

MAINE STATE LEGISLATURE

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

Legislative Document

No. 407

S. P. 159

In Senate, February 5, 1953.

Referred to Committee on Appropriations and Financial Affairs. Sent down for concurrence and ordered printed.

CHESTER T. WINSLOW, Secretary.

Presented by Senator Chase of Cumberland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-THREE

AN ACT Creating the Department of Finance and Administration.

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

Sec. 1. R. S., c. 14, § 1, repealed and replaced. Section 1 of chapter 14 of the revised statutes is hereby repealed and the following enacted in place thereof :

'Commissioner of Finance and Administration

Sec. 1. Commissioner of finance and administration; bureau chiefs; appointment; duties; employees; salaries. The department of finance and administration, as heretofore established, shall exercise such powers and perform such duties as are set forth in this chapter. The head of the department shall be the commissioner of finance and administration who shall be appointed by the governor, with the advice and consent of the council, to serve for a term of 7 years, and until his successor is appointed and qualified, and who may be removed by the governor and council for cause. Any vacancy in the said office shall be filled by appointment for a like term in the same manner as hereinbefore provided. The commissioner may employ such bureau chiefs as may be necessary, with the approval of the governor. The bureau chiefs shall be under the immediate supervision, direction and control of the commissioner and shall perform such duties as he

may prescribe, except as otherwise provided by law. The salary of the commissioner shall be fixed by the governor and council. The salaries of the bureau chiefs shall be fixed by the commissioner, with the approval of the governor. The commissioner may also employ such deputies, assistants and employees as may be necessary, subject to the provisions of the personnel law.

In the event of a vacancy in the office of the commissioner because of death, resignation, removal or other cause, the various bureau chiefs, deputies and assistants shall continue in office and perform such duties as have been prescribed for or assigned to them, until said vacancy has been filled by the appointment and qualification of a new commissioner.

The commissioner of finance and administration shall have the duty and authority:

- I. To serve as the principal administrative and fiscal aide to the governor.
- II. To serve as budget officer and supervise development and execution of the biennial budget.
- III. To coordinate financial planning and programming activities of departments for review and action by governor and council.
- IV. To constantly review the administrative activities of other departments and agencies of the state, study organization and administration, investigate duplication of work and to formulate plans for better and more efficient management, and to report periodically to the governor and on request to the legislature.
- V. To prepare and report to the governor or to the legislature, such financial data or statistics which may be required or requested by them.
- VI. To supervise and direct the activities of the departments or the bureaus which may by statute be designated as being under the department of finance and administration.

The commission of finance and administration shall also perform such other duties as heretofore have been designated by statute.'

Sec. 2. R. S., c. 14, § 2, amended. Section 2 of chapter 14 of the revised statutes, as amended, is hereby further amended to read as follows:

'Sec. 2. Bonds of state officials and employees; exception. All state officials and employees shall be bonded. The insurance commissioner shall select and prescribe the forms and types of bond, subject to the approval of

the governor and council. Such bonds may be in a blanket or comprehensive form, so called, and for such an amount or amounts as may be determined by the state auditor and the commissioner of finance **and administration** with the approval of the governor and council. Provided, however, in event of inability to obtain a blanket or comprehensive form, so called, a list shall be submitted annually to the governor and council for their approval, as recommended by the state auditor and commissioner of finance **and administration**, and designating such state officials and employees who in their discretion shall be bonded. The condition of any bond covering state officials and employees shall be to faithfully discharge the duties of the office or employment of such official or employee. All such bonds shall be deposited with the treasurer of state for safekeeping.

The treasurer of state, his deputy and employees shall not be required to give bond under the provisions of this section.'

Sec. 3. R. S., c. 14, § 7, repealed and replaced. Section 7 of chapter 14 of the revised statutes is hereby repealed and the following enacted in place thereof :

'Sec. 7. Powers and duties relating to budgeting. The commissioner of finance and administration, as state budget officer, shall have the duty and the authority:

I. To prepare and submit to the governor, biennially, a state budget document in accordance with the provisions outlined in this chapter;

II. 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;

III. To examine and recommend for approval any changes in the work program and quarterly allotments of any department or agency during the fiscal year.'

Sec. 4. R. S., c. 14, § 14, amended. The 1st and 2nd paragraphs of section 14 of chapter 14 of the revised statutes are hereby amended to read as follows :

'Not later than June 1st 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 **and administration** 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 **and administration** 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.'

Sec. 5. R. S., c. 14, § 15, repealed and replaced. Section 15 of chapter 14 of the revised statutes is hereby repealed and the following enacted in place thereof:

'Sec. 15. Organization of department of finance and administration. The department of finance and administration shall be organized into bureaus, as follows:

- I. Bureau of accounts and control, the head of which shall be the state controller;**
- II. Bureau of purchases, the head of which shall be the state purchasing agent;**
- III. Bureau of taxation, the head of which shall be the state tax assessor;**
- IV. Such other bureaus, departments and agencies as may by statute be designated as being under this department.'**

Sec. 6. Amendatory clause. Wherever in the revised statutes or public laws, the words "commissioner of finance" or "department of finance" appear they shall mean 'commissioner of finance and administration' or 'department of finance and administration.'