

MAINE STATE LEGISLATURE

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January 9, 1942

Frank I. Cowan, Attorney General

William D. Hayes, State Auditor

I have your memorandum of January 2nd in regard to payee being named in checks. As you state in your letter, it is my private opinion that the proper way to draw a check payable to the State of Maine is to write in "State of Maine" or "Treasurer of State of Maine" as payee.

However, R. S. Chapter 128, Section 14, provides that certain checks must be sent to certain Departments and apparently there has been a custom to have the check payable to the Department and have it endorsed over to the Treasurer. Even though a check comes to the Department payable to the State of Maine or payable to the Treasurer, it is endorsed by the Department receiving it in the same fashion so that it can be more easily identified in the office of the Treasurer. My understanding is that this method of endorsement is held to be the simplest way of preventing confusion as to the Department from which checks come to the Treasurer.

Under the circumstances, it apparently makes no practical difference whether the check is payable to the Department or to the State of Maine or Treasurer of the State of Maine. In any case it is endorsed by the Department receiving it and sent to the Treasurer.

Sometimes checks come into this office, I am informed, payable to the Secretary of State. In that case the endorsement of this office is still placed on the check but far enough down so that the Secretary's office can endorse above so that endorsements shall be in orderly fashion. This method apparently identifies the check as having been properly sent to this office but with the wrong payee.

I doubt if you will find it practical to issue a rule that all checks shall be payable to the State or Treasurer of State, because you will find that the people sending in the checks will make them payable in all sorts of ways and it is better for the State to accept the check and straighten out the endorsement than it is to send the check back and have a new one drawn in that particular fashion.