

MAINE STATE LEGISLATURE

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Maine Employment Security Commission

INTER-OFFICE MEMORANDUM

Date: May 6, 1964

To: R. E. Brann, Director, Administrative Services

Office: _____

From: M. L. Bradford, Assistant Attorney General *m.l.b.*

Office: _____

Subject: Withdrawals - Maine Employment Security Commission, Section 10, Chapter 29, R.S.

FACTS:

Reference is to your memorandum of May 5, 1964, concerning withdrawals under Section 10 of the Maine Employment Security Law in which you have requested an opinion.

QUESTION NO. 1.

Does Section 10 give the commission authority to sign all warrants for payments of all kinds made from the benefit account or is such authority restricted to payment of benefits only?

ANSWER:

Commission authority is restricted to warrants for payment of benefit payments only.

QUESTION NO. 2.

If payments other than benefits cannot be made by the commission, would the general law of the state apply and checks be signed by the Treasurer of State with countersignature of the State Controller?

ANSWER:

Yes.

OPINION:

The Maine Employment Security Law, R.S. ¹⁹⁴⁴ Chapter 24, Section 10, Effective August 8, 1953, reads in part as follows:

"...All such warrants for the payment of benefits from the benefit account and of refunds from the clearing account shall be prepared by the commission and shall be signed by the state controller or on his behalf by his duly authorized representative for that purpose, and countersigned by the treasurer of state or on his behalf by his duly authorized representative for that purpose,..." (underlining mine).

(This same section contained the exact wordage as above for several years previous to 1953.)

June 5, 1964

The 1955 Legislature amended the above-quoted part of Section 10 to read as follows:

"...All such warrants for the payment of benefits from the benefit account shall be prepared by and shall be signed by the chairman of the commission, and countersigned by a designated member of the commission, and when so signed and countersigned and delivered to the payee shall become a check against a designated bank or trust company acting as a depository of the state government...." (underlining mine).

The 1957 Legislature again amended the above-quoted part of Section 10 to read as follows:

"...All such warrants for the payment of benefits from the benefit account shall be prepared by and shall be signed by the chairman of the commission, and countersigned by the remaining 2 members of the commission, and when so signed and countersigned..." (underlining mine).

There has been no further amendments to Section 10 since the 1957 Legislature amendment.

The quoted portion of Section 10 (withdrawals) does not contain the term "refunds" since 1953, and, therefore, restricts the signatures of the chairman and remaining 2 members of the commission to benefit checks only (a designated member of the commission in addition to the chairman under the 1955 law).

As to question No. 2 - R. S. 1954 (as amended) Chapter 15-A, Sec. 19, provides that:

"...Every disbursement from the treasury shall be upon the authorization of the state controller and the treasurer of state, as evidenced by their facsimile signatures, which authorization shall be in the form of a warrant drawn in favor of the payee, and said warrant shall, upon being delivered by the treasurer of state to the payee, become a check against a designated bank or trust company acting as a depository of the state government.

"Notwithstanding the provisions of the foregoing paragraph, the chairman of the Maine employment security commission is hereby authorized to prepare and sign warrants for the payment of benefits to eligible unemployed persons, which warrants shall, upon being countersigned by the remaining 2 members of the commission and delivered to the payee, become a check against a designated bank or trust company acting as a depository of the state government. The authority of the chairman to prepare and sign such warrants is hereby limited solely to the payment of benefits to eligible unemployed persons. The facsimile signatures of the chairman of the commission and the remaining 2 members of the commission who are leaving office shall be valid until new signature plates for the signatures herein authorized have been obtained for their successors." (underlining mine).