

MAINE STATE LEGISLATURE

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SIXTH REVISION

THE
REVISED STATUTES

OF THE

STATE OF MAINE

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CHAPTER 2.

Sovereignty and Jurisdiction. Public Buildings. Organization of the Legislature. Notice of Petitions for Legislation. Tenure of Office and Qualification of Officers. Secretary of State. Treasurer of State and State Bonds. State Auditor.

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Sovereignty and Jurisdiction.

Sec. 1. Sovereignty and jurisdiction. R. S. c. 2, § 1. The jurisdiction and sovereignty of the state extend to all places within its boundaries, subject only to such rights of concurrent jurisdiction as are granted over places ceded by the state to the United States.

76 Me. 331.

Sec. 2. Title to islands shall remain in state, for public use. 1913, c. 132. The title to all islands located in great ponds within the state, except such as have been previously granted away by the state, and the title to all islands located in the sea within the jurisdiction of the state, except such as have been previously granted away by the state or are now held in private ownership, shall remain in the state and be reserved for public use.

Sec. 3. State flag. 1909, c. 19, §§ 1, 3. The flag to be known as the official flag of the state shall be of blue, of the same color as the blue field in the flag of the United States, and of the following dimensions and designs; to wit, the length, or height, of the staff to be nine feet, including brass spear-head and ferule; the fly of said flag to be five feet six inches, and to be four feet four inches on the staff; in the center of the flag there shall be embroidered in silk on both sides of the flag the coat of arms of the state, in proportionate size; the edges to be trimmed with knotted fringe of yellow silk, two and one-half inches wide; a cord, with tassels, to be attached to the staff at the spear-head, to be eight feet six inches long and composed of white and blue silk strands. A flag made in accordance with the description given in this section shall be kept in the office of the adjutant general, as a model.

Sec. 4. Flag to be carried by National Guard. 1909, c. 19, § 2. The flag of the state to be carried by the regiments of the National Guard of Maine shall be the same as the flag described in the preceding section, with the addition of two scrolls in red, one above and one below the coat of arms

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of the state; in the upper scroll the inscription, Regiment Infantry, and in the lower scroll the inscription, National Guard State of Maine.

Sec. 5. State processes executed in places ceded. R. S. c. 2, § 3. Civil, criminal and military processes, lawfully issued by an officer of the state, may be executed in places ceded to the United States, over which a concurrent jurisdiction has been reserved for such purpose.

Sec. 6. Governor may cede not exceeding ten acres to United States. R. S. c. 2, § 4. The governor, with the advice and consent of the council, reserving such jurisdiction, may cede to the United States for purposes named in its constitution any territory not exceeding ten acres, but not including any highway; nor any public or private burying-ground, dwelling-house or meeting-house, without consent of the owner.

Sec. 7. Compensation to owner. R. S. c. 2, § 5. If compensation for such land is not agreed upon, the estate may be taken for the intended purpose by payment of a fair compensation, to be ascertained and determined in the same manner as, and by proceedings similar to those provided for ascertaining damages in locating highways, in chapter twenty-four.

See c. 24, §§ 4-8.

Sec. 8. Governor may purchase or take land for forts and other purposes, and may cede the same to the United States. R. S. c. 2, § 6. Whenever the public exigencies require it, the governor, with the advice and consent of the council, may take, in the name of the state, by purchase and deed, or in the manner herein denoted, any lands, or rights of way, for the purpose of erecting, using or maintaining any fort, fortification, arsenal, military connection, way, railroad, lighthouse, beacon or other aid to navigation, with all necessary rights, powers and privileges incident to their use, and may deliver possession and cede the jurisdiction thereof to the United States, on such terms as are deemed expedient.

Sec. 9. Shall cause land to be surveyed; plan, etc., to be filed and recorded. R. S. c. 2, § 7. When the governor and council determine that a public exigency requires the taking of any land or rights as aforesaid, they shall cause the same to be surveyed, located, and so described that the same can be identified, and a plan thereof, with a copy of the order in council, shall be filed in the office of the secretary of state, and there recorded. The filing of said plan and copy shall vest the title to the land and rights aforesaid, in the State of Maine, or their grantees, to be held during the pleasure of the state, and if transferred to the United States, during the pleasure of the United States.

