

# MAINE STATE LEGISLATURE

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June 13, 1940

To: the Attorney General from Assistant Assigned to Unemployment.  
Re: Issuance of Duplicate Checks

With reference to the State Auditor's memo of June 5, 1940 on the above subject, you are advised that I find no statutory or Order of Council authority for requiring a bond running to the State of Maine as a condition for the issuance of a duplicate check in favor of the payee whose previous check has been lost.

I learn from inquiry that the requirement of a bond extends far back beyond the inception of the Administrative Code and has been a custom in the State Treasurer's office since at least 1918.

On a number of occasions, it seems that the bond which has been taken prior to issuance of a duplicate check has served of real value in protecting the State against a duplicate payment. So far as the law is concerned, it is my opinion that the Executive and Administrative officers having charge of the payment of State obligations are entitled to adopt such safeguards as they see fit, to prevent duplicate payment of State obligations. The bond method appears to be an effective protection against duplicate payments, but I see no reason why the officers in charge might not adopt any other method of safeguards which appear to them to be desirable.

J. S. S. F.

JSSF:GH