

MAINE STATE LEGISLATURE

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JOINT RESOLUTION

E I G H T Y - N I N T H L E G I S L A T U R E

Legislative Document

No. 1236

S. P. 740

In Senate, May 29, 1940.

Read and Adopted. Sent down for Concurrence and 500 copies ordered printed.

ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FORTY

JOINT RESOLUTION in favor of Adoption of Address to the Governor and Council, for the Removal of Belmont A. Smith, Treasurer of the State of Maine.

BE IT RESOLVED, the House concurring, that both branches of the Legislature, after due notice given according to the Constitution of the State of Maine, proceed forthwith to consider the adoption of an Address to the Governor of Maine for the removal of Belmont A. Smith, Treasurer of the State of Maine, for causes as follows:

FIRST: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution has negligently failed in the performance of his duty by failing to use proper diligence in the endeavor to collect back taxes due the State of Maine, and

SECOND: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution has negligently failed in the performance of his duty by failing to use proper diligence in the attempting to collect amounts due the State of Maine in connection with checks made payable to the State of Maine and protested for non-payment, and

THIRD: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution has neglected his statutory duty of reinvesting the trust funds of the State in a manner to conform to the provisions of the law, Section 86, Chapter 2, Revised Statutes of 1930, and

FOURTH: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution wilfully failed to perform the duties required of him as such Treasurer of State by failing properly to supervise the acts of his Deputy and other subordinates, whereby illegal and unauthorized practices were permitted to exist as follows:

(a) That no carbon copies of the books of receipts of sales by the State Highway Commission of tires and spare parts sold to employees and other persons were kept in the office of the Treasurer of State, contrary to the forms of said books of receipts and permitting remittances of said sales to be made to the former State Controller, William A. Runnells, contrary to the provisions of Section 15, Article 2, Chapter 206 of the Public Laws of 1931, causing a loss to the State of Maine of approximately thirty-one thousand dollars.

(b) That the said Belmont A. Smith negligently failed to supervise the acts of his Deputy, Louis H. Winship, whereby the latter cashed five checks aggregating at least three thousand dollars, said checks being payable to the order of the State Highway Commission for materials purchased from the garage after endorsement by the former State Controller.

(c) That the said Belmont A. Smith negligently failed to supervise the acts of his Deputy, Louis H. Winship, whereby the latter cashed ten checks since January 4, 1937, clearly without right, thereby depleting the cash of the State. That said acts of the said Louis H. Winship permitted the former State Controller to handle cash contrary to the provisions of the State Code.

(d) That the neglect of the said Belmont A. Smith to properly supervise the activities of his department permitted the cashing of interdepartmental checks by William A. Runnells, former State Controller.

FIFTH: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution wilfully failed to perform the duties required of him as such Treasurer of State by allowing the deposit of sums of money belonging to the State of

Maine in amounts in excess of twenty-five percent of the capital and surplus of the depository banks, to wit, in the cases of the Casco Bank and Trust Company at Bridgton, the Northern National Bank at Presque Isle, the Lincoln Trust Company at Lincoln, the Northern National Bank of Presque Isle at Mars Hill, the Millinocket Trust Company at Millinocket, the Newport Trust Company at Newport, the Norway National Bank at Norway, the Casco Bank and Trust Company at Portland.

SIXTH: For that the said Belmont A. Smith on the 4th day of January, 1937, and continuously from that date to the date of this Resolution neglected his duty of requiring that all State funds should be delivered by the department receiving the funds into the office of the State Treasurer.

AND BE IT FURTHER RESOLVED that, the House of Representatives concurring, these resolutions and statements of causes of removal be entered on the Journal of the Senate and a copy of the same be signed by the President of the Senate and served on said Belmont A. Smith by such person as the President of the Senate shall appoint for that purpose, who shall make said service upon his personal affidavit without delay, and that the 4th day of June, A. D., 1940, at nine o'clock in the forenoon, Eastern Standard Time, be assigned as the time when the said Belmont A. Smith may be admitted to a hearing hereon.