Sec. 10. Compensation to owner. R. S. c. 2, § 8. The owner of any land or rights, taken as aforesaid, shall have a just compensation therefor, to be determined as prescribed in section seven, provided, that application is made within five years after the land is taken.

Sec. 11. Consent of legislature to acquisition by U. S. of land within the state for public buildings; record of conveyances. R. S. c. 2, § 9. 1905, c. 50, § 1. In accordance with the constitution of the United States, article one, section eight, clause seventeen, and acts of congress in such cases provided, the consent of the legislature is hereby given to the acquisition by the United States, or under its authority, by purchase, condemnation, or

otherwise, of any land in this state, required for the erection of lighthouses or for sites for custom-houses, court-houses, post-offices, arsenals or other public buildings, or for any other purposes of the government; deeds and conveyances or title papers for the same, shall be recorded upon the land records of the county, or registry district in which the land so conveyed may lie; and in like manner may be recorded a sufficient description by metes and bounds, courses and distances, of any tracts and legal divisions, of any public lands belonging to the United States, set apart by the general government for either of the purposes before mentioned, by an order, patent, or other official paper, so describing such land.

III Me. 78.

Note. As to National Home for Disabled Volunteer Soldiers, see P. L. 1867, c. 66.

Sec. 12. Jurisdiction ceded to U. S. over land acquired for public purposes; concurrent jurisdiction with U. S. retained. R. S. c. 2, § 10. 1905, c. 50, § 2. Exclusive jurisdiction in and over any land so acquired by the United States shall be, and the same is hereby ceded to the United States for all purposes except the service upon such sites of all civil and criminal process of the courts of this state; provided, that the jurisdiction hereby ceded shall not vest until the United States of America has acquired title to such land by purchase, condemnation or otherwise; the United States of America are to retain such jurisdiction so long as such lands shall remain the property of the United States, and no longer; such jurisdiction is granted upon the express condition that the State of Maine retains a concurrent jurisdiction with the United States in and over the said lands, so far as that civil process, in all cases not affecting the real or personal property of the United States, and such criminal or other process as shall issue under the authority of the State of Maine against any person or persons charged with crimes or misdemeanors committed within or without the limits of the said lands, may be executed therein, in the same way and manner as if no jurisdiction had been ceded.

III Me. 78.

Sec. 13. Such property not to be taxed. R. S. c. 2, § 11. 1905, c. 50, § 3. Lands with the tenements and appurtenances, so acquired for the purposes mentioned in section eleven shall be and continue exempt from all state, county, and municipal taxation, assessment or other charges which may be levied or imposed under the authority of this state, so long as the said lands shall remain the property of the United States, and no longer.

See c. 10, § 6, ¶ 1.

Sec. 14. Proceedings for relinquishment to the U. S. of the title to land for the erection of lighthouses, forts, &c., when the title cannot otherwise be obtained. R. S. c. 2, § 12. Whenever, upon application of an authorized agent of the United States, it is made to appear to any justice of the supreme judicial court, that the United States desires to purchase a tract of land and the right of way thereto, within the state, for the erection of a lighthouse, beacon light, range light, or light keeper's dwelling, forts, batteries or other public buildings, and that any owner is a minor, or is insane, or is from any cause incapable of making perfect title to said lands, or is unknown, or a non-resident, or from disagreement in price or any

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other cause, refuses to convey such land to the United States, said justice shall order notice of said application to be published in some newspaper in the county where such land lies, if any, otherwise in a paper in this state nearest to said land, once a week, for three months, which notice shall contain an accurate description of said land, with the names of the supposed owners, provable in the manner required for publications of notice in chapter eighty-six, and shall require all persons interested in said land on a day specified in said notice, to file their objections to the proposed purchase; and at the time so specified a justice of said court shall empanel a jury, in the manner provided for the trial of civil actions, to assess the value of said land at its fair market value, and all damages sustained by the owner of such land by reason of such appropriation; which amount when so assessed, with the entire costs of said proceedings, shall be paid into the treasury of said county, and thereupon the sheriff thereof, upon the production of the certificate of the treasurer that said amount has been paid, shall execute to the United States, and deliver to its agent a deed of said land, reciting the proceedings in said cause, which deed shall convey to the United States a good and absolute title to said land against all persons.

