

# MAINE STATE LEGISLATURE

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no  
Oct. 9, 1943

Wm. D. Hayes, State Auditor

Audit

John G. Marshall, Deputy

Attorney General

Bond of Treasurer of Maine Maritime Academy

1. Should the bond of the Treasurer of the Maine Maritime Academy run to the "State of Maine", the "Maine Maritime Academy" or the "State of Maine or the Maine Maritime Academy?"

Section 2 of Chapter 37, P. & S. 1941 provides that the treasurer of state, upon the request of the trustees, shall make advances for the operation of the school not to exceed \$15,000 per annum to the treasurer of the school, who shall give bond in an amount to be set by the governor and council, but not less than \$15,000 with sureties approved by the governor and council for its proper disbursement. Said advance shall be accounted for by properly approved vouchers within 60 days after the close of the fiscal year.

The construction upon the language used would seem to be that the bond should run to the State of Maine, the apparent reason being to assure the state that the annual appropriation would be disbursed by the treasurer for the purposes of the school. The sentence which reads, "Said advance shall be accounted for by properly approved vouchers within 60 days after the close of the fiscal year." would appear to carry the interest of the state all the way through the year and following the expenditure of all of the \$15,000 annually appropriated, and the bond of the treasurer being given to guarantee the fulfillment of his duties in this regard.

2. Is the Treasurer of the Maine Maritime Academy a "state official or employee" under the provisions of Chapter 320 of the Public Laws of 1943, so that the provisions regarding the bond in the other law is repealed and for it substituted the provisions of Chapter 320; and so that the form of bond set by the Insurance Commissioner under Chapter 320 should be used rather than the old general form?"

In my opinion the treasurer of the Maine Maritime Academy is not a state official or employee under the provisions of Chapter 320, P. L. 1943.

Comments. Having in mind the purpose of this inquiry on the part of the State Auditor, and having in mind the aims to be achieved by the auditor in considering this problem, I do feel

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it proper to call the Auditor's attention to Section 2 of Chapter 37, P. & S. 1941, a part of which section reads as follows: "The board (meaning the trustees) may appoint and remove necessary instructors and other employees, determine their compensation, fix the terms upon which students shall be received and instructed there~~in~~ and discharged therefrom and make all regulations convenient or necessary for the management of said school," etc. . I think the trustees of the school have the right and authority under this provision to exact a sufficient bond from the treasurer to guarantee the sufficient handling of all funds from all sources handled by the treasurer. This recommendation could be made to the treasurer on the part of any State official <sup>to</sup> order the trustees to do this.

John G. Marshall  
Deputy Attorney General

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