

# MAINE STATE LEGISLATURE

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To Joseph H. McGillicuddy, Treasurer of State

From Frank I. Cowan, Attorney General

Subject: Bonds of Treasury Employees

Bonds of employees in the office of the Treasurer of the State of Maine should be made payable to the State of Maine and to the State Treasurer and his successors in office. This is obviously logical because the employees connected with that office are under the Personnel Law and are continuous in their incumbency, and any defalcations on their part would directly affect the State.

The provision of the statute making the Treasurer liable for the misfeasances and malfeasances of the employees under him has been very much weakened by the interpretations given by the State Supreme Court.

A suggested language for the bond is that the employee and the bondsmen "are held and firmly bound unto the State of Maine and unto \_\_\_\_\_, Treasurer of State, and his successors in such office as the several interests of said State of Maine and said \_\_\_\_\_ and his successors in office as Treasurer of State may appear."

Under the wording of Chapter 320 of the Laws of 1943, the responsibility of the State Auditor and the Commissioner of Finance does not extend to the bonds of the "state treasurer, his deputy and employees." However, under Section 3 of said Act, the duty is placed on the Insurance Commissioner to make sure that the bonds given by the Treasurer and by his deputy and the other State employees in his office conform to constitutional and statutory requirements.

Frank I. Cowan  
Attorney General

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