

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)

ACTS AND RESOLVES
AS PASSED BY THE
Eighty-sixth Legislature
OF THE
STATE OF MAINE

From April 4, 1931, to March 31, 1933

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State in conjunction with the Revisor of Statutes in accordance with the Resolves of the Legislature approved June 28, 1820, March 18, 1840, March 16, 1842, and an Act approved April 2, 1931.

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

1933

PROCLAMATIONS

PROCLAMATIONS

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Referendum Upon An Act Relating to the Administration of the State

Whereas, the Eighty-fifth Legislature of the State of Maine convening upon the first Wednesday of January in the year of our Lord one thousand nine hundred and thirty-one, duly enacted a public law entitled, "An Act Relating to the Administration of the State", which law appears in the Public Laws of the State of Maine for the year 1931 as Chapter 216 thereof, and

Whereas, it appears that written petitions of not less than ten thousand electors of this State addressed to the Governor were filed in the Office of the Secretary of State within ninety days after the recess of the said Eighty-fifth Legislature, requesting that said public act be referred to the people; and it therefore appeared that the effect of said public act was suspended by said petitions under the provisions of the Constitution of Maine;

Now, therefore, I, Wm. Tudor Gardiner, Governor of the State of Maine, hereby declare that said act has been suspended.

Whereas, the Legislature intended by this act to effect needed efficiency and economy in the administration of the State Government, and whereas many citizens urging the circulation of referendum petitions have maintained that the act was desirable but that it should be submitted to popular vote, it seems advisable to hold at the earliest possible date the election requested by the petitioners. Under the provisions of Section Seventeen of part third of Article Four of the Constitution of Maine such election may be held not less than four months from the date of this proclamation.

Now, therefore, I hereby designate the second Monday of November being the ninth day of said month, in the year of our Lord one thousand nine hundred and thirty-one as the time on which the above mentioned public act shall be voted on by the people of the State, in accordance with the constitutional provisions.

q [Seal]

In Witness Whereof, I have caused the seal of the State to be hereunto affixed at Augusta, this third day of July in the year of our Lord one thousand nine hundred and thirty-one and in the year of the Independence of the United States, the one hundred and fifty-fifth.

WM. TUDOR GARDINER,

Governor.

By the Governor,
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Referendum Upon An Act Relative to Tax on Gasoline

Whereas, the Eighty-fifth Legislature of the State of Maine, convening upon the first Wednesday of January in the year of our Lord one thousand nine hundred and thirty-one, duly enacted a public law entitled, "An Act Relative to Tax on Gasoline", which law appears in the Public Laws of the State of Maine for the year 1931 as Chapter 236 thereof, and

Whereas, it appears that written petitions of not less than ten thousand electors of this State addressed to the Governor were filed in the Office of the Secretary of State within ninety days after the recess of the said Eighty-fifth Legislature, requesting that said public act be referred to the people, and it therefore appeared that the effect of said public act was suspended by said petitions under the provisions of the Constitution of Maine;

Now, therefore, I, Wm. Tudor Gardiner, Governor of the State of Maine, hereby declare that said act has been suspended. The provisions of Section 17 of Part 3 of Article 4 of the Constitution of Maine provide that in such cases such measure is to be voted on by the people at the next general election not less than sixty days after such proclamation, with the provision that if there is no general election to be held within six months thereafter, the governor may and if so requested in said written petitions therefor, shall order a special election not less than four nor more than six months after the proclamation. In the petitions referred to there is no request for an early election and the desire of the petitioners is admittedly the suspension of the operation of this act, a condition which has already been brought to pass by the filing of the petitions. Inasmuch as a referendum election on an act essentially similar was held on the second Monday of Sep-

tember, 1929, it is not deemed advisable to exercise the discretion permitted by the Constitution in calling a special election.

Now, therefore, I hereby designate the date of the next general election, to wit, the second Monday of September, being the twelfth day of said month, in the year of our Lord one thousand nine hundred and thirty-two as the time on which the above mentioned act shall be voted on by the people of the State, in accordance with the constitutional provisions above mentioned.

[Seal]

In Witness Whereof, I have caused the seal of the State to be hereunto affixed at Augusta, this third day of July in the year of our Lord one thousand nine hundred and thirty-one and in the year of the Independence of the United States, the one hundred and fifty-fifth.

WM. TUDOR GARDINER,

Governor.

