seed potatoes or table stock potatoes 9¢ for every mile so travelled. The Governor, with the advice and consent of the Council, may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the State, if such automobiles be available.

R.S.1954, c. 16, § 31; 1957, c. 340, § 1; c. 429, § 13; 1963, c. 375.

§ 9. Bonds; premiums; notice of cancellation

All state officials and employees shall be bonded. The Insurance Commissioner shall select and prescribe the forms and types of bond, subject to the approval of the Governor and Council. Such bonds shall be in blanket or comprehensive form, so called, and for such an amount or amounts as may be determined by the State Auditor and the Commissioner of Finance and Administration with the approval of the Governor and Council. In event of inability to obtain a blanket or comprehensive form, so called, a list shall be submitted annually to the Governor and Council for their approval, as recommended by the State Auditor and the Commissioner of Finance and Administration, and designating such state officials and employees who in their discretion shall be bonded. The condition of any bond covering state officials and employees shall be to faithfully discharge the duties of the office or employment of such official or employee. All such bonds shall be deposited with the Treasurer of State for safekeeping.

The premiums necessarily incurred and due and payable on account of any bond or bonds required in accordance with the preceding paragraph shall be paid by the State out of the State Treasury and charged to an appropriation provided therefor by appropriate legislative action.

The Insurance Commissioner is expressly authorized to accept a cancellation notice from the surety on any bond, canceling said bond in full or as to any individual, provided the surety gives written notice to said Insurance Commissioner of such desire and intent, and that said cancellation is received by the Insurance Commissioner at least 30 days before the effective date of such cancellation.

R.S.1954, c. 16, §§ 2-4; 1955, c. 481, § 1; 1957, c. 340, § 1.

§ 10. Weekly payment of wages; exceptions

All state officers and employees, except temporary and seasonal employees, shall be paid their salaries or wages weekly, the dates of payment to be determined by the State Controller. Any state officer, whose salary is established at an annual rate, shall receive weekly a sum which will, in the year's aggregate, most nearly equal the annual rate. Payment may be made once in each calendar month or fortnightly to such state officers and employees as consent to such time of payment. Temporary and seasonal employees of the State shall be paid at such times as the Commissioner of Finance and Administration shall specify.

R.S.1954, c. 16, § 29; 1957, c. 340, § 1; 1959, c. 81.

§ 11. Certification of payrolls

No fiscal officer of the State shall draw, sign or issue, or authorize the drawing, signing or issuing, of any warrant or check upon the Treasurer of State or other disbursing officer of the State for the payment of a salary or other compensation for personal services, nor shall the Treasurer of State or other disbursing officer of the State pay any salary or other compensation for personal services, unless a payroll or account for such salary or other compensation, containing the names of all persons to be paid and the amounts to be paid them, has been certified by the Director of Personnel or a person designated by him.

Any payment, made in violation of the compensation plan or the rules pertaining thereto or made to a person appointed or established in his position in a manner contrary to chapters 51 to 61, may be recovered from the appointing authority, the Director of Personnel or any officer or person making such payment, whoever is culpable, or from the sureties on the official bond of such officer or person. Action for such recovery may be maintained by the State Personnel Board or any member thereof, any officer or employee of the state service or any citizen of the State. All moneys recovered under this section shall be paid into the State Treasury and credited to the General Fund.

R.S.1954, c. 63, § 26.