

# MAINE STATE LEGISLATURE

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# EIGHTY-FIFTH LEGISLATURE

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**Legislative Document**

**No. 20**

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S. P. 60

In Senate, January 21, 1931.

Tabled pending reference to a Committee and 3,000 copies ordered printed.

ROYDEN V. BROWN, Secretary.

Presented by Senator Weatherbee of Penobscot.

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## STATE OF MAINE

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IN THE YEAR OF OUR LORD ONE THOUSAND NINE  
HUNDRED AND THIRTY-ONE

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AN ACT to reorganize the administration of the state in order to secure better service, and through coordination and consolidation to promote economy and efficiency in the work of the state government; creating and establishing certain departments and offices, and prescribing their powers and duties; abolishing certain offices, boards, commissions, and other agencies, and repealing conflicting acts and parts of acts.

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Be it enacted by the People of the State of Maine, as follows:

### ARTICLE I ORGANIZATION OF DEPARTMENTS

Section 1. **Short Title.** This act shall be known as the "State Administrative Reorganization Code."

Sect. 2. **Administrative Departments.** There are hereby created and established the following administrative departments of the state government:

1. Executive department,
2. Department of finance,
3. Department of health and welfare,
4. Department of agriculture,
5. Department of highways,
6. Department of banking,
7. Department of insurance,

8. Department of inland fisheries and game,
9. Department of sea and shore fisheries,
10. Department of forestry,
11. Department of labor,
12. Department of education,
13. Department of public utilities.

These departments shall be vested respectively with such powers and required to perform such duties as are set forth in this act, and shall be charged with the administration and execution of such laws as the legislature may enact.

Sect. 3. **Heads of Departments.** The head of each of the administrative departments of the state government created by this act shall be as follows:

1. Governor, for the executive department;
2. Commissioner of finance, for the department of finance;
3. Commissioner of health and welfare, for the department of health and welfare;
4. Commissioner of agriculture, for the department of agriculture;
5. State highway commission, for the department of highways;
6. Commissioner of banking, for the department of banking;
7. Commissioner of insurance, for the department of insurance;
8. Commissioner of inland fisheries and game, for the department of inland fisheries and game;
9. Commissioner of sea and shore fisheries, for the department of sea and shore fisheries;
10. Commissioner of forestry, for the department of forestry;
11. Commissioner of labor, for the department of labor;
12. Commissioner of education, for the department of education;
13. Public utilities commission, for the department of public utilities.

The foregoing heads of administrative departments, excluding that of the executive department, shall be appointed by the governor with the advice and consent of the council. The said heads, excepting the state highway commission and the public

utilities commission, shall hold office at the pleasure of the governor and council.

The state highway commission shall consist of three members who shall continue to be appointed by the governor with the advice and consent of the council, as prescribed in Chapter 28, Section 3 Revised Statutes of 1930. The public utilities commission shall consist of three members who shall continue to be appointed by the governor with the advice and consent of the council, as prescribed in Chapter 62, Section 1, Revised Statutes of 1930.

Sect. 4. **Appointments to Fill Vacancies.** If for any reason, a vacancy shall occur in the heads of the administrative departments, enumerated in the foregoing section, with the exceptions of the executive department, the department of highways, and the department of public utilities, the governor, with the advice and consent of the council, shall appoint a qualified person to fill each such vacancy. Vacancies occurring in the state highway commission during the terms of the members of this commission, shall be filled for the unexpired terms in the manner prescribed in Chapter 28, Section 3, Revised Statutes of 1930. Vacancies occurring in the public utilities commission during the terms of the members of this commission, shall be filled for the unexpired terms in the manner prescribed in Chapter 62, Section 1, Revised Statutes of 1930.

Sect. 5. **Executive Officers.** The heads of the administrative departments, enumerated in Section 3 of this article, shall be the executive officers of the said departments, except in the department of highways and the department of public utilities. The department of highways shall have as its executive officer the chief engineer, or some other administrative official of the department, designated by the state highway commission. The department of public utilities shall have as its executive officer an administrative official of the department designated by the public utilities commission.

Sect. 6. **Cabinet.** The executive officers of the administrative departments shall constitute a cabinet or advisory staff to the governor on all matters of state administration. The governor shall hold regular meetings of this cabinet each

quarter, or oftener at his option. At these meetings, the administrative work and budgetary requirements of each department shall be discussed, and practical methods devised and applied to further cooperation and coordination of such work, and to eliminate duplication and overlapping of functions between the several departments.

**Sect. 7. Department of Audit.** A department of audit is hereby created and established. The state auditor shall be the head and the executive officer of this department. He shall be a certified public accountant or shall have had satisfactory experience as an auditor of public accounts. He shall be chosen by a joint vote of the two houses of the legislature for a term of four years, or until his successor has been chosen and duly qualified, provided that the present incumbent of the office of state auditor shall continue in this position until the expiration of his term. He shall exercise such powers and perform such duties as are set forth in the subsequent sections of this act. In case the office of state auditor shall become vacant during a period when the legislature is not in session, the appointment of a person to fill such vacancy shall be made immediately by the president of the senate, said person to hold office until such time as the legislature shall meet in regular or special session, and either confirm the appointment of said person or choose another person to fill the office during the unexpired term.

**Sect. 8. General Supervision.** The heads of the administrative and other departments of the state government, as provided for in Sections 3 and 7 of this act, shall have charge and general supervision of their respective departments, and shall exercise such powers and perform such duties as are vested by this act in the departments under their control.

The bureau chiefs, deputies, assistants, and employees of the departments, established by this act, shall be under the immediate supervision, direction, and control of the executive officers of the respective departments, and shall perform such duties as these officers shall prescribe.

**Sect 9. Appointment of Subordinate Officers and Employees.** Except as hereinafter provided, such bureau chiefs, deputies, assistants, and employees as may be necessary in each department shall be appointed by the executive officer

of such department, with the approval of the governor and council, subject to the personnel provisions of this act and the regulations adopted pursuant thereto.

Sect. 10. **Salaries.** The executive officers of the departments established by this act shall receive such compensations as shall be fixed by the governor and council. The bureau chiefs, deputies, assistants, and employees shall receive such compensations as shall be determined by the executive officer of the department in which they work; and such compensations shall be fixed only upon the authority of the governor and council and in accordance with the personnel provisions of this act and the regulations adopted pursuant thereto. In no case, however, shall the compensations in any department or institution be fixed in excess of the aggregate amount of money appropriated by the legislature for personal services in such department or institution.

Sect. 11. **Bonds.** Each executive officer, whose office is created by this act, or any subordinate officer under same, who may be required to handle state moneys, shall give bond executed by a surety company authorized to do business within the state in such sum as shall be fixed by the governor and council, and which shall be deemed to be adequate by the state auditor to safeguard the state's funds. Such bonds shall be filed in the department of audit.

Sect. 12. **Annual Reports.** The executive officer of each administrative department, unless otherwise provided in this act, shall annually on or before the first day of August, and at such other times as the governor may require, report in writing to the governor and the council concerning the condition, management, and financial transactions of his department for the preceding fiscal year. Such reports shall be in lieu of all other annual reports now required by law to be made by the departments, institutions, and agencies of the state government covered by the provisions of this act.

## ARTICLE II CONDUCT OF DEPARTMENTS

Section I. **Rules and Regulations.** The executive officer of each department is empowered to prescribe rules and regu-

lations, not inconsistent with law and with the rules and regulations established under this act by the department of finance, for the administration of his department, the conduct of its employees, the distribution and performance of its business, and the custody, use, and preservation of the records, papers, books, documents, and property pertaining thereto.

**Sect. 2. Departmental Offices.** Each department shall maintain a central office at the State Capitol. The executive officer of each department may, in his discretion and with the approval of the governor, establish and maintain at places other than the seat of government, branch offices for any one or more functions of his department.

**Sect. 3. Office Hours.** Each department shall be opened for the transaction of public business from 8 o'clock in the morning until 5 o'clock in the afternoon of each day except Saturday afternoons, Sundays, and legal holidays. All officers and employees in the several departments shall render not less than eight hours of labor each day, Saturdays, Sundays, and legal holidays excepted.

**Sect. 4. Leave of Absence.** Each officer and employee in the several departments shall be entitled during each calendar year to two weeks' leave of absence with full pay. In special and meritorious cases where to limit the annual leave to two weeks in any one calendar year would work practical hardship, it may be extended under the rules and regulations of the department of finance.