By the Governor,
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Authorization of the Amendment to the Constitution, to Provide for the Number of Senators

Whereas, the Eighty-fifth legislature of the State of Maine by a Resolve passed by a concurrent vote of both branches and approved April 3, 1931, proposed to the electors of said State the following amendment to the Constitution, to wit:

Resolved: Sec. 1. Amendment of Art. IV, Part 2, Sec. 1 of the Constitution. Section one of part two of article four of the Constitution as amended, is hereby further amended by striking out all of said section and inserting in place thereof the following:

'Sec. 1. The senate shall consist of the members to which the several counties are entitled, on the following basis of representation according to the Federal Census: each county having a population of thirty thousand inhabitants or less shall have one senator; each county having a population of more than thirty thousand inhabitants and less than sixty thousand inhabitants shall have two senators; each county having a population of more than sixty thousand inhabitants and less than one hundred and twenty

thousand inhabitants shall have three senators; each county having a population of more than one hundred twenty thousand and less than two hundred forty thousand inhabitants shall have four senators; and each county having a population of more than two hundred forty thousand inhabitants shall have five senators. For the purpose of representation, foreigners not naturalized and Indians not taxed shall not be counted as inhabitants. The members of the senate shall be elected at the same time and for the same term as the representatives by the qualified electors of the counties which they shall respectively represent.'

Sec. 2. Repeal of Art. IV, Part 2, Sec. 2. Section two of part two of article four of the Constitution is hereby repealed.

Sec. 3. Amendment of Art. IV, Part 2, Sec. 5. Section five of part two of article four of the Constitution as amended is hereby further amended by striking out the word "district" wherever it occurs and inserting in place thereof the word 'county' so that said section, as amended, shall read as follows:

'Sec. 5. The senate shall, on the said first Wednesday of January, biennially, determine who are elected by a plurality of votes to be senators in each county; and in case the full number of senators to be elected from each county shall not have been so elected, the members of the house of representatives and such senators, as shall have been elected, shall, from the highest numbers of the persons voted for, on said lists, equal to twice the number of senators deficient in every county, if there be so many voted for, elect by joint ballot the number of senators required; but all vacancies in the senate, arising from death, resignation, removal from the State, or like causes, shall be filled by an immediate election in the unrepresented county. The governor shall issue his proclamation therefor and therein fix the time of such election.'

Sec. 4. Apportionment of the Senate in 86th and subsequent Legislatures. Under the provisions of this resolve, if adopted as an amendment to the Constitution, the apportionment of senators in the eighty-sixth legislature on the basis fixed herein made by the eighty-fifth legislature according to the Federal Census of nineteen thirty shall be and continue in force until the taking effect of a reapportionment on the basis fixed herein made by a subsequent legislature according to the next Federal Census.

And whereas, it appears by the return of votes given in by the electors of the various cities, towns and plantations, voting upon said amendment, as directed in the aforementioned Resolve, upon the fourteenth day of September, nineteen hundred and thirty-one and canvassed by the Governor and Council on October the seventh, nineteen hundred and thirty-one, that a

majority of said votes were in favor of this amendment, namely, 9,709 for, and 8,972 opposed:

Now, therefore, I, Wm. Tudor Gardiner, Governor of the State of Maine, acting in accordance with the provisions of this said Resolve, do proclaim the constitution of the State of Maine amended as proposed.

[Seal]

In witness whereof, I have caused the Seal of the State to be hereunto affixed at Augusta, this seventh day of October in the year of our Lord, one thousand nine hundred and thirty-one and in the year of the Independence of the United States of America the one hundred and fifty-sixth.

WM. TUDOR GARDINER,
Governor.

By the Governor:

EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Thanksgiving Day, 1931

The custom of our forefathers again brings us to that time of the year when we set aside a day to offer thanks to Almighty God for the blessings we have received.

We are a people whose inheritance from sturdy pioneers is courage in the face of adversity. Just now we are passing through a period when we see around us much suffering—though some of it may be caused by imaginary economic instability, the suffering nevertheless is very real. More than ever before we should seek out those things for which to be thankful, rather than deplore our misfortunes. Let us cherish a steadfastness of purpose such as maintained the Pilgrims who awaited the first of these days. May this be a season of unselfish Thanksgiving, encouraging the resolve and the will for better things.

We are a nation at peace with the World; a nation that has found, in any crisis, foreign or domestic, a citizenry apt to its needs and willing to its service. Our thanks for that tradition can best be expressed by our contributing to its endurance. Let us have faith to carry on, unafraid.