See c. 86, § 21.

Sec. 15. Disposal of the purchase money. R. S. c. 2, § 13. The money so paid into such county treasury shall there remain until ordered to be paid out by a court of competent jurisdiction.

Sec. 16. Treasurer receiving the money to give a bond. R. S. c. 2, § 14. The judge directing the money to be paid to a county treasurer, in accordance with the five preceding sections, shall require of such treasurer a bond in double the amount ordered to be paid to him, with two or more sufficient sureties, or with a surety company, as surety, to be approved by said judge. Such bonds shall be payable to the people of the State of Maine, for the use of such persons, severally, as are entitled to said money, and shall be approved and filed with the clerk of said court before payment of the money to the treasurer.

Sec. 17. U. S. coast survey. R. S. c. 2, § 15. Persons employed under the government of the United States in the coast survey, may enter on any land in the state, and erect thereon such buildings and do such other acts, as the objects of the survey require.

Sec. 18. Compensation for use of land. R. S. c. 2, § 16. If satisfactory compensation is not made to the owner by the officers or agents of the United States under whose direction such lands are taken, he may make complaint to the county commissioners, who, after not less than fourteen days' notice to the parties of the time and place of hearing, shall view the premises, hear the parties, and assess the damages sustained by the taking of the land for said purposes, including the time during which it will be required for such use, order them to be paid at such time as they direct, and award costs to the prevailing party.

Sec. 19. Report to be filed with S. J. C.; appeal allowed. R. S. c. 2, § 17. The commissioners shall file in the office of the clerk of the supreme judicial court a report of their doings, which shall be conclusive upon the parties, unless one of them, within thirty days after the next term of the court, files

in court his petition for a new trial, which, after due notice to the opposite party, may, for due cause, be granted, to be had in said court.

Sec. 20. Tender of amends; costs. R. S. c. 2, § 18. The person so entering upon land may tender to the party injured sufficient amends, and if the damages finally assessed do not exceed the tender, judgment shall be rendered against the owner for costs. Costs recovered by the prevailing party shall be taxed as in case of appeal from judgments of a trial justice.

Sec. 21. Injury to works. R. S. c. 2, § 19. Whoever wilfully injures said buildings, works, or apparatus used therewith, forfeits not exceeding fifty dollars, to be recovered by indictment to the use of the prosecutor; and is also liable in a civil action for damages.

Public Grounds and Buildings.

Sec. 22. State park; commissioners may receive gift or legacy. P. & S. L. 1911, c. 57. All that portion of the state lands situate in the city of Augusta and lying between State Street on the west and the location of the Maine Central Railroad Company on the east, shall be maintained as a public park under the supervision and control of a commission of three persons, appointed by the governor for terms of four years. They shall serve without compensation. One of said commissioners shall be a resident of the city of Augusta, recommended to the governor for appointment by the city council of said city. They may receive moneys by gift or legacy and shall hold the same as trustees for the purposes stated in this section.

Sec. 23. Superintendent of public buildings, appointment and duties. R. S. c. 2, § 25. The governor, with the advice and consent of the council, shall appoint a superintendent of public buildings, who shall take charge of the same and all the furniture and other property connected therewith; preserve the same from injury, at all proper times open and ventilate the several apartments, and constantly keep every part thereof properly swept and cleansed, and at all suitable hours personally attend visitors, free of expense, take care of the public grounds, fences, forest trees, and all other property not before enumerated, pertaining to the public buildings; and under the direction of the governor and council, superintend and cause all necessary repairs to be made upon the public buildings and furniture thereof, upon the fences and walks of the public grounds, set out suitable ornamental and forest trees, and protect the same from injury or decay; and make all purchases of furniture, lights, wood, and everything necessary for the use and convenience of all the apartments of the state house, strict economy being required in all contracts for repairs and purchases; and no contract shall be made upon the credit of himself or the state. He shall give bond to the state in the sum of two thousand dollars, for the preservation of said property and the faithful discharge of his trust. The governor and council may also require him to perform any other duties that the public interest may require, without extra compensation.