**Sect. 5. Extra Compensation.** No officer or employee in the several departments, employed at a fixed compensation, shall be paid for any extra services, unless expressly authorized by law.

### ARTICLE III THE EXECUTIVE DEPARTMENT

**Section 1. Organization of Department.** The executive department shall be organized into four bureaus as follows:

1. Bureau of administration, the head of which shall be the secretary to the governor, or some other officer of the department designated by the governor;

2. Bureau of military affairs, the head of which shall be the adjutant general;

3. Bureau of state police, the head of which shall be the chief of state police;

4. Bureau of buildings and grounds, the head of which shall be the superintendent of buildings and grounds.

The governor may designate the head of the bureau of military affairs to serve also as the head of the bureau of state police.

The governor shall appoint in connection with the bureau of administration a state personnel officer, who shall be trained and experienced in personnel management either in public or private business.

**Sect. 2. Powers and Duties of Department.** The executive department shall have authority:

1. To carry on through the bureau of administration the clerical duties of the governor's office;

2. To supervise the final preparation for publication of manuscripts of all reports of state departments and agencies, and to edit such manuscripts, when deemed necessary, in the interest of brevity and lucidity;

3. To publish, from time to time, for the information of the several departments and agencies and the general public, bulletins or pamphlets on the work of the state government;

4. To administer through the bureau of military affairs, the functions of the adjutant general's office;

5. To administer through the bureau of state police the work of the state highway police, and the motor vehicle inspectors;

6. To perform through the bureau of buildings and grounds all duties with reference to the care and custody of the capitol buildings and grounds and state properties not otherwise allocated;

7. To administer through the state personnel officer a system of personnel management, as provided in the subsequent sections of this article.

**Sect. 3. Armory Commission Continued.** The armory commission, as already organized, shall be continued in connection with the bureau of military affairs. It shall exercise the powers and duties vested in it by existing law.



Sect. 4. **The State Police.** The state highway police shall hereafter be known as the state police. The motor vehicle inspectors shall be abolished and their functions transferred to and performed by the state police. The chief of the state police shall have and exercise complete disciplinary control over the members of the state police force.

Sect. 5. **State Park Commission Continued.** The state park commission shall be continued in connection with the bureau of buildings and grounds. The head of the bureau of buildings and grounds shall be a member of this commission. The tenure of office of the other members shall not be changed. The commission shall exercise the powers and duties vested in it by existing law.

Sect. 6. **Powers and Duties of the State Personnel Officer.** The state personnel officer shall have authority:

1. To test and pass upon the qualifications of all applicants for appointment to and promotion in the various positions in the several departments and agencies of the state government, except as hereinafter provided;
2. To establish lists for employment and reemployment from which appointments are to be made to the various positions in the state service;
3. To prepare and maintain a roster of all employees in the state service;
4. To check all payrolls, or provide the data for checking same, before they may be lawfully authorized for payment.
5. To ascertain and record all duties, responsibilities, and authority pertaining to the various positions in the state service, and to classify such positions in the manner hereinafter provided;
6. To make a study of rates being paid in each class of positions for similar or comparable services elsewhere, and all other information and data pertaining to proper rates of compensation, and to prepare and adopt a schedule of compensation for each class of positions, with a minimum salary rate, a maximum salary rate, and such intermediate salary rates as may be deemed necessary and equitable;
7. To devise, install, and administer service rating systems and training courses for clerical employees in so far as may be practicable;

8. To arrange for and pass upon transfers; to regulate annual sick and special leaves of absence, hours of work, lay-offs, and removals, in accordance with the provisions of this act;

9. To transfer temporarily employees from one department to another when necessary to expedite the work of any department;

10. To assign to each department, institution, or agency such clerical employees as may be deemed necessary for the efficient performance of its functions, and to coordinate the work of all such employees;

11. To prepare, adopt, and administer such rules and regulations as may be required to carry out the provisions of this section;

12. To make such investigation pertaining to personnel, salary scales, and employment conditions in the state service as may be requested by the governor and council, or by the legislature.

Sect. 7. **Qualifications of Employees.** The state personnel officer shall determine the qualifications of applicants for positions in the state service by tests. Such tests may be written, oral, physical, or in the form of a demonstration of skill, or any combination of these, and shall be of such character as fairly to test and determine the qualifications, fitness, and ability of the persons tested actually to perform the duties of the class of positions to which they seek appointment. Any investigation of education and experience and any test in intelligence, capacity, technical knowledge, mental skill or physical fitness or other qualifications which, in the opinion of the state personnel officer serves to this end, may be employed. Such tests shall be competitive, free and open to all persons who may be lawfully appointed to any position in the class for which they are held with such limitations as to age, residence, health, habits, character, sex, and other qualifications as may be considered desirable by the state personnel officer and specified in the public announcement of the test. For positions involving unskilled and semiskilled labor or work, or involving domestic, attending, or other housekeeping or custodial services at institutions where the character of the work, the relatively low rate of compensation, or the place of work,

makes it impracticable to secure at stated times a sufficient number of applicants to supply the needs of the service, the state personnel officer may provide by regulation for a procedure which permits the testing of applicants, singly or in groups, at stated places, in counties or cities, for such labor or work, and at institutions or elsewhere for domestic, attending, housekeeping, or custodial service at any time on due notice of such tests, but without public announcement.

Heads of departments, executive officers of departments, members of state boards or commissions, the state judiciary, members of the state legislature, directing heads of the university, and other state schools and all professors and teachers in these institutions shall be exempt from the tests required in this section. All other appointive officers and employees in the departments shall be required to pass such tests before they shall be eligible for appointment, provided that the officers and employees in the state service at the time of the taking effect of this act shall not be required to take such tests except for purposes of promotion. The state personnel officer may authorize the filling of a position at once by provisional appointment for not more than four months; said officer may also authorize temporary appointments, with or without tests, for a period not exceeding three months.

**Sect. 8. Classification of Employees.** The state personnel officer shall as soon as practicable after this act takes effect ascertain the duties and responsibilities of all positions in the state service, and prepare and adopt a classification plan, together with rules for its administration. Such classification plan shall show for each class of positions:

1. The title given to the class;
2. A statement of the duties performed and the responsibilities exercised by those holding positions allocated to the class, illustrated where desirable by examples of typical tasks;
3. The minimum and desirable qualifications required of an incumbent for the satisfactory performance of such duties and tasks and the exercising of such responsibilities;
4. As far as practicable, the natural and probable lines of promotion to and from the class;
5. The salary ranges, showing minimum, maximum, and intermediate rates.

Sect. 9. **Employment List for Appointments.** In establishing any employment list following tests for entrance into the state service, the state personnel officer shall place on the list in the order of the earned ratings of the completed tests, the names of persons who show they possess the qualifications which entitle them to be considered eligible to appointment when a vacancy in any position allocated to the class occurs. All appointments made by the executive or appointing officers of departments, institutions and agencies of the state government shall be from employment lists furnished or approved by the state personnel officer. Said officer shall provide by rule for the consolidation, continuation, and cancellation of employment lists, and for the removal of names therefrom for good cause.

Sect. 10. **Roster of Employees.** The state personnel officer shall prepare and maintain a roster of state employees, showing for each employee, his or her name, post office address, title of position held, rate of compensation, and any changes in his or her status, including increases or decreases in pay, changes in title, transfers, sick and annual leave, and any other pertinent and desirable facts. In order that this roster may be kept current, the executive or appointing officer of each department, institution, or agency, shall notify the state personnel officer immediately of changes in the status of any subordinate officer or employee with respect either to position or salary.

Sect. 11. **Checking of Payrolls.** The state personnel officer shall check all payrolls, or supply to the state controller the proper data for checking such payrolls. Before payment for compensation may be lawfully made to state officials or employees, the state controller shall ascertain that the persons whose names appear on the payrolls have been legally employed in the performance of the duties indicated at the compensation rates and for the periods for which pay is claimed or that they are on authorized leave.

Sect. 12. **Removal of Employees.** The executive or appointing officer of each department, institution, or agency of the state government shall have authority to remove any subordinate officer or employee under his jurisdiction from the position which said officer or employee may hold, and the ex-

ecutive or appointing officer shall forthwith notify the state personnel officer of his action. If the subordinate officer or employee so removed shall request it in writing, the officer making the removal shall file with the state personnel officer a statement setting forth in full his reasons for such removal, which statement shall be open to public inspection. In all cases, however, the action of the officer making the removal, so long as he shall act within his authority, shall be final, subject to review by the governor.