In the spirit of the season and in continuance of an honored custom, I, therefore, proclaim

Thursday, November 26, 1931

Thanksgiving Day

In the State of Maine

[Seal]

Given at the Office of the Governor and sealed with the Great Seal of the State of Maine, this sixteenth day of November, in the year of our Lord one thousand nine hundred and thirty-one, and of the Independence of the United States of America the one hundred and fifty-sixth.

WM. TUDOR GARDINER,
Governor of Maine.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

An Act Relating to the Administration of the State

Whereas, the Eighty-fifth Legislature of the State of Maine, convening upon the first Wednesday of January in the year of our Lord one thousand nine hundred and thirty-one, duly enacted a public law entitled, "An Act Relating to the Administration of the State," which law appears in the Public Laws of the State of Maine for the year nineteen hundred thirty-one, as Chapter 216 thereof, and which law provides as follows, namely:

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

ARTICLE I

ORGANIZATION OF DEPARTMENTS

Sec. 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, the executive council nor the legislature, except when expressly specified.

Sec. 2. Appointments. A commissioner of finance, a commissioner 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 excuted 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 two of sections one hundred eight to one hundred thirteen inclusive, of the 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, or to the legislature, 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 one 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 two 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 three 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 first, 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 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 first, of the even-numbered years, shall be revised by this officer on the following January first, 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 he 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 four 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 first 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 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.

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 first, 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 five dollars 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, 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, payrolls, 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 state upon communicating with the treasurer of state 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.

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 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, 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 specifications; 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 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.

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 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

Sec. 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 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 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 one hundred fifty-eight, of the 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 one hundred fifty-eight, of the 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 five of chapter one hundred fifty-seven, of the 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 to 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 depart-

ment 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 one, two, three, four, five and six 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

Sec. 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

Sec. 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 nineteen of section one hundred eighty-nine of the 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 nineteen of section two hundred thirty-one of the 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

Sec. 1. Department of audit. 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 functions. It shall have such auditors, assistants, and employees as the state auditor may require.

Sec. 3. General powers and duties. The department of audit shall have authority :

1. To perform a post-audit 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 five of sections ninety-seven to one hundred six of the revised statutes;

3. To serve as a staff agency to the legislature, or any of its committees, or to the governor, 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

Sec. 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.

And Whereas, under the provisions of Section seventeen of Part Third of Article IV of the Constitution of Maine, the effect of such act was suspended by the filing in the office of the Secretary of State within ninety days after the recess of such legislature, of a written petition of not less than ten thousand electors, addressed to the Governor of the State, requesting that such act be referred to the People;

And Whereas, I, Wm. Tudor Gardiner, Governor of said State by public proclamation gave notice thereof and that such measure should be voted upon at a special election to be held on the second Monday in November, nineteen hundred and thirty-one to wit: on November nine, A. D. nineteen hundred and thirty-one;

And Whereas, it appears that by the return of votes given in by the electors of the various cities, towns and plantations voting upon said act upon the ninth day of November, nineteen hundred and thirty-one, and canvassed by the Governor and Council on November twenty-fourth, nineteen hundred and thirty-one, that a majority of the votes given thereon were in favor of the enactment of said law, to wit, 41,077 for and 30,368 opposed;

Now Therefore, I, Wm. Tudor Gardiner, Governor of the State of Maine, acting under the provisions of Section nineteen of Part Third of Article IV of the Constitution of Maine, do proclaim the result of the vote on said act to be as above stated, and that the same has become a public law of this State under the provisions of said Constitution.

[Seal]

In Witness Whereof, I have caused the Seal of the State to be hereunto affixed at Augusta, this second day of December in the year of our Lord one thousand nine hundred and thirty-one, and in the year of the Independence of the United States of America, the one hundred and fifty-sixth.

WM. TUDOR GARDINER,
Governor.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Washington's Birthday

Because it is traditional with our people to revere the memory of those who have bequeathed to us examples of clear vision, high courage and devotion to God and country, it is fitting that the citizens of Maine shall reverently observe, this month, the two hundredth anniversary of the birth of George Washington.

This is a time when we may be especially inspired by lessons of fortitude, patriotism and resourcefulness that may be learned through a study of the life of George Washington. Let us, therefore, celebrate the bicentennial of his birth in thankfulness that he came to lead us, as soldier and statesman, through the struggles of our early years, and in gladness that his spirit is immortal, ever guiding us as we strive to build upon the foundations which he so firmly laid.

