

# MAINE STATE LEGISLATURE

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February 3, 1942

Bradley, Linnell, Nulty & Brown  
192 Middle Street  
Portland, Maine

Attention of W. B. Nulty, Esquire

Gentlemen:

I have informed the Treasurer of State and the Deputy Treasurer of State of our conversation of last Saturday in regard to vocational funds in the Canal National Bank, and have today discussed the procedure with Mr. Downs the Deputy Treasurer of State.

R. S. Ch 19 Sec. 174 makes the Treasurer of State the custodian, but P. L. 1931 Ch 216 Sec. 16 provides as follows:

"No money shall be drawn from the state treasury except in accordance with appropriations duly authorized by law. Every disbursement from the treasury shall be upon the authorization of the state controller, which authorization shall be in the form of a warrant, drawn in favor of the payee, and said warrant shall, upon being countersigned by the treasurer of state and delivered to the payee, become a check against a designated bank or trust company....."

The procedure set out in the above quoted section of the State Code is the one that is followed for the withdrawal from your bank of any of the Vocational funds. The instructions from Mr. Downs under date of January 29th simply authorized a transfer of a portion of the funds from the segregated account to the regular account so that the checks signed by the State controller and the State Treasurer and addressed to your bank can be honored. In my opinion the procedure of Mr. Downs was correct. There is no act of authority on the part of Mr. Downs as to withdrawal of the funds from the bank. He is simply giving you information which you need so that you will be in a position to honor any duly authorized and lawful checks.

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I understand that Mr. Smith the Treasurer of State has now written instructions as to said procedure over his own signature. I believe you will agree, however, after consideration of Section 16 of the Code, that a letter from Mr. Smith is not necessary and that if on some future occasion you should receive a similar letter from Mr. Downs you can have no reason for not honoring it.

I am returning to you herewith the document that you sent me, which was issued out of the office of the Secretary of State. Permit me to call your attention to the fact that this is now obsolete. The procedure set out in the Fifth paragraph has been changed and the Deputy Treasurer of State no longer signs any checks.

Very truly yours,

Frank I. Cowan  
Attorney General

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