Sect. 13. **Retirement of Employees.** In the retirement of employees, as provided in Chapter 159, Sections 20-23, Revised Statutes of 1930, the state personnel officer shall review each employee's record as to length of service, compensation and conduct, and shall make such other inquiry regarding the employee's eligibility for retirement and pension as he may deem proper or as the governor may direct. The state personnel officer shall certify to the governor and council the eligibility of each applicant for retirement and pensions with the necessary supporting data, together with his recommendation as to the amount of the pension to be granted. The governor and council shall then allow such pension, if they deem it to be in accordance with existing statutory provisions, and the governor shall recommend to the legislature that an appropriation be made to pay the pension thus allowed.

Sect. 14. **Political Activity of Employees.** No person holding a position either as subordinate officer or employee of the state service shall directly or indirectly use or seek to use his or her authority or official influence to control or modify the political action of any other person, or during the hours of duty engage in any form of political activity, or at any other time, take such part in political activities or political campaigns as to affect or impair his or her usefulness in the position in which he or she may be employed.

#### ARTICLE IV DEPARTMENT OF FINANCE

Sect. 1. **Organization of Department.** The department of finance shall be organized into three bureaus as follows:

1. Bureau of accounts and control, the head of which shall be the state controller;

2. Bureau of purchases, the head of which shall be the state purchasing agent;

3. Bureau of taxation, the head of which shall be the state tax assessor.

In connection with the department of finance, the governor shall appoint a state budget officer. The governor may, in his discretion, designate the commissioner of finance to serve in the capacity of state budget officer.

**Sect. 2. Powers and Duties Relative to Budgeting.** The department of finance, through the state budget officer, shall have authority:

1. To prepare and submit to the governor, biennially, a state budget document in accordance with the provisions outlined in this article, which shall be in lieu of those set forth in Chapter 2, Sections 109 to 118 inclusive, Revised Statutes of 1930;

2. To examine and recommend for approval the work program and quarterly allotments of each spending agency of the state government, before the appropriations made for such agency shall become available for expenditure;

3. To examine and recommend for approval any changes made in the work program and quarterly allotment of any spending agency during the fiscal year;

4. To investigate duplication of work of departments and other agencies of the state government, to study the organization and administration of such departments and agencies, and to formulate plans for better and more effective management;

5. To prepare and report to the governor when requested any financial data or statistics which he may require, such as monthly or quarterly estimates of the state's income, and cost figures on the current operations of institutions and other agencies.

**Sect. 3. Scope of the Budget.** The budget of the state government shall present a complete financial plan for each fiscal year of the ensuing biennium, which shall set forth all proposed expenditures for the administration, operation, and maintenance of the departments, institutions, and agencies of the state government; all interest and debt redemption charges during each fiscal year; all expenditures for capital projects

to be undertaken and/or executed during each fiscal year of the biennium. In addition thereto, the budget shall set forth the anticipated revenues of the state government and any other additional means of financing the expenditures proposed for each fiscal year of the biennium.

**Sect. 4. Form of the Budget Document.** The budget document, setting forth the financial plan of the state government for each fiscal year of the ensuing biennium, shall be set up in three parts, the nature and contents of which shall be as follows:

Part I shall consist of a budget message by the governor which shall outline the financial policy of the state government for the ensuing biennium, describing in connection therewith the important features of the financial plan; it shall also embrace a general budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated revenues, together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The general budget summary shall be supported by explanatory schedules or statements, classifying the expenditures contained therein by organization units, objects, and funds, and the income by organization units, sources, and funds.

Part II shall embrace the detailed budget estimates both of expenditures and revenues as provided in the subsequent section of this act; it shall also include statements of the bonded indebtedness of the state government, showing the debt redemption requirements, the debt authorized and unissued, and the condition of the sinking funds; in addition thereto, it shall contain any statements relative to the financial plan which the governor may deem desirable, or which may be required by the legislature.

Part III shall embrace complete drafts of the budget bills, that is, the legislative measures required to give legal sanction to the financial plan when adopted by the legislature. These bills shall include an appropriation bill, authorizing by spending agencies and by funds, all expenditures of the state government for each fiscal year of the ensuing biennium, and such

other bills as may be required to provide the income necessary to finance the budget.

Sect. 5. **Budget Estimates.** On or before November 1, of the even-numbered years, all departments and other agencies of the state government shall prepare, on blanks furnished them by the state budget officer, and submit to said officer, estimates of their expenditure requirements for each fiscal year of the biennium, compared with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. The expenditure estimates shall be classified to set forth the data by funds, organization units, character and objects of expenditure; the organization units may be subclassified by functions and activities, or in any other manner at the discretion of the state budget officer.

Tentative revenue estimates prepared by the state budget officer on October 1, of the even-numbered years, shall be revised by this officer on the following January 1, for inclusion in the budget. The revenue estimates shall be classified so as to show the receipts by funds, organization units, and sources of income.

Sect. 6. **Review and Revision of Estimates.** The governor, with the assistance of the state budget officer, shall review the estimates, altering, revising, increasing, or decreasing the items of said estimates as he may deem necessary in view of the needs of the various spending agencies and the total anticipated income of the state government during the ensuing biennium. The state budget officer, at the direction of the governor, shall then prepare a budget document in the form required by the provisions of this act; the governor shall transmit such document to the legislature not later than the close of the fourth week of the regular legislative session.

Sect. 7. **Form of Appropriation Bill.** The appropriation bill provided for in Section 4 of this act shall be drawn in such form as to authorize only lump sum appropriations to meet the expenditure needs of the various spending agencies of the state government for each fiscal year of the biennium. For the operation and maintenance expenses of each department or other agency, there shall be a single appropriation which shall be allotted before becoming available for expendi-



ture as provided for in a subsequent section of this act. Appropriations for the acquisition of property shall be in such detail under each spending agency as the governor shall determine; provided, however, that such appropriation shall not be segregated in greater detail than the major classes or projects for which they are expendable during each fiscal year of the biennium.

**Sect. 8. Work Program and Allotments.** Not later than June 1, of each year the governor shall require the executive officer of each department and agency of the state government to submit to the department of finance a work program for the ensuing fiscal year, such program shall include all appropriations made available to said department or agency for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments of said appropriations by quarters for the entire fiscal year. The governor with the assistance of the state budget officer, shall review the requested allotments with respect to the work program of each department or agency and he shall, if he deems it necessary, revise, alter, or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total appropriations made available to said department or agency for the fiscal year in question. The state budget officer shall transmit a copy of the allotments as approved by the governor to the executive officer of the department or agency concerned, and also a copy to the state controller. The state controller shall thereupon authorize all expenditures to be made from the appropriations on the basis of such allotments and not otherwise.

The executive officer of any department or agency of the state government, whenever he shall deem it necessary, by reason of changed conditions, may revise the work program of his department or agency at the beginning of any quarter during the fiscal year, and submit such revised program to the department of finance with his request for a revision of the allotments of the remaining quarters of that fiscal year. If, upon such reexamination of the work program, the state budget officer, with the approval of the governor, shall decide to grant the request for the revision of the allotments, the same procedure, so far as it relates to review, approval, and control, shall be followed as in the making of the original allotments.

In order to provide some degree of flexibility to meet emergencies arising during each fiscal year in the expenditures for operation and maintenance of the various departments and agencies of the state government, the state budget officer, with the approval of the governor, may require the executive officer of each department or agency, in making the original allotments, to set aside a reserve, the exact amount of which shall be determined by the state budget officer, of the total amount appropriated to the department or agency. At any time during the fiscal year this reserve or any portion of it may be returned to the appropriation to which it belongs and may be added to any one or more of the allotments, provided the state budget officer shall deem such action necessary and shall notify the state controller of such action; any unused portion thereof shall remain at the end of the fiscal year as an unexpended balance of appropriation. Any unexpended and unencumbered balance of allotments at the end of each quarter shall be credited to the reserve set up for the fiscal year.

**Sect. 9. Advisory Committee on Budget.** There shall be an advisory committee on budget consisting of two members, one from each house of the legislature selected by the presiding officer thereof. In each case the selection shall be, if practicable, the senior ranking member of the senate and house respectively of the committee on appropriations and financial affairs, if such member is to serve as a member of the next succeeding legislature; otherwise, some other member of such committee who is to serve as a member of the next succeeding legislature shall be selected. The members of the committee shall be paid the necessary expenses incurred in the performance of their duties, and in addition thereto, they shall each receive \$5 per day for the time actually spent while the legislature is not in session. This committee shall meet with the governor, when so requested by him, during the preparation of the budget, and shall advise with him on any and all matters pertaining to the financial policy of the state government. The governor, however, shall be fully responsible for all budgetary recommendations made to the legislature. The committee on budget, as constituted by Chapter 2, Section 108, Revised Statutes of 1930, is hereby discontinued.

