

MAINE STATE LEGISLATURE

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EIGHTY-FIFTH LEGISLATURE

Legislative Document

No. 954

In Senate, March 24, 1931.

Reported by Senator Weatherbee from Committee on Administrative Code and laid on the table for printing.

ROYDEN V. BROWN, Secretary.

New draft of S. P. 60, L. D. 20.

STATE OF MAINE

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

AN ACT Relating to the Administration of the State.

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

ARTICLE I ORGANIZATION OF DEPARTMENTS

Section 1. Administrative Departments. There are hereby created and established the following administrative departments of the state government:

1. Department of finance.
2. Department of health and welfare.
3. Department of sea and shore fisheries.
4. Department of education.

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.

All other departments and agencies except as modified by this act shall continue as at present constituted.

The provisions of this act shall not be construed to apply to the judiciary, the University of Maine, the state normal schools, the Port of Portland Authority, nor the legislature, except when expressly specified.

Sec. 2. Appointments. A commissioner of finance, a com-

missioner of health and welfare, a commissioner of sea and shore fisheries, and a commissioner of education, shall be appointed by the governor with the advice and consent of the council to serve for three years, or during the pleasure of the governor and council, provided, that the present state commissioner of education shall continue in office as commissioner of education until the expiration of his present term. Any vacancy shall be filled by appointment for a like term.

Sec. 3. General Supervision and Appointment of Subordinate Officers and Employees. The heads of the administrative and other departments of the state government, as provided for in sections one and two of this article and section one of article six, 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 heads of the respective departments, and shall perform such duties as these officers shall prescribe.

The heads of departments may employ such bureau chiefs, deputies, assistants and employees as may be necessary, with the approval of the governor and council.

Sec. 4. Salaries. The heads of the departments and bureau chiefs established by this act shall receive such compensation as shall be fixed by the governor and council.

Sec. 5. Bonds. Each department head or any subordinate officer under same, who may be required to handle 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 as 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.

ARTICLE II DEPARTMENT OF FINANCE

Sec. 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, with the advice and consent of the council, shall appoint a state budget officer, who may be the commissioner of finance.

Sec. 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 108 to 113 inclusive, Revised Statutes ;

2. To examine and recommend for approval the work program and quarterly allotments of each department or 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 allotments of any department or 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 departments and agencies.

Sec. 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 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 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.

Sec. 4. Form of the Budget Document. The budget document, setting forth a financial plan for 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 departments and 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.

Sec. 5. Budget Estimates. On or before November 1, of the even-numbered years, all departments and other agencies of the state government, and agencies receiving state funds 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.

Sec. 6. Review and Revision of Estimates. The governor, and the governor-elect, with the assistance of the state budget officer, shall review the estimates, altering, revising, increasing, or decreasing the items of said estimates as they may deem necessary in view of the needs of the various departments and 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.

Sec. 7. Form of Appropriation Bill. The appropriation bill provided for in Section 4 of this article shall be drawn in such form as to authorize only lump sum appropriations to meet the expenditure needs of the various departments and agencies of the state government for each fiscal year of the biennium. For the operation and maintenance expenses of each department or agency, there shall be a single appropriation which shall be allotted before becoming available for expenditure as provided for in a subsequent section of this act. Appropriations for the acquisition of property shall be in such detail under each department or 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.

Sec. 8. Work Program and Allotments. Not later than June 1 of each year the governor shall require the head 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 and council, 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 shall, if they deem 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 and council to the head 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 head 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 and council, 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 and council, may require the head of each department or agency, in making the original allot-

ments, 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.

Sec. 9. Advisory Committee on Budget. There shall be an advisory committee on budget consisting of three members, one from each house of the legislature selected by the presiding officer thereof prior to November 1, of the even-numbered years. 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, who is to serve as a member of the next succeeding legislature, and these two shall select the third member who shall be a member of the next succeeding legislature and a member of the minority party. 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, or the governor-elect, 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.

Sec. 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 cause an inspection to be made 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 materials 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 head 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, and agencies with the department of finance ;

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

8. To examine the accounts of every department 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.

Sec. 11. Handling Appropriations. No appropriations to

any state department or agency shall become available for expenditure until allotted upon the basis of the work program, duly approved by the governor and council 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.

Sec. 12. State Funds Eliminated. The commissioner of finance, with the approval of the governor and council, shall have authority, 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.

Sec. 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 and agencies in the state government.

Sec. 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 lawful 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 drawing 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.

Sec. 15. Departmental Collections. Every department 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.

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

Sec. 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.

Sec. 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.

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

Sec. 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.