Now, therefore, I, Wm. Tudor Gardiner, Governor of the State of Maine, proclaim that the citizens of the state shall make due observance of

Monday, February 22, 1932

As the Two-hundredth Anniversary of the Birth of George Washington

[Seal]

Given at the Office of the Governor and sealed with the Great Seal of the State of Maine, this eighth day of February, in the year of our Lord one thousand nine hundred and thirty-two, and of the Independence of the United States of America the one hundred and fifty-sixth.

WM. TUDOR GARDINER,
Governor of Maine.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION FOR PRIMARY ELECTION

To the Mayors and Aldermen of the several cities and the Selectmen of the several towns in the county of Kennebec,

GREETING:

Whereas, a vacancy now exists in the representation of Kennebec County in the Senate of the Eighty-fifth Legislature of the State of Maine caused by the resignation of Senator Frank E. Southard, and

Whereas, the Constitution and laws of Maine provide that when the seat of a State Senator shall become vacant by death, resignation, removal from the State or like cause, the vacancy shall be filled by an immediate election, and

Whereas, the Governor has, by his writ of election issued this day, designated the second Monday of September next, being the twelfth day of said month, as the day on which an election to fill the aforesaid vacancy shall take place, and

Whereas, the laws of the State of Maine provide that all nominations of candidates for the office of State Senator shall be made at and by primary elections, and that when special elections are to be held for any office as required or permitted by law, primary elections for the nominations of candidates to be voted for thereat shall be ordered by the Governor by proclamation, and he shall therein fix the time within which nomination papers shall be filed.

Therefore, you are hereby directed and required, in the name of the State of Maine, to notify and warn all legally qualified voters to attend at the regular voting places within the county of Kennebec, on the third Monday in June, A. D., 1932, being the twentieth day of said month, for the purpose of voting for persons to be nominated by their respective parties as candidates for the office of State Senator from the County of Kennebec in the Eighty-fifth Legislature at the election to be held on the twelfth day of September next, as aforesaid, and Monday the eighteenth day of April, A. D., 1932, is hereby fixed as the time within which nomination papers shall be filed with the Secretary of State by such candidates as desire their names to appear upon the primary ballot, and seven days prior to the day fixed for said election is hereby fixed as the time for transmitting to the city and town clerks lists of candidates proposed for nomination.

And you, the said mayors, aldermen, and selectmen in conducting said primary election, and in making your records and returns of the same, are hereby directed to fully comply with all the provisions of the law

relating to the nomination of candidates at primary elections and known as the primary election law.

[Seal]

Given at the Executive Chamber, at Augusta, this fourteenth day of March, in the year of our Lord one thousand nine hundred and thirty-two and of the Independence of the United States the one hundred and fifty-sixth.

WM. TUDOR GARDINER,
Governor of Maine.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE
A WRIT OF ELECTION

To the mayors of the several cities and to the selectmen of the several towns in the county of Kennebec,

GREETING:

Whereas, by the resignation of Frank E. Southard, of the city of Augusta in the county of Kennebec, a member of the Senate of the Eighty-Fifth Legislature of the State of Maine, a vacancy has been created, and

Whereas, the Constitution and the laws of Maine provide that when the seat of a State Senator shall become vacant by death, resignation, removal from the State or like cause, the vacancy shall be filled by an immediate election.

Now, therefore, you are hereby directed and required, in the name of the State of Maine, to warn all legally qualified voters to attend at the regular voting places in the various cities and towns in said county of Kennebec on the second Monday in September in the year of our Lord one thousand nine hundred and thirty-two, being the twelfth day of said month, for the purpose of giving in their votes for a Senator for the county of Kennebec to represent said county in the Eighty-Fifth Legislature.

And you, the said mayors of said cities and selectmen of said towns in making your records and returns of the same are hereby directed to comply

fully with the provisions of law relating to the election of State and County officers.

[Seal]

Given at the Executive Chamber, in Augusta, this fourteenth day of March, in the year of our Lord one thousand nine hundred and thirty-two and of the Independence of the United States the one hundred and fifty-sixth.