**Sect. 10. Powers and Duties Relating to Accounting.** The

department of finance, through the bureau of accounts and control, shall have authority:

1. To maintain a system of general accounts embracing all the financial transactions of the state government;

2. To examine and approve all contracts, orders, and other documents, the purpose of which is to incur financial obligations against the state government, and to ascertain that moneys have been duly appropriated and allotted to meet such obligations and will be available when such obligations will become due and payable;

3. To audit and approve all bills, invoices, accounts, pay-rolls, and all other evidences of claims, demands, or charges against the state government; and to determine the regularity, legality, and correctness of such claims, demands, or charges;

4. To inquire into and make an inspection of articles and materials furnished or work and labor performed, for the purpose of ascertaining that the prices, quality, and amount of such articles or material are fair, just, and reasonable, and that all the requirements expressed and implied pertaining thereto have been complied with, and to reject or disallow any excess;

5. To make monthly reports on all receipts and expenditures of the state government to the governor and the state auditor; to make monthly reports on appropriations, allotments, encumbrances and authorized payments to the governor, to the state auditor, and to the executive officer of the department or agency directly concerned;

6. To prescribe the forms of receipts, vouchers, bills, or claims to be filed by any and all departments, institutions, and agencies with the department of finance;

7. To prescribe such subsidiary accounts, including cost accounts, for the various departments, institutions, and agencies as may be desired for purposes of administration, supervision, and financial control;

8. To examine the accounts of every department, institution, or agency, receiving appropriations from the state;

9. To report to the attorney general for such action, civil or criminal, as he may deem necessary, all facts showing illegality in the expenditure of public moneys or the misappropriation of public properties;

10. To exercise the rights, powers, and duties heretofore

conferred and imposed by law upon the state auditor in so far as these relate to financial administration and general accounting control of the state government, involving the keeping of general accounts, the auditing before payment of all bills or vouchers; and the authorizing of all claims against the state for which appropriations have been made.

Sect. 11. **Handling Appropriations.** No appropriation to any state department, institution, or agency, excepting the legislature, shall become available for expenditure until allotted upon the basis of the work program, duly approved by the governor, as provided in previous sections of this article.

A petty cash fund shall be allowed by the commissioner of finance to each state department or agency, which shall in his opinion require such a fund, and said fund so established shall be reimbursed only upon statements and bills audited by the state controller.

Sect. 12. **State Funds Eliminated.** The commissioner of finance, with the approval of the governor, shall have authority after this act takes effect, unless the legislature shall otherwise direct, to discontinue any or all of the special expendable state funds with the exception of the sinking funds and trust funds, and to merge the balance or balances of such fund or funds so discontinued with the general fund. The state controller shall set up and maintain special accounts in the general fund with respect to moneys received for designated purposes from the federal government.

Sect. 13. **Uniform Fiscal Year.** The fiscal year of the state government shall hereafter commence on the first day of July and end on the thirtieth day of June of each year. This fiscal year shall be followed in making appropriations and in financial reporting, and shall be uniformly adopted by all departments, institutions, and agencies in the state government.

Sect. 14. **Payment of Receipts into the Treasury.** Any public officer or any person, firm, association, or corporation, paying money into the state treasury may make such payment by delivering to the treasurer of state a check, draft, certificate of deposit, or money order, drawn, endorsed, and payable to the treasurer of state or his order, or may make such payment by delivering to the treasurer the proper amount of law-

ful currency. The treasurer shall keep a record of all drafts, checks, certificates of deposit, money orders, and all cash received by him, and upon receipt thereof shall forthwith cause the same to be placed to the credit of the state of Maine in some state depository. If any check, draft, or certificate of deposit shall not be paid on presentation, the treasurer shall immediately notify the commissioner of finance, and he shall proceed to collect the amount thereof with costs from the person depositing same. The treasurer shall daily transmit to the state controller a statement of all receipts into the treasury, giving such details thereof as the controller may require.

The state government shall not be liable for any loss resulting from lack of diligence on the part of any depository in forwarding or failing to collect any draft, check, or certificate of deposit, or for the loss of any such draft, check, or certificate of deposit in the mails or otherwise.

**Sect. 15. Departmental Collections.** Every department, institution, and agency of the state, whether located at the capitol or not, collecting or receiving public money or money from any source whatsoever, belonging to or for the use of the state, or for the use of any state department or agency, shall pay the same immediately into the state treasury, without any deductions on account of salaries, fees, costs, charges, expenses, refunds, claims, or demands of any description whatsoever; provided, however, that any department or agency may deposit such money to the credit of the treasurer of state upon communicating with him and receiving from him instructions as to what state depository may be used for that purpose, and in every such case, the depositor shall send to the treasurer of state a statement of the deposits certified by the bank receiving it; and provided, further, that the provisions of this section shall not apply to county or town officers.

The officers of any county or town receiving state money shall on or before the tenth day of each month, or oftener, if the commissioner of finance shall so direct, report to the state controller the total of each class of state revenue or state money received or collected during the preceding calendar month.

No department or agency of the state government, except the treasurer of state, shall, after this act takes effect, deposit any state moneys to his, its, or their credit in any bank.

Sect. 16. **Disbursements.** 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 acting as a depository of the state government.

All state officers and employees, except as the commissioner of finance may specify, shall be paid their salaries twice each calendar month, the dates of payment to be determined by the state controller.

Sect. 17. **Money in Depositories.** All state money in any depository of the state government shall stand on the books of said depository to the credit of the treasurer of state, but the treasurer shall not withdraw any of said money except upon the authority of the state controller.

Sect. 18. **Powers and Duties Pertaining to Purchasing.** The department of finance, through the bureau of purchases, shall have authority :

1. To purchase all supplies, materials, and equipment required by the state government or by any department or agency thereof subject to the provisions set forth in this act ;
2. To establish and enforce standard specifications which shall apply to supplies, materials, and equipment purchased for the use of the state government ;
3. To purchase or contract for all telephone, telegraph, postal, or electric light and power service for the state departments and agencies ;
4. To lease all grounds, buildings, office or other space required by the state departments or agencies ;
5. To have general care and supervision of all central storerooms operated by the state government ;
6. To transfer to or between state departments and agencies or sell supplies, materials, and equipment which are surplus, obsolete, or unused ;
7. To make an inventory of all removable equipment belonging to the state government and keep it current ;
8. To list all real estate belonging to or under lease to the

state government, showing agency controlling, location, metes and bounds, cost, and when acquired;

9. To exercise all the rights, powers, and duties now conferred by law on the governor and council in contracting for and purchasing supplies, materials, and equipment;

10. To establish and conduct a central mailing room for the state departments and agencies at the capitol.

Sect. 19. **Scope of Purchasing Authority.** The terms "supplies," "materials," and "equipment," as used in this act shall be construed to mean any and all articles or things which shall hereafter be used by or furnished to the state or to any department or agency thereof, including the legislature, and also any and all printing, binding, publication of laws, journals, and reports. Except as provided in this act, any or all supplies, materials, and equipment needed by one or more departments or agencies shall be directly purchased or contracted for by the state purchasing agent as may be determined from time to time by rules adopted pursuant to this act, which rules the department of finance is hereby authorized and empowered to make, it being the intent and purpose of this statute that the state purchasing agent shall purchase collectively all supplies for the state or for any department or agency thereof in the manner that will best secure the greatest possible economy consistent with the grade or quality of supplies best adapted for the purposes for which they are needed.

Sect. 20. **Open Market and Other Purchases.** The state purchasing agent may authorize, in writing, an officer of the state or any department or agency thereof to purchase in the open market and without requisition or estimate, specific supplies, materials, and equipment for immediate delivery to meet exigencies arising from unforeseen causes, including delays by contractors, delays in transportation, and unanticipated volume of work.

The purchase of the supplies, materials, and equipment for highway maintenance and construction purposes may be exempted by the state purchasing agent from his immediate jurisdiction and control and may be purchased, with the approval of the commissioner of finance, by and under the supervision of the department of highways.

Sect. 21. **Standardization Committee.** There is hereby created a standardization committee which shall consist of the governor or his representative, the executive officer of the department of highways, or his representative, the commissioner of health and welfare, or his representative, the commissioner of education, or his representative, and the state purchasing agent. The members of this committee shall serve without additional compensation.