See Resolves 1889, c. 243; c. 117, § 55.

Sec. 24. Room shall be reserved for representatives of the press. 1915, c. 201, § 2. Room eighty-two, on the fourth floor of the state house, known as the pharmacy and dentistry room, shall be maintained and reserved, dur-

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ing each legislative session, for the use of such representatives of the press as have the privilege of the floor of the senate and house of representatives under section thirty-five of this chapter; the superintendent of public buildings shall see that such room is properly furnished, lighted, heated, and kept in order.

Sec. 25. Competitive bids for contracts for state work. 1909, c. 202, § 1. All contracts for construction or repairs of buildings at the expense of the state involving a total cost of more than three thousand dollars, shall be awarded by a system of competitive bids in accordance with the provisions of the following section and such other conditions and restrictions as the governor and council may from time to time prescribe.

Sec. 26. Advertisements for sealed proposals; bond. 1909, c. 202, §§ 2, 4. The trustees, commissioners, or other persons in charge of such construction shall advertise for sealed proposals not less than two weeks in such papers as the governor and council may direct; the last advertisement shall be at least one week before the time named therein for the closing of such bids. Sealed proposals submitted in accordance with such advertisement shall be addressed to the trustees, commissioners, or other persons having the construction in charge and shall remain sealed until opened in the presence of a committee of the governor's council at such time as the governor and council may direct. No contract shall be awarded unless the faithful performance thereof shall be secured by a bond in the penal sum of not less than twenty per cent of the amount of the contract, payable to the state, and deposited with the treasurer of state.

Sec. 27. Insurance on public buildings. 1911, c. 160. All fire and liability insurance upon public buildings and other property belonging to the state shall be placed thereon by the several boards of trustees having said property in charge, subject to the approval of the governor and council, or by the governor and council, and all expense therefor shall be paid from the several appropriations for insurance on said property. The policies for all insurance so placed shall be deposited with the treasurer of state, and a record thereof kept by the governor and council.

Sec. 28. Insurance money, available for replacement. 1913, c. 125. Whenever any officer or department of the state has taken out fire insurance on property owned by the state, or for which the state is responsible, and the property has been destroyed, the money paid by the insurance companies on the loss shall, with the approval of the governor and council, be made immediately available for the use of such office or department in replacing the destroyed property, or otherwise, as may be needed in the work of the office or department.

Organization of the Legislature.

Sec. 29. Secretary of state to furnish certified rolls of members elect. R. S. c. 2, § 26. The secretary of state shall, on or before the day preceding the meeting of the legislature, furnish to the secretary of the preceding senate, a certified roll, under the seal of the state, of the names and residences of senators elect, according to the report of the governor and council, and to the clerk of the preceding house of representatives a certified

roll, under the seal of the state, of the names and residences of the representatives elect, according to the report of the governor and council, and shall report the vacancies, if any exist.

Sec. 30. Duty of secretary of senate at organization. R. S. c. 2, § 27. The secretary of the preceding senate, at the time and place appointed for the meeting of the legislature, shall call the senators elect, present, to order, and from the certified roll furnished him as aforesaid, call their names, and if a quorum respond, he shall preside until they are qualified and a president is elected; if no quorum appear he shall preside, and the senators elect, present, shall adjourn from day to day, but shall transact no business, except to go into conventions to fill vacancies, until a quorum appear and are qualified and a president is elected.

Sec. 31. Duty of clerk of house at organization. R. S. c. 2, § 28. The clerk of the preceding house of representatives in like manner shall call the representatives elect to order and preside until they are qualified and elect a speaker; if no quorum appear he shall preside, and the representatives elect, present, shall adjourn from day to day, until a quorum appear and are qualified, and a speaker is elected.

70 Me. 589, 590.

Sec. 32. In the absence of secretary or clerk, assistants to act. R. S. c. 2, § 29. In case of vacancy in the office of such secretary or clerk, or absence or inability of either to perform the duties aforesaid, they shall be performed by the assistants.

