

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

STATE LAW LIBRARY

---

---

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

---

---

Legislative Document

No. 466

---

---

H. P. 319

House of Representatives, February 4, 1959

Referred to the Committee on State Government. Sent up for concurrence and ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Stanley of Bangor.

---

---

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

---

**AN ACT Clarifying the Laws Relating to the Department of Finance and Administration.**

---

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

**Sec. 1. R. S., c. 15-A, § 2, sub-§ III, repealed.** Subsection III of section 2 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is repealed as follows :

~~'III. 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.'~~

**Sec. 2. R. S., c. 15-A, § 3, amended.** The last paragraph of section 3 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows :

'In the absence of any bureau chief from ~~the State, or from~~ his official duties, or in the event of a vacancy in the position of any one of them, the commissioner, or his authorized agent, ~~shall have~~ **may exercise** the powers and perform the duties prescribed for such bureau chief.'

**Sec. 3. R. S., c. 15-A, § 4, amended.** Section 4 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows :

**Sec. 4. Definition.** The words "Governor-elect," whenever used in sections 5 to 16, shall be held to mean the candidate **most recently** elected to the office

of Governor of the State of Maine in ~~September of the even numbered years~~ **the November election for choice of Governor**, or his successor.'

**Sec. 4. R. S., c. 15-A, § 5, amended.** Section 5 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows :

**'Sec. 5. Powers and duties relating to budgeting.** The Department of Finance and Administration, through the Bureau of the Budget, shall have the duty and authority :

**I.** To prepare and submit to the Governor-elect, **or the Governor**, biennially, a state budget document in accordance with the provisions set forth in this chapter ;

**II.** To examine and recommend for approval the work program and quarterly allotments of each department and agency of the State Government, before the appropriations made for such department or 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 of the State Government during the fiscal year ;

**III-A.** **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 report periodically to the Governor and on request to the Legislature ;**

**IV.** To make rules and regulations subject to the approval of the commissioner, for the carrying out of the provisions of sections 5 to 16.'

**Sec. 5. R. S., c. 15-A, § 7, amended.** The first sentence of the 2nd paragraph of section 7 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows :

'Part 1 shall consist of a budget message by the Governor-elect, **or 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.'

**Sec. 6. R. S., c. 15-A, § 7, amended.** The last sentence of the 3rd paragraph of section 7 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows :

'It shall also contain any statements relative to the financial plan which the Governor-elect, **or the Governor**, may deem desirable, or which may be required by the Legislature.'

**Sec. 7. R. S., c. 15-A, § 8, amended.** Section 8 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows :

**'Sec. 8. Budget estimates.** On or before ~~October~~ **September** 1st of the even-numbered years, all departments and other agencies of the State Government and corporations and associations receiving or desiring to receive state funds under the provisions of law shall prepare, **in the manner prescribed by and 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 ensuing biennium contrasted 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 sub-classified 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~~ **†† during the month of September** of the even-numbered years shall be revised by this officer during the following month of November for inclusion in the budget. The revenue estimates shall be classified so as to show the income by organization units, sources and funds, ~~or in any other manner, at the discretion of the State Budget Officer.~~

Upon receipt of the budget estimates submitted in accordance with this section, the State Budget Officer may require the heads of departments and other agencies of the State Government and officers of organizations and associations receiving or desiring to receive state funds under the provisions of law to appear before said officer and present such additional data in support of their budget estimates as said officer may deem necessary.'

**Sec. 8. R. S., c. 15-A, § 9, amended.** Section 9 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

**'Sec. 9. Review and revision of budget estimates.** The Governor-elect, **or the Governor,** with the assistance of the State Budget Officer, shall review the budget estimates, altering, revising, increasing or decreasing the items of said estimates as may be deemed 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-elect, **or the Governor,** shall then prepare a state budget document in the form required by the provisions of this chapter. **The Governor-elect, or the Governor, shall be fully responsible for all budgetary recommendations made to the Legislature.** The Governor shall transmit said budget document to the Legislature not later than the close of the 2nd week of the regular legislative session.'

**Sec. 9. R. S., c. 15-A, § 11, amended.** The 3rd sentence of section 11 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

'Appropriations for the acquisition of property shall be in such detail under each department or agency as the Governor-elect, **or the Governor,** shall determine.'