It shall be the duty of the standardization committee to advise the state purchasing agent and the commissioner of finance in the formulation and modification of the rules and regulations which shall prescribe the purchasing policy of the state and to assist in the formulation, adoption, and modification of standard specifications which shall apply to state purchases.

Sect. 22. **Standard Specifications.** In the formulation, adoption, and modification of any standard specification, the state purchasing agent shall seek the advice, assistance, and cooperation of the state departments, institutions, or agencies concerned, to ascertain their precise requirements. Each specification adopted for any commodity shall, in so far as possible, satisfy the requirements of the majority of the state agencies which use the same. After its adoption by the state purchasing agent, with the approval of the commissioner of finance, each standard specification shall, until revised or rescinded, apply alike in terms and effect, to every future purchase of a commodity described in such specification; provided, however, that the state purchasing agent, with the approval of the commissioner of finance, may exempt any department or agency of the state government from use of the commodity described in such specification.

Sect. 23. **Rules and Regulations.** The state purchasing agent with the approval of the commissioner of finance may adopt, modify, or abrogate rules and regulations for the following purposes:

1. Authorizing any state department or agency to purchase directly certain specified supplies, materials, and equipment, limiting their powers in relation thereto, and describing the manner in which purchases shall be made;

2. Prescribing the manner in which the supplies, materials, and equipment shall be purchased, delivered, stored, and distributed;



3. Requiring monthly reports by state departments or agencies of stocks of supplies, materials, and equipment on hand and prescribing the form of such reports;

4. Prescribing the dates for making requisitions and estimates, the periods for which they are to be made, the form thereof, and the manner of authentication;

5. Prescribing the manner of inspecting all deliveries of supplies, materials, and equipment, and making chemical and physical tests of samples submitted with bids and samples from deliveries;

6. Providing for transfer of supplies, materials, and equipment which are surplus from one state department or agency to another which may need them, and for the disposal by private and public sale of supplies, materials, and equipment which are obsolete and unusable;

7. Prescribing the amount of deposit or bond to be submitted with a bid on a contract and the amount of bond to be given for the faithful performance of a contract;

8. Providing for such other matters as may be necessary to give effect to the foregoing rules and provisions of this act.

**Sect. 24. Awards and Contracts.** Except as otherwise provided by law, orders awarded or contracts made by the state purchasing agent or by any department or agency, shall be awarded to the lowest responsible bidder, taking into consideration the qualities of the articles to be supplied, their conformity with the specifications, the purposes for which they are required and the date of delivery. Bids shall be received only in accordance with such standard specifications as may be adopted by the state purchasing agent with the approval of the commissioner of finance and in the manner provided in this act. Any or all bids may be rejected.

Each bid, with the name of the bidder, shall be entered on a record, and each record with the successful bid indicated shall, after the award or letting of the contract, be opened to public inspection. A bond for the proper performance of each contract may be required in the discretion of the state purchasing agent with the approval of the commissioner of finance.

**Sect. 25. Requisitions Required.** Except as provided in this act and in the rules and regulations adopted hereunder, supplies, materials, and equipment shall be purchased by or

furnished to the state government or to any department or agency thereof only upon requisition to the state purchasing agent. The agent shall examine each requisition submitted to him by any department or agency and may revise it as to quantity, quality, or estimated cost.

Sect. 26. **Deliveries.** Supplies, materials, and equipment, purchased or contracted for by the state purchasing agent shall be delivered by him or by the contractor to the department or agency by which or for whom the same are to be used from time to time as required.

Sect. 27. **Unlawful Purchases.** Whenever any department or agency of the state government, required by this act and the rules and regulations adopted pursuant thereto applying to the purchase of supplies, materials, or equipment through the state purchasing agent, shall contract for the purchase of such supplies, materials, or equipment contrary to the provisions of this act or the rules and regulations made hereunder, such contract shall be void and of no effect. If any such department or agency purchases any supplies, materials, or equipment contrary to the provisions of this act or the rules and regulations made hereunder, the executive officer of such department or agency shall be personally liable for the costs thereof, and if such supplies, materials, or equipment are so unlawfully purchased and paid for out of state moneys, the amount thereof may be recovered in the name of the state in an appropriate action instituted therefor.

Sect. 23. **Powers and Duties Relating to Taxation.** The department of finance, through the bureau of taxation, shall have authority:

1. To exercise all the rights, powers and duties vested by law in the board of state assessors, its officers, assistants, and employees, with reference to the direct assessment of wild lands and personal property in unorganized towns, and the equalization of general property taxes;

2. To perform the duties hitherto vested by law in the state auditor in connection with the administration of the gasoline tax, except the inspection of motor vehicle fuels and lubricating oils;

3. To perform the duties hitherto vested in the attorney

general's office with reference to the administration of the inheritance and estate tax laws.

**Sect. 29. Organization of Bureau of Taxation.** The state tax assessor, with the approval of the commissioner of finance, shall have power to distribute the functions outlined in the preceding section of this act among the following divisions of the bureau of taxation: (1) division of property taxes; (2) division of gasoline taxes and (3) division of inheritance taxes. He shall also have power, with the approval of the commissioner of finance, to eliminate any of the foregoing divisions or to add new divisions, as he may deem most advantageous and economical from an administrative standpoint. Some officer within each division of the bureau of taxation shall be designated by the state tax assessor as chief of said division.

**Sect. 30. Board of Equalization.** There shall be established a board of equalization, whose duty it shall be to equalize the state and county taxes among the several towns and unorganized townships in the manner provided by law. This board shall consist of the commissioner of finance as chairman, serving without additional salary, and two associate members not otherwise connected with the state government or any local government thereof, appointed by the governor and council for terms of four years, the first appointments being for two and four years, respectively. The associate members shall be persons known to possess knowledge of and training in the valuation of property, and shall devote to the duties of their office such time as may be required of them by the chairman. Each associate member shall be paid a per diem, to be fixed by the governor and council, when attending meetings called by the chairman, and shall also receive his actual expenses incurred in the performance of his official duties. The chief of the division of property taxes in the bureau of taxation shall serve as secretary of the board, and he shall maintain all the records and papers of the board, and be in charge of all its clerical work and correspondence.

**Sect. 31. Farm Loans.** The department of finance shall assume the powers and duties of the farm lands loan commissioners under Chapter 58, Revised Statutes of 1930, with respect to the investment of state funds in mortgages on agricultural lands. No loans shall hereafter be made on farm

mortgages and the department of finance shall proceed to close out the existing mortgages as rapidly as this can be done under the prevailing conditions.

## ARTICLE V DEPARTMENT OF HEALTH AND WELFARE

**Sect. 1. Organization of Department.** The department of health and welfare shall be organized into three bureaus as follows:

1. Bureau of health, the head of which shall be the director of health;
2. Bureau of social welfare, the head of which shall be the director of social welfare;
3. Bureau of institutional service, the head of which shall be the director of institutional service.

The director of health shall be a physician who is schooled in sanitary science and experienced in the organization and administration of public health work.

The director of social welfare shall be a person who has been trained in a school for social work or in equivalent college or university courses in the social sciences, or who has had satisfactory experience in the direction of organized social welfare work of a comparable nature.

The director of institutional service shall be a person experienced in institutional administration, either as a superintendent, chief medical officer, or business manager, or who has had other satisfactory experience in the direction of work of a comparable nature.