WM. TUDOR GARDINER,
Governor of Maine.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

A PROCLAMATION BY THE GOVERNOR

Special Legislative Session

Whereas, a recent decision of the Supreme Judicial Court of the State of Maine has given such construction to one of the tax laws of the State as to cause uncertainty in the administration of the law and a prospective loss of revenue that appears seriously to affect the appropriations for highway purposes, it appears advisable and necessary that the Legislature should assemble in order to consider and clarify the terms of this law;

I, therefore, by virtue of the power vested in the Executive, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol, in Augusta, on Friday, the first day of April, at ten o'clock in the forenoon, in order to receive such communication as may then be made to them, and to consult and determine on such measures as in their judgment will best promote the welfare of the State.

[Seal]

Given at the office of the Governor and sealed with the Great Seal of the State of Maine, this sixteenth day of March, in the year of our Lord one thousand nine hundred and thirty-two, and of the Independence of the United States of America the one hundred and fifty-sixth.

WM. TUDOR GARDINER,
Governor of Maine.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

The forests of the State of Maine always have meant much to her people and her visitors. Our fish and game, our water power and our largest industries depend upon our forests. We have placed upon our State Seal the pine tree as emblematic of the great natural resource and the great beauty of our State. In our settled communities we may well remember to provide and to safeguard the trees that give us beauty and shelter.

In the hope that the importance of our forests and our trees may be brought more forcibly to the attention of our citizens and in accordance with the statutory requirements, I hereby proclaim

Friday, May Sixth, Nineteen Hundred Thirty-two

Arbor Day in the State of Maine

[Seal]

Given at the Office of the Governor and sealed with the Great Seal of the State of Maine, this twenty-eighth day of March, in the year of our Lord One Thousand Nine Hundred and Thirty-two, and of the Independence of the United States of America the one hundred and fifty-sixth.

WM. TUDOR GARDINER,
Governor.

By the Governor:
EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

Forest fire conditions in all parts of our State are critical and upon recommendation of the Forest Commissioner and in accordance with authority vested in me by Sections 38 to 41, inclusive, of Chapter 11 of the Revised Statutes as amended by Chapter 180 of the Public Laws of 1931, I do hereby proclaim suspension of the open season on fishing in the inland waters of the State, the same to be effective at sundown today and to continue until revoked by me. This suspension of the open season applies to all sections of the State, prohibits smoking and building fires out of doors, in the woods, but does not, however, suspend the open season

on fishing from boats or canoes or ponds, lakes, rivers, or thoroughfares. All provisions of the law covering and relating to the closed season shall continue in force until this proclamation is revoked and persons violating the provisions of this proclamation will be subject to the full penalty of the law.

I earnestly call upon all the citizens of the State to comply with the provisions of this proclamation and hereby instruct all game and fire wardens and all other state officials to enforce said provisions.

[Seal]

Given at the Office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this nineteenth day of May, in the year of our Lord one thousand nine hundred and thirty-two and in the one hundred and fifty-sixth year of the Independence of the United States of America.

WM. TUDOR GARDINER,

Governor.

By the Governor:

EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

A general distribution of rain throughout the State has decreased the hazard of forest fire and conditions seem favorable for continued wet weather. The Proclamation issued May 19th declaring a suspension of the open season on fishing in the inland waters of the State and prohibiting smoking and building fires out of doors is hereby revoked, effective at sunrise, Saturday, May 28th.

The fire loss in the recent period of drouth and the cost of fighting fires have been heavy. It is of the utmost importance that every possible precaution be taken to preserve the great natural resources of the State. It is urged that those who use the woods should continue to exercise the greatest care. Fishermen, particularly, are asked to take the utmost pre-

cautions for safety when smoking or building fires and to cooperate with forest and game wardens in their efforts for conservation.

[Seal]

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this twenty-seventh day of May, in the year of our Lord one thousand nine hundred and thirty-two and in the one hundred and fifty-sixth year of the Independence of the United States of America.

WM. TUDOR GARDINER,

Governor.

By the Governor:

ROBINSON C. TOBEY,

Deputy Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

Thanksgiving Day, 1932

It was decreed by our forefathers that a day be set aside to express gratitude to God for the fertility of the land, for the blessings that came to those early settlers after their triumph over hardship. They had learned to make the wisest use of every advantage that Nature gave them and their undaunted spirit of determination reaped for them an abundant harvest. Today we are in grave need of that same spirit. Compared with their resources, ours are unbounded. This year the harvest of the land is bountiful, yet many of our people are in want. May God give us wisdom to solve our social and economic problems.