**Sec. 10. R. S., c. 15-A, § 34, sub-§ IV, amended.** Subsection IV of section 34 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

**‘IV.** To establish and conduct a central duplicating service at the seat of government. Such duplicating service shall be available to all departments and agencies of the State Government. The ~~Superintendent of Public Printing~~ **State Purchasing Agent** is hereby empowered to make charges to those departments and agencies of the State Government making use of the facilities and supplies of the central duplicating service;’

**Sec. 11. R. S., c. 15-A, § 39, sub-§ II, ¶ C, additional.** Subsection II of section 39 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended by adding a new paragraph to be lettered C, to read as follows:

**‘C.** After reasonable investigation by the State Purchasing Agent, it appears that any required unit or item of supply, or brand of such unit or item, is procurable by the State from only one source.’

**Sec. 12. R. S., c. 15-A, § 39, sub-§ IX, amended.** Subsection IX of section 39 of chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended to read as follows:

**‘IX.** The phrase “in-state bidder” shall be held to mean one having its principal place of business, or a branch thereof, located in Maine ~~or having a regularly employed representative who is a bona fide resident of the State of Maine.~~

**Sec. 13. R. S., c. 15-A, §§ 55-60, additional.** Chapter 15-A of the Revised Statutes, as enacted by section 1 of chapter 340 of the public laws of 1957, is amended by adding 6 new sections to be numbered 55 to 60, to read as follows:

#### **‘Public Ways and Parking Areas.**

**Sec. 55. Definition.** The words “public way” or “public ways,” when used in sections 56 to 60, shall be held to mean all roads and driveways on lands maintained by the State at the seat of government.

The words “parking area” or “parking areas,” when used in sections 56 to 60, shall be held to mean all lands maintained by the State at the seat of government which may be designated as parking areas by the State Director of Public Improvements.

**Sec. 56. Rules and regulations.** The State Director of Public Improvements is authorized and empowered to make and enforce rules and regulations, subject to the approval of the Governor and the commissioner, governing the use of public ways and parking areas maintained by the State at the seat of government. Said rules and regulations shall become effective upon deposit of a copy thereof with the Secretary of State, who shall forward a copy thereof attested under the Great Seal of the State to the municipal court of the City of Augusta.

**Sec. 57. Special police officers; powers and duties; duties of other officers to cooperate.** The State Director of Public Improvements is authorized and em-

powered to appoint and employ, subject to the provisions of the Personnel Law, special police officers for the purpose of enforcing rules and regulations made pursuant to section 56.

The powers and duties of the special police officers so appointed and employed shall be to patrol all of the public ways and parking areas subject to sections 55 to 60, enforce rules and regulations made under section 56, arrest any violator thereof and prosecute any offender against the same.

The State Police, sheriffs and deputy sheriffs, constables and police officers of the City of Augusta shall, so far as possible, cooperate with the special police officers appointed and employed under this section in the enforcement of rules and regulations made pursuant to section 56.

Sec. 58. Jurisdiction. The municipal court of the City of Augusta shall have jurisdiction in all proceedings brought under sections 55 to 60, which court shall take judicial notice of all rules and regulations adopted pursuant to section 56. In any prosecution for violation of any rule and regulation, the complaint may allege the offense as in prosecutions under a general statute and need not recite the rule or regulation.

Sec. 59. Fines and costs of court. Any person found guilty of violating any rule or regulation made pursuant to section 56 shall, upon conviction, pay a fine and costs of court as follows:

- I. For the first offense in any calendar year, a fine of \$1 plus the costs of court;
- II. For the 2nd offense in any calendar year, a fine of \$2 plus the costs of court;
- III. For each offense in excess of 2 in any calendar year, a fine of \$5 plus the costs of court.

Notwithstanding any other provisions of law, the fines and costs of court paid under this section shall inure to the City of Augusta.

Sec. 60. Offenses not covered by rules and regulations. Offenses not covered by the rules and regulations made under section 56 shall be dealt with as otherwise provided by law.'

Sec. 14. R. S., c. 155, § 1, amended. Section 1 of chapter 155 of the Revised Statutes is amended to read as follows:

'Sec. 1. Inheritance and succession tax laws administered. The assessment and collection of all taxes on inheritances and successions and of all estate taxes and the enforcement and administration of all the provisions of law relating thereto shall be vested in the State Tax Assessor.

~~In the absence or disability of the State Tax Assessor, the Governor and Council may, if deemed feasible, authorize the commissioner of finance and~~

~~administration to exercise all the powers of and perform all the duties of the State Tax Assessor with respect to such taxes during such absence or disability.~~

**Sec. 15. P. & S. L., 1957, c. 158, repealed.** Chapter 158 of the private and special laws of 1957 is repealed.