**Sect. 2. Powers and Duties of Department.** The department of health and welfare shall have authority:

1. To exercise all the rights, powers and duties heretofore vested by law in the state department of health, the commissioner of health, the public health council, their officers, assistants, and employees;
2. To exercise all the rights, powers, and duties heretofore vested by law in the board of prison commissioners, its officers, assistants, and employees;
3. To exercise all the rights, powers, and duties heretofore vested by law in the trustees of the reformatory for women, their officers, assistants, and employees;

4. To exercise all the rights, powers, and duties heretofore vested by law in the board of trustees of the reformatory for men, its officers, assistants, and employees;

5. To exercise all the rights, powers, and duties heretofore vested by law in the trustees of juvenile institutions, their officers, assistants, and employees;

6. To exercise all the rights, powers, and duties heretofore vested by law in the visiting committee to the state school for boys of the council;

7. To exercise all the rights, powers, and duties heretofore vested by law in the hospital trustees, their superintendants, officers, assistants, and employees;

8. To exercise all the rights, powers, and duties heretofore vested by law in the visiting committee to state hospitals of the council;

9. To exercise all the rights, powers, and duties heretofore vested by law in the board of trustees for tuberculosis sanatoriums, its officers, assistants, and employees;

10. To exercise all the rights, powers, and duties heretofore vested by law in the department of public welfare, the public welfare commission (commissioners of the department of public welfare), the state board of mothers' aid, the state board of children's guardians, their officers, assistants, and employees;

11. To exercise all the rights, powers, and duties heretofore vested by law in the World War relief commission, its officers, assistants, and employees;

12. To exercise the duties devolving upon the governor and council, and the state pension agent with reference to the pensions for soldiers and sailors, under Chapter 158, Revised Statutes of 1930;

13. To exercise the duties devolving upon the governor and council in the administration of pensions for the blind as provided in Chapter 158, Revised Statutes of 1930;

14. To exercise all the rights, powers, and duties heretofore vested by law in the board of trustees of the Maine school for the deaf, its officers, assistants, and employees;

15. To exercise all the rights, powers, and duties heretofore vested by law in the board of trustees of the state military and naval children's home, its officers, assistants, and employees;

16. To exercise all the rights, powers, and duties heretofore vested by law in the inspectors of fish;

17. To perform the functions and duties relating to pensions and poor relief under the governor and council and directly administered by the messenger to the governor and council, including the administration of appropriations for the following relief purposes: care of state paupers, pensions for the blind, education of blind children in out-of-state institutions, pensions for Civil and Spanish war veterans, commitment of insane state beneficiaries, burial of soldiers and their widows, and other special allowances;

18. To license persons, firms, corporations, or associations soliciting funds for any social welfare or relief purposes anywhere within the state;

19. To exercise all the rights, powers, and duties with respect to the welfare of the Penobscot and Passamaquoddy Indian tribes heretofore vested by law in the state forest commissioner acting through the Indian agents;

20. To exercise the rights, powers, and duties heretofore vested by law in the department of agriculture and the commissioner of agriculture with respect to the sanitary inspection and supervision of milk and dairy products and other foods, food products, beverages, and drugs, including the inspection and supervision of all places where such foods, beverages, and drugs are prepared, produced, manufactured, handled, stored, sold, or exposed for sale;

21. To exercise all the rights, powers, and duties with respect to the sanitary inspection, supervision, and regulation of public water supplies, drainage or sewerage heretofore vested by law in the public utilities commission;

22. To have supervision of vocational rehabilitation work for disabled civilians heretofore vested by law in the state board of vocational education and administered through the state department of education;

23. To establish parole standards and procedure and supervise the parole of inmates in the state penal and correctional institutions;

24. To classify and segregate the inmates of institutions;

25. To devise methods for the employment of patients and inmates of state institutions, and for the production and distribution of farm, dairy, and industrial products of such institutions;

26. To fix rates and collect fees for the support of patients in state hospitals, sanatoria, and other institutions;

27. To provide for the training of nurses in state hospitals and sanatoria;

28. To administer the laws now in effect or hereafter enacted for the sterilization of the unfit among institutional patients and inmates;

29. To license and supervise all institutions and agencies operating within the state for the care and treatment of defectives, dependents, and delinquents;

30. To administer all state funds and appropriations for the aid of private institutions and agencies, doing health and welfare work in the state;

31. To perform such other functions for the care, custody, treatment, and relief of the sick, the dependent, the defective and delinquent as may be consistent with the general purposes herein defined and not otherwise contrary to law.

**Sect. 3. Distribution of Departmental Functions.** The commissioner of health and welfare shall have power to distribute the functions outlined in the preceding section of this act among the established bureaus of the department of health and welfare so as properly to integrate the work, and to promote the most economical and efficient administration of the department.

**Sect. 4. Institutional Heads.** The heads or superintendents of the several state institutions under the department of health and welfare shall be appointed by the commissioner of health and welfare subject to the approval of the governor and council, and shall report directly to the said commissioner or to a bureau under the department designated by the commissioner. Each institutional head shall be experienced in the management of the particular type of institution to which he or she is assigned, and shall qualify for the position under the personnel provisions of this act.

**Sect. 5. Parole Board.** There shall be a parole board in the department of health and welfare consisting of the commissioner of health and welfare, the director of social welfare, and the head of the institution directly concerned with the parole in question. Such board shall have authority to grant

or revoke all paroles in connection with the state institutions under the supervision of the department of health and welfare.

**Sect. 6. Advisory Council of Health and Welfare.** There shall be an advisory council of health and welfare in connection with the department of health and welfare, which shall consist of six members and the commissioner of health and welfare serving ex officio. The six members shall be appointed by the governor and council for overlapping terms of six years each, the first appointments being for terms of 1, 2, 3, 4, 5 and 6 years, and thereafter for a full term of six years. The members of said council other than the commissioner of health and welfare, shall serve without compensation, but they may be allowed actual and necessary expenses for attendance at all meetings. Said council shall hold regular meetings twice a year and at such other times as the commissioner of health and welfare may deem necessary.

**Sect. 7. Powers and Duties of Advisory Council of Health and Welfare.** The advisory council of health and welfare shall have authority:

1. To make such investigation of the social problems of the state, with the aid of the departmental staff, as the commissioner of health and welfare may request;
2. To advise the commissioner of health and welfare with reference to the policy of the department of health and welfare and other matters falling within the jurisdiction of said department;
3. To recommend to the commissioner of health and welfare the enactment of such laws as may be deemed necessary relative to the activities of the department of health and welfare.
4. To make such rules and regulations as may be deemed necessary to carry out the intent of the public health and welfare laws of the state.

**Sect. 8. Boards of Visitors.** The governor may appoint a board of five visitors in connection with each state institution under the department of health and welfare. These visitors shall be appointed for a term of one year and shall be eligible for reappointment. No member of the legislature, the council, or advisory council of health and welfare shall serve on any board of visitors. The members of the boards of visitors shall



receive no compensation. Each board of visitors shall have the right to inspect the institution to which it is assigned and to make recommendations relative to the management of said institution to the commissioner of health and welfare.

Sect. 9. **Removal of Local Health Officers.** The commissioner of health and welfare shall have authority to approve the appointment of all local health officers and to remove them from office in the event they neglect or refuse to carry out the public health laws and regulations of the state department of health and welfare.

Sect. 10. **Vocational Education Board.** There shall be a vocational education board, consisting of the commissioner of health and welfare, the commissioner of education, and the commissioner of labor, to cooperate with the federal board of vocational education. The commissioner of health and welfare shall be chairman of this board. The members shall serve without compensation.

## ARTICLE VI DEPARTMENT OF AGRICULTURE

Section 1. **Organization of the Department.** The department of agriculture shall be organized into three bureaus as follows:

1. Bureau of animal industry, the head of which shall be the director of animal industry;
2. Bureau of plant industry, the head of which shall be the director of plant industry;
3. Bureau of inspections, the head of which shall be the director of inspections.

The director of animal industry shall be a qualified veterinarian, trained and experienced in the administration and methods of animal disease control.

The director of plant industry shall be a person who is trained and experienced in the administration and methods of plant disease control.

The director of inspections shall be a person who is acquainted with the supervision, inspection, and regulatory control of agricultural seeds, commercial feeding stuffs, commercial fertilizers, fungicides and insecticides.

Sect. 2. **Powers and Duties.** The department of agriculture shall have authority:

1. To exercise all the rights, powers and duties vested by law in the previously existing department of agriculture, the commissioner of agriculture, his deputies, assistants, and employees, excepting those functions pertaining to the sanitary inspection of milk, foods, and drugs, and of the establishments where milk and foods for human consumption are produced or kept for sale;

2. To inspect, sample, and test all agricultural seeds, commercial feeding stuffs, commercial fertilizers, fungicides and insecticides, and to enforce the provisions of existing laws with reference thereto;

3. To enforce the provisions of law with reference to the inspection and testing of motor vehicle fuels and lubricating oils;

4. To enforce the provisions of law with regard to state supervision of weights and measures;

5. To enforce the provisions of law with reference to the control of animal diseases, plant diseases, and the eradication of insect pests;

6. To exercise all the rights, powers and duties of the crop pest commission, as specified in Chapter 43, Section 13, Revised Statutes of 1930;

7. To cooperate with the College of Agriculture of the State University and with the federal government in all matters pertaining to agriculture.