Sec. 33. When secretary of senate shall amend record. R. S. c. 2, § 30. The secretary or assistant secretary of any senate shall amend, according to the fact, the journal of said senate, whenever empowered or required by authority of the same, or of any subsequent senate.

Sec. 34. When clerk of house shall amend record. R. S. c. 2, § 31. The clerk or assistant clerk of any house of representatives shall amend, according to the fact, the journal of said house, whenever empowered or required by authority of the same, or of any subsequent house.

Sec. 35. Rights and privileges of representatives of the press, defined; shall have no interest in private claims. 1915, c. 201, § 1. Representatives of the press who shall be actually engaged in sending daily reports of the doings of the legislature to daily newspapers, shall have the privilege of the floor of the senate and house of representatives, and shall be subject to such rules as may from time to time be adopted by either branch of the legislature. No such representative shall be interested in any private claim or measure pending before the legislature, nor shall any such representative, while acting as correspondent for any daily newspaper, and as such correspondent having the privileges mentioned in this section, become interested in the prosecution of any such claim or measure.

Notice of Petitions for Legislation.

Sec. 36. Notice of petitions affecting individuals or corporations. R. S. c. 2, § 32. Notice of any petition for legislation affecting the rights of individuals or corporations, may be given by serving them with a true copy of the petition at least fourteen days before the commencement of the next

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session, or by publishing such copy three weeks successively in some newspaper printed in the counties in which such individuals reside, or such corporations are established; or if no newspaper is there published, then in the state paper, the last publication to be at least fourteen days before the session; and if further service is deemed necessary, or if notice is defective or insufficient, further notice may be ordered.

63 Me. 239.

Sec. 37. Affecting town or county, how given. R. S. c. 2, § 33. Notice of any petition affecting the rights or interests of any town or county may be given to such town by serving it with a true copy of the petition at least fourteen days before the session, and to such county, by publishing as prescribed in the preceding section.

63 Me. 239.

Sec. 38. If no notice, petition to be referred. R. S. c. 2, § 34. Petitions mentioned in the two preceding sections without proof of notice as prescribed, shall be referred, with order of notice, to the next legislature.

63 Me. 239.

Sec. 39. Service; proof. R. S. c. 2, § 35. Service of notice of such petitions may be made by any sheriff, constable or coroner, and proved by his proper return or by written acknowledgment of the adverse party on the petition, or if notice is given by publication, then by the newspapers, or the affidavit of the printer.

Sec. 40. Notice of petitions for special legislation pertaining to fish and game; laws which do not conform to general law, deemed special. R. S. c. 2, § 36. Whoever petitions the legislature, or whoever shall introduce any bill, or resolve for special legislation, regarding or in any manner pertaining to fish or game, shall first have given notice of their intention with full description of the territory or waters affected by such legislation, in some weekly publication nearest the locality so affected, for eight consecutive weeks, the last notice to be not less than one, nor more than three weeks before the assembling of the legislature of which such legislation is requested, and such notice shall be absolutely required before any such legislation shall be enacted. All laws hereafter enacted pertaining to fish or game which do not conform to the general laws of the state, shall for the purposes of this section be deemed special. Provided, however, that the provisions of this section shall not apply to any petition, act or resolve, either repealing or amendatory which has for its object the placing of the territory or waters in question under the general laws of the state.

Tenure of Offices and Qualifications of Officers.

Sec. 41. Tenure of office. R. S. c. 2, § 37. All civil officers, appointed by the governor and council, whose tenure of office is not fixed by law or limited by the constitution, otherwise than during the pleasure of the governor and council, except ministers of the gospel appointed to solemnize marriages, and persons appointed to qualify civil officers, shall hold their respective offices for four years and no longer, unless re-appointed; subject to removal at any time within said term by the governor and council.

72 Me. 558, 564. 110 Me. 296.

Sec. 42. Tenure of women appointed to solemnize marriage, etc. R. S. c. 2, § 38. The appointment of any woman under the laws of the state to solemnize marriages, administer oaths and take acknowledgments of deeds shall authorize her to act within and for every county of the state, and shall continue for the term of seven years.