The trustees of the University of Maine, and of the state normal schools, and the directors of the Port of Portland Authority may authorize the department of finance to act for them in any purchases.

Sec. 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 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.

Sec. 21. Standardization Committee. There is hereby created a standardization committee which shall consist of the governor or his representative, the chairman of the highway commission 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.

Sec. 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 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.

Sec. 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 sub-

mitted 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.

Sec. 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.

Sec. 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.

Sec. 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.

Sec. 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 head 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.

Sec. 28. 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;

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

Sec. 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 and (2) division of gasoline taxes. He shall also have power, with the approval of the commissioner of finance, to eliminate either of the foregoing divisions or to add new divisions, as he may deem necessary for economy and efficiency in administration. Some officer within each division of the bureau of taxation shall be designated by the state tax assessor as chief of said division.

Sec. 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 state tax assessor as chairman, serving without additional salary, and two associate members one of whom shall be a member of the minority party 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.

ARTICLE III DEPARTMENT OF HEALTH AND WELFARE

Section 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.

Sec. 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 commis-

sioner 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 superintendents, 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 ;

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 ;

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 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;

17. To license for solicitation of charitable funds as provided in Section 5 of Chapter 157, Revised Statutes;

18. 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;

19. To establish parole standards and procedure and supervise the parole of inmates in the state penal and correctional institutions, subject to the approval of the governor and council;

20. To classify and segregate the inmates of institutions;

21. 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;

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

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

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

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

26. 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.

Sec. 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.

Sec. 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.

Sec. 5. Parole Board. There shall be a parole board in the department of health and welfare consisting of the commissioner of health and welfare, and any two members of the executive council designated by the governor. Such board shall have authority to grant or revoke all paroles in connection with the state institutions.

Sec. 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, at least two of whom shall be members of the minority party and at least one of whom shall be a woman, 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 meeting four times a year and at such other times as the commissioner of health and welfare may deem necessary.

Sec. 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.

Sec. 8. Boards of Visitors. The governor may appoint a board of five visitors, at least two of whom shall be members of the minority party, 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.

Sec. 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.

ARTICLE IV

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.

Sec. 2. Organization of Department. The commissioner of sea and shore fisheries shall have power, with the approval of the governor and council, 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.

Sec. 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 jurisdictions may be effectively supervised according to the provisions of the fish and game laws.

ARTICLE V 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;
5. To have charge of the museum.

Sec. 2. Organization of Department. The commissioner of education shall organize the department of education, with the approval of the governor and council, under such bureaus and divisions as he may deem necessary for the satisfactory performance of its functions.

Sec. 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. 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.

Sec. 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. 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.

Sec. 5. Vocational Education Board. There shall be a vocational education board, consisting of the commissioner of education, the commissioner of health and welfare and the commissioner of labor, to cooperate with the federal board of vocational education. The commissioner of education shall be chairman of this board. The members shall serve without compensation.

ARTICLE VI DEPARTMENT OF AUDIT

Section 1. A department of audit is hereby created and established. The state auditor shall be the head 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 elected by the legislature by a joint ballot of the senators and representatives in convention and shall hold office for a term of four years or until his successor is elected and 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 or if that office be vacant, by the speaker of the house, 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.

Sec. 2. Organization of Department. The department of audit shall be organized in the manner the state auditor may deem best suited to the accomplishment of its func-

tions. It shall have such auditors, assistants, and employees as the state auditor may require, subject to budgetary provisions of this act.

Sec. 3. 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, 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;

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.

Sec. 4. 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 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.

Sec. 5. No Ex Officio Duties. The state auditor shall not serve in an ex officio capacity on any administrative board or commission, except the Farm Lands Loan 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 VII
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.

Sec. 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.

Sec. 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.

Sec. 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 officer, 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.

Sec. 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 having jurisdiction, under this act, of the subject matter to which such litigation or proceeding pertains.

Sec. 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.

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

11. Trustees of juvenile institutions,
12. Visiting committee to the state school for boys of the council,
13. Hospital trustees,
14. Visiting committee to state hospitals of the council,
15. Board of trustees for tuberculosis sanatoriums,
16. Department of public welfare,
17. Public welfare commission (commissioners of the department of public welfare),
18. State board of mothers' aid, and state board of children's guardians,
19. World War relief commission,
20. Board of trustees of Maine school for the deaf,
21. State board of vocational education,
22. Crop pest commission,
23. Sea and shore fisheries commission,
24. Director of sea and shore fisheries,
25. Trustees of the Maine state library,
26. Board for surveys of lands,
27. Commissioners of wrecks and shipwrecked goods,
28. Assayers of ores and metals.

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