Sect. 3. **Distribution of Departmental Functions.** The commissioner of agriculture, with the approval of the governor, shall have power to distribute the functions outlined in the preceding section among the established bureaus of the department of agriculture in the manner which will be most advantageous and economical from an administrative standpoint.

Sect. 4. **Commissioner of Agriculture Continued in Office.** The commissioner of agriculture, serving at the time this act takes effect, shall be continued in office until the end of the term for which he was chosen. Thereafter the term of the commissioner of agriculture shall be as provided in Article I, Section 3, of this act.

ARTICLE VII  
DEPARTMENT OF HIGHWAYS

Section 1. **Powers and Duties of Department.** The department of highways shall have and exercise all the rights, powers, and duties vested by law in the existing state highway commission, its officers, assistants and employees, except as otherwise provided in this act. Said state highway commission shall continue as hitherto constituted and shall be the administrative head of this department, as provided in an earlier section of this act.

Sect. 2. **Internal Organization of Department.** The executive officer of the department of highways shall have power, with the approval of the state highway commission and the governor, to organize the work of this department in such manner, by the establishment of bureaus and divisions therein, as he may deem necessary for its efficient and economical administration. He shall appoint and remove all employees of the department of highways and fix their salaries, subject to the personnel provisions of this act and the rules and regulations adopted pursuant thereto. He shall have authority to reduce, enlarge, or transfer the personnel of any bureau or division of the department of highways to meet the fluctuating demands of the state highway program.

Sect. 3. **Financial Procedure.** The department of highways shall be subject to the financial provisions of this act in the estimating, budgeting, reporting, and auditing of all funds provided by the legislature for highway work. It shall operate on the basis of the uniform fiscal year of the state government, as established by this act.

ARTICLE VIII  
DEPARTMENT OF BANKING

Section 1. **Powers and Duties of Department.** The department of banking shall have and exercise all the rights, powers, and duties hitherto vested by law in the bank commissioner, his deputies, assistants, and employees. The bank commissioner shall have the title of commissioner of banking and shall, at the discretion of the governor, continue as head of the department of banking. His present office staff, or so many

members thereof as the governor may deem necessary, shall become the staff of the department of banking as established by this act.

Sect. 2. **Organization of Department.** The commissioner of banking shall have power, with the approval of the governor, to organize the work of the department of banking in such manner, by establishing bureaus and divisions therein, as he may deem necessary for its efficient and economical administration.

Sect. 3. **Transfer of Examiners.** The governor shall have authority to require the commissioner of banking to assign one or more examiners of the department of banking, when not engaged with the work of this department, to the department of insurance for the purpose of conducting audits of state insurance companies.

## ARTICLE IX DEPARTMENT OF INSURANCE

Section 1. **Powers and Duties of Department.** The department of insurance shall have and exercise all the rights, powers and duties hitherto vested by law in the insurance commissioner, his deputies, assistants, and employees. The insurance commissioner shall have the title of commissioner of insurance, and shall, at the discretion of the governor, continue as head of the department of insurance. His present office staff, or so many members thereof as the governor may deem necessary, shall become the staff of the department of insurance as established by this act.

Sect. 2. **Organization of Department.** The commissioner of insurance shall have power, with the approval of the governor, to organize the work of the department of insurance, in such manner, by establishing bureaus and divisions therein, as he may deem necessary for its management.

Sect. 3. **Investigation of Fires.** The investigation of fires, hitherto a duty of the insurance commissioner, under Chapter 35, Revised Statutes of 1930, shall be performed by the state police. The commissioner of insurance shall devise a system of reporting as between the department of insurance and bu-

reau of state police in the executive department, so that the said department and said bureau shall have the the proper information for action at all times.

## ARTICLE X DEPARTMENT OF INLAND FISHERIES AND GAME

Section 1. **Powers and Duties of Department.** The department of inland fisheries and game shall have authority :

1. To exercise all the rights, powers, and duties vested by law in the commissioner of inland fisheries and game, his wardens, deputies, assistants and employees ;

2. To exercise all the rights, powers, and duties vested by law in the advisory council to the commissioner of inland fisheries and game.

The commissioner of inland fisheries and game, in office at the time this act takes effect, shall, at the discretion of the governor, continue as head of the department of inland fisheries and game.

Sect. 2. **Organization of Department.** The commissicner of inland fisheries and game shall have power, with the approval of the governor, to organize the work of the department of inland fisheries and game in such manner, by setting up bureaus and divisions therein, as he may deem necessary for the proper management of the department. He shall have authority to establish such offices and positions within the department of inland fisheries and game, and to hire such employees as may be required for its administration, subject to the approval of the governor, and in accordance with the personnel provisions of this act.

## ARTICLE XI DEPARTMENT OF SEA AND SHORE FISHERIES

Section 1. **Powers and Duties of Department.** The department of sea and shore fisheries shall have and exercise all the rights, powers, and duties hitherto vested by law in the sea and shore fisheries commission, the director of sea and shore fisheries, their wardens, officers, assistants, and employees.

Sect. 2. **Organization of Department.** The commissioner of sea and shore fisheries shall have power, with the approval

of the governor, to organize the work of the department of sea and shore fisheries in such manner as he may deem necessary for its efficient and economical administration.

Sect. 3. **Cooperation with Department of Inland Fisheries and Game.** The commissioner of sea and shore fisheries and the commissioner of inland fisheries and game shall cooperate in the distribution and joint deputizing of wardens to the end that overlapping or oft neglected jurisdictions may be effectively supervised according to the provisions of the fish and game laws.

## ARTICLE XII DEPARTMENT OF FORESTRY

Section 1. **Powers and Duties of Department.** The department of forestry shall have and exercise all the rights, powers, and duties hitherto vested by law in the forest commissioner, his deputies, wardens, assistants, and employees; in the board for surveys of lands, and in the state entomologist. The forest commissioner shall have the title of commissioner of forestry, and shall, at the discretion of the governor, continue as head of the department of forestry. His present office force, or so many members thereof as the governor may deem necessary, shall become the staff of the department of forestry as established by this act.

Sect. 2. **Organization of Department.** The commissioner of forestry, with the approval of the governor, shall organize the functions of the department of forestry in such manner, by establishing bureaus or divisions therein, as he may deem necessary for its economical administration.

## ARTICLE XIII DEPARTMENT OF LABOR

Section 1. **Powers and Duties of Department.** The department of labor shall have and exercise all the rights, powers, and duties hitherto vested by law in the state department of labor and industry, the commissioner of labor and industry and state factory inspector, the deputy state factory inspector, and subordinate officers, assistants, and employees of the state department of labor and industry. The department of labor

shall also include the functions hitherto vested by law in the state board of arbitration and conciliation and in the industrial accident commission, which board and commission shall be continued subject to the provisions of subsequent sections of this article.

**Sect. 2. Organization of Department.** There shall be in the department of labor a bureau of industrial accidents, the head of which shall be the chairman of the industrial accident commission, and such other bureaus and divisions as the commissioner of labor, with the approval of the governor, shall establish for the performance of the functions assigned to this department.

**Sect. 3. State Board of Arbitration and Conciliation.** The state board of arbitration and conciliation shall be continued as organized under Chapter 54, Section 1, Revised Statutes of 1930, except that the commissioner of labor shall be ex-officio secretary of said board. Such clerical and stenographic services as the state board of arbitration and conciliation may require shall be supplied by the commissioner of labor from the staff of the department of labor.

**Sect. 4. Industrial Accident Commission.** The industrial accident commission shall consist of three members, who shall be qualified and appointed in the manner provided for by Chapter 55, Section 28, Revised Statutes of 1930. The commissioner of labor and industry and the commissioner of insurance shall cease to be members ex-officio of this commission. The commissioner of labor, as created by this act, or a designated representative from the department of labor, shall be secretary of the industrial accident commission. No additional compensation shall be paid for the discharge of the duties of secretary. All clerical, inspectional and other staff agencies for the execution of the powers and duties vested by law in the industrial accident commission shall be deemed to be in the department of labor, and the employees thereof shall be deemed to be employees of said department, and shall have and exercise all authority vested by law in the employees of such commission.

ARTICLE XIV  
DEPARTMENT OF EDUCATION

Section 1. **Powers and Duties of Department.** The department of education shall have authority:

1. To exercise all the rights, powers, and duties hitherto vested by law in the state commissioner of education, his deputies, assistants, and employees;
2. To supervise the state normal schools;
3. To administer the teachers' retirement system;
4. To supervise the Maine state library in lieu of the existing trustees;
5. To have charge of the museum hitherto under the commissioner of inland fisheries and game.