Let us not fail those sturdy Puritans who taught perseverance and courage. Let us be thankful for the fruits yielded by many years of

progress which, wisely used, should help us to alleviate suffering and to better the conditions of our State and Country.

In continuance of our honored custom, I, therefore, proclaim

Thursday, November 24, 1932

Thanksgiving Day in the State of Maine

[Seal]

Given at the Office of the Governor and sealed with the Great Seal of the State of Maine, this tenth day of November, in the year of our Lord one thousand nine hundred and thirty-two, and of the Independence of the United States of America the one hundred and fifty-seventh.

WM. TUDOR GARDINER,
Governor of Maine.

By the Governor:

EDGAR C. SMITH,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

In Memory of Calvin Coolidge

Maine mourns the death of Calvin Coolidge, Son of Vermont, Governor of Massachusetts, and President of the United States of America; ever true to the highest ideals of service to State and Nation, ever enduring in affection for his native New England.

As a tribute of respect to the memory of him who has served faithfully in positions of high public trust, the National Color will be displayed at half-staff on the public buildings of the State, including National Guard Armories, from sunrise to sunset each day for a period of thirty days.

[Seal]

Given under my hand and the Great Seal of the State of Maine, at the Executive Chamber, in the State Capitol, Augusta, this sixth day of January, in the year of our Lord one thousand nine hundred and thirty-three, and of the Independence of the United States of America, the one hundred and fifty-seventh.

LOUIS J. BRANN,
Governor.

By the Governor:

ROBINSON C. TOBEY,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

The Battleship "Maine" was destroyed by a submarine mine in Havana Harbor on February 15, 1898.

Two officers and two hundred sixty-four of the crew perished.

This shocking catastrophe fell upon the Country with appalling force.

It prompted and precipitated the Spanish-American War. The Soldiers and Sailors of '98 were as brave, worthy and true as America ever had.

In memory of those who perished, I have directed that the National Color be displayed at half staff from sunrise to sunset on

February 15, 1933,

the 35th anniversary of the destruction of the "Maine."

[Seal]

Given at the Office of the Governor at Augusta and sealed with the Great Seal of the State of Maine, this thirteenth day of February, in the year of our Lord one thousand nine hundred and thirty-three and in the one hundred and fifty-seventh year of the Independence of the United States of America.

LOUIS J. BRANN,
Governor.

By the Governor:

ROBINSON C. TOBEY,
Secretary of State.

STATE OF MAINE

PROCLAMATION BY THE GOVERNOR

It appearing that the welfare of the State as well as the security of our banking institutions, and the protection of the depositors require the exercise of the authority vested in an Act "Authorizing the Governor to Proclaim a Banking Emergency and Providing for the Further Protection of Depositors in Banks and Banking Institutions and Maintenance of the Banking Structure of the State."

Now, therefore, I, Louis J. Brann, Governor of the State of Maine, in accordance with the authority vested in me by the above mentioned law, do hereby proclaim that a banking emergency exists, and the Bank Com-

missioner is authorized to proceed to regulate the banks in the State, in accordance with the provisions of said law.

[Seal]

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine this seventh day of March, in the year of our Lord one thousand nine hundred and thirty-three and in the one hundred and fifty-seventh year of the Independence of the United States of America.

LOUIS J. BRANN,
Governor.

By the Governor:
ROBINSON C. TOBEY,
Secretary of State.

STATE OF MAINE
PROCLAMATION BY THE GOVERNOR

To the People of the State of Maine:

Pursuant to the authority vested in me under Section 1 of Chapter 362 of the Public Acts of the Eighty-sixth Legislature authorizing the Governor, through any of the Instrumentalities, Means, Methods and Agencies Available to take appropriate action during the existing emergency, involving the financial institutions and credit structure of the State of Maine, to protect Policyholders of Insurance Companies, Associations and Fraternal Benefit Societies operating in this State, and to prevent preferences among all policyholders and other obligees of such companies, Associations and Societies, considered and adopted March 31st, 1933, by the House of Representatives, the Senate concurring, I, Louis J. Brann, do hereby authorize the Commissioner of Insurance to make, promulgate and enforce such rules and regulations as are necessary and desirable to maintain sound methods of insurance and to safeguard the interests of policyholders, beneficiaries and the public generally during the existing emergency.

LOUIS J. BRANN,
Governor of the State of Maine.

[Seal]

Augusta, Maine,
April 5, 1933.

By the Governor:
ROBINSON C. TOBEY,
Secretary of State.