

# MAINE STATE LEGISLATURE

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May 24, 1940

Arthur C. Corneo  
130 Boylston Street  
Boston, Massachusetts

Dear Sir:

Assistant Attorney General John S. Fossonden, states that he has received a telephonic request from your office requesting my opinion as to the legislative intent of the proposed amendment to the Unemployment Compensation law reading as follows:

"Neither the State Controller nor the State Treasurer shall be bound to inquire into the legality or propriety of the items appearing in any such warrants so prepared by the Commission."

Specifically, I am requested to give my opinion, first, as to whether this proposed amendment relieves and absolves the Controller and the Treasurer from the legal duty, under the Administrative Code of 1931, of inquiring into matters and transactions involving warrants prepared by the Commission; and, second, as to whether the State Controller or the State Treasurer has the authority to question the validity of any decision awarding benefits, for the payment of which the warrant prepared by the Commission is drawn.

You are advised that in answer to question one, it is my opinion that the proposed amendment does relieve and absolve the Controller and the Treasurer from the legal duty, under the Administrative Code of 1931, of inquiring into matters and transactions involving warrants prepared by the Commission.

In answer to question two, it is my opinion that the proposed amendment has no specific bearing upon any possible authority to question the validity of a decision awarding benefits, for the payment of which the warrant prepared by the Commission is drawn. The proposed amendment does not in any way alter the present state of the law in this respect. Your attention is specifically directed to Sections 6b-c-h and i of the Unemployment Compensation law, in which it is provided that decisions shall be final unless appeals be seasonably taken and in which it finally appears that the only review of a Commission decision shall be as to matters of law reviewable by the courts. If there is a question

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as to whether the State Controller or the State Treasurer have authority to question the validity of a decision of the Commission regarding benefits, such question has existed since January 1, 1938, and the proposed amendment referred to above has no particular bearing upon the question, which is obviously controlled by the sections of the statute cited in this paragraph.

Very truly yours,

Franz U. Burkett  
Attorney General

FUB:GH