Sect. 2. **Organization of Department.** The state commissioner of education shall continue as head of the department of education, as established by this act, but he shall have the title of commissioner of education. Said commissioner shall organize the department of education, with the approval of the governor, under such bureaus and divisions as he may deem necessary for the satisfactory performance of its functions.

Sect. 3. **State Normal Schools Board.** The general direction and administration of the several state normal schools, now established, or which may hereafter be established, shall be vested in the state normal schools board. Said board shall be the trustees of the normal schools as now constituted by Chapter 19, Section 189, Revised Statutes of 1930. The clerical and staff services for this board shall be performed by the employees of the department of education under the direction of the commissioner of education.

Sect. 4. **Teachers' Retirement Board.** The state teachers' retirement system shall continue to be administered by the teachers' retirement board as constituted by Chapter 19, Section 231, Revised Statutes of 1930. The clerical and staff services for this board shall be performed by the employees of the department of education under the supervision of the commissioner of education.



ARTICLE XV  
DEPARTMENT OF PUBLIC UTILITIES

Section 1. **Powers and Duties of Department.** The department of public utilities shall have and exercise all the rights, powers, and duties hitherto vested by law in the public utilities commission, its officers, assistants, and employees, except those relating to sanitary supervision of public water supply, drainage and sewerage systems. Said department shall also perform the functions of the inspector of dams and reservoirs, which office is hereby abolished.

Sect. 2. **Organization of Department.** The public utilities commission, as established by Chapter 62, Section 1, Revised Statutes of 1930, is continued as head of the department of public utilities. The offices of clerk, assistant clerk, and chief inspector of utilities, provided for in Chapter 62, Section 1, Revised Statutes of 1930, are hereby discontinued as statutory offices, and the public utilities commission, with the approval of the governor, shall determine the necessity for such positions in the department of public utilities. The public utilities commission, with the approval of the governor, shall select from among its subordinate officers an executive officer for the department. Said executive officer shall have power to organize the work of the department of public utilities in such manner, by the establishment of bureaus and divisions therein, as he may deem necessary for its efficient and economical administration.

ARTICLE XVI  
DEPARTMENT OF AUDIT

Section 1. **Organization of Department.** The department of audit shall be organized in whatever manner the state auditor may deem best suited to the accomplishment of its functions. It shall have such auditors, assistants, and employees as the state auditor may require, subject to personnel and budgetary provisions of this act.

Sect. 2. **General Powers and Duties.** The department of audit shall have authority:

1. To perform a postaudit of all accounts and other financial records of the state government, or any department, insti-

tution or agency thereof, and to report annually on this audit, and at such other times as the legislature may require;

2. To install accounting systems and to perform audits for cities, towns, and villages as required by Chapter 5, Sections 97-106, Revised Statutes of 1930;

3. To serve as a staff agency to the legislature, or any of its committees, in making investigations of any phase of the state's finances.

Sect. 3. **Detailed Requirements.** The state auditor shall keep no accounts in the department of audit, but he shall conduct a continuous postaudit of the accounts, books, records, and other evidences of financial transactions kept in the department of finance, or in the other departments, institutions and agencies of the state government. He shall prepare and publish a report, setting forth the essential facts of such audit in summary form, within two months after the close of each fiscal year. If he shall find in the course of his audit evidences of improper transactions, or of incompetence in keeping accounts or handling funds, or of any other improper practice of financial administration, he shall report the same to the governor immediately; if he shall find evidences of illegal transactions, he shall forthwith report such transactions both to the governor and to the attorney general. All such evidences shall be included in the annual reports of the state auditor, and he may at his discretion, make them public at any time during the fiscal year.

Sect. 4. **No Ex Officio Duties.** The state auditor shall not serve in an ex officio capacity on any administrative board or commission, or have any financial interest in the transactions of any department, institution, or agency of the state government. He shall not be responsible for the collection of any money belonging to the state, or for the handling or custody of any state funds.

## ARTICLE XVII

### GENERAL PROVISIONS AND REPEALS

Section 1. **Transfer of Authority.** Whatever rights, powers, and duties shall have been vested in, or exercised by any

officer, board, commission, department, or institution, or any deputy, inspector, or subordinate officer thereof, which are by this act transferred either in whole or in part to a department created by this act, shall be exercised by the department to which the same are hereby transferred and not otherwise; and every act done in the exercise of such rights, powers, and duties shall have the same legal effect as if done by the former officer, board, commission, department, institution, or any deputy, inspector, or subordinate officer thereof. Every person and corporation shall be subject to the same obligations and duties and shall have the same rights arising from the exercise of such rights, powers, and duties, as if such rights, powers, and duties were exercised by the officer, board, commission, department, or institution, or deputy, inspector, or subordinate officer thereof designated in the respective laws which are to be administered by the departments and bureaus created by this act.

**Sect. 2. Transfer of Obligations.** Every person and corporation shall be subject to the same penalty or penalties, civil or criminal, for failure to perform any obligation or duty or for doing a prohibited act, as if such obligation or duty arose from or such act were prohibited in the exercise of such rights, powers, and duties by the officer, board, commission, department, or institution, or a deputy, inspector, or subordinate officer thereof, designated in the respective laws that are to be administered by the departments created by this act. Every officer or employee shall for any offense be subject to the same penalty or penalties, civil or criminal, as are prescribed by law for the same offense committed by any officer or employee whose powers or duties devolve upon him or her in this act.

**Sect. 3. Transfer of Records and Property.** All books, records, papers, documents, property, real and personal, unexpended appropriations, and pending business in any way pertaining to the rights, powers, and duties so transferred to or vested in a department created by this act shall be delivered and transferred to the department succeeding to such rights, powers, and duties.

**Sect. 4. Reports and Notices.** Wherever reports or notices are now required to be made or given, or papers or documents furnished, or served, for any reason, to or upon or by any of-

ficer, board, commission, department, institution, or deputy, inspector, or subordinate officer thereof, abolished by this act, the same shall be made, given, furnished, or served in the same manner to or upon or by the department upon which are devolved by this act the rights, powers, and duties now exercised or discharged by such officer, board, commission, department, institution, or deputy, inspector, or subordinate officer thereof, and every penalty for failure so to do shall continue in effect.

Sect. 5. **Pending Actions and Proceedings.** This act shall not effect any act done, ratified, or confirmed, or any right accrued or established, or any action or act commenced in a civil or criminal cause before this act takes effect, but such actions and proceedings may be prosecuted by the department, who has jurisdiction, under this act, of the subject matter to which such litigation or proceeding pertains.

Sect. 6. **Constitutionality of Act.** If any section, subsection, sentence, clause, or phrase of this act is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this act. The legislature hereby declares that it would have passed this act, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared unconstitutional.

Sect. 7. **Agencies Abolished.** After this act becomes effective, the following officers, departments, bureaus, divisions, boards, commissions, and agencies of the state government heretofore created by law shall be and are hereby abolished:

1. Board of state assessors,
2. Superintendent of public buildings,
3. Committee on budget,
4. Superintendent of public printing,
5. State pension agent,
6. State department of health,
7. Commissioner of health,
8. Public health council,
9. Board of prison commissioners,
10. Trustees of reformatory for women,
11. Board of trustees of reformatory for men,

12. Trustees of juvenile institutions,
13. Visiting committee to the state school for boys of the council,
14. Hospital trustees,
15. Visiting committee to state hospitals of the council,
16. Board of trustees for tuberculosis sanatoriums,
17. Department of public welfare,
18. Public welfare commission (commissioners of the department of public welfare),
19. State board of mothers' aid,
20. World War relief commission,
21. Board of trustees of Maine school for the deaf,
22. Inspectors of fish,
23. State board of vocational education,
24. Crop pest commission,
25. State sealer of weights and measures,
26. State nursery inspector,
27. Sea and shore fisheries commission,
28. Director of sea and shore fisheries,
29. Advisory council to commissioner of inland fisheries and game,
30. State department of labor and industry,
31. Commissioner of labor and industry and state factory inspector,
32. Trustees of the Maine state library,
33. Inspectors of dams and reservoirs,
34. Board for surveys of lands,
35. Commissioners of wrecks and shipwrecked goods,
36. Assayers of ores and metals,
37. Commissioners on uniform laws,
38. Farm lands loan commissioners of Maine.

**Sect. 8. Conflicting Acts Repealed.** All acts or parts of acts and administrative rules inconsistent with the provisions of this act are hereby repealed.