See c. 64, § 12; c. 78, § 23, c. 134, § 2.

Sec. 43. Qualifying officers, how appointed. R. S. c. 2, § 39. 1911, c. 178. The governor, with the advice and consent of the council, may appoint in every county, persons before whom the oath, required by the constitution to qualify civil officers, may be taken and subscribed. Such persons shall exercise their powers and duties, and shall be commissioned to act within and for every county. This section shall apply to such persons appointed and commissioned prior to the thirtieth day of June, nineteen hundred and eleven, and shall validate any acts theretofore or thereafter done by them which would be valid hereunder.

70 Me. 591-2.

Sec. 44. Certain officers to take oath before the governor and council; others, before magistrates. R. S. c. 2, § 40. The justices of the supreme judicial court, attorney general, secretary, treasurer, adjutant general and quartermaster general, shall take and subscribe the oath or affirmation required by the constitution, before the governor and council, when in session, and in their recess, before any two members of the council; and every other person elected or appointed to any civil office, shall take and subscribe the oath before any one member of the council, or before any magistrate commissioned by the governor for that purpose, except when the constitution otherwise provides.

70 Me. 591-2.

Sec. 45. Officers may be required to give new bonds; if new bond is not given, office is deemed vacant. R. S. c. 2, § 41. The governor and council may require any officer, who by law gives bond to the state, to give a new bond when they consider it necessary; and when it is given, the obligors in the former bond are discharged from liability thereon for acts and defaults after the acceptance of the new one; and if such officer does not give a new and satisfactory bond within the time specified by the governor and council, his office becomes vacant, and shall be filled as provided by law.

Secretary of State.

Sec. 46. Secretary's office. R. S. c. 2, § 42. Resolve of June 9, 1820. The secretary of state shall keep his office at the seat of government; have the custody of the state seal, and preserve all records in such office, at the expense of the state.

Sec. 47. Vacancy, how filled. R. S. c. 2, § 43. When a vacancy happens in the office of secretary during the recess of the legislature, the governor, with the advice and consent of the council, shall appoint a suitable person to act as secretary of state, until one is elected by the legislature; and the person thus appointed shall take the oath required of the elected secretary; and have the same compensation, while he performs the duties of the appointment.

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Sec. 48. Bond and condition. R. S. c. 2, § 44. The secretary, elected or appointed, shall give bond to the state, to be deposited in the office of the treasurer, in such sum as the governor and council direct, with sufficient sureties, or with a surety company authorized to do business in the state, as surety, with condition that he will faithfully appropriate according to law all moneys belonging to the state which come to his hands, and render, annually, a true account thereof to the governor and council.

See c. 117, § 55.

Sec. 49. Account of fees. R. S. c. 2, § 45. He shall keep an accurate account of all fees received by him in his office, and shall, annually, in December, make return thereof, under oath, to the governor and council, and pay the amount of such fees to the treasurer of state.

See c. 118, § 13.

Sec. 50. Secretary of state to notify registers of probate and clerks of courts of appointments. R. S. c. 2, § 47. 1915; c. 29. The secretary of state, upon receiving evidence of the qualification of any justice of the peace, trial justice or notary public shall immediately notify the register of probate and the clerk of the judicial courts of the county where such officer resides, of his appointment and qualification, and shall on the first days of June and December, forward to the registers of probate courts, judges of municipal and police courts, and clerks of United States courts in the state a list of all justices of the peace, trial justices, and notaries public, whose commissions are then in force, and the evidence of whose qualification has been filed in his office within the six months next preceding the time of forwarding such lists, which shall contain the name and residence of every such officer, the date of his commission, and the county or counties for which he is commissioned, and he shall send at the same time two copies of such lists to each of the clerks of the state courts.

Sec. 51. Clerks of courts shall note reception; evidence of appointment. R. S. c. 2, § 48. The clerks of the state courts shall make a memorandum on such lists of the fact and date of their reception, and either of such lists so attested, or the certificate of such clerk under the seal of his court, shall be legal but not conclusive evidence of the appointment and qualification of such officers, and at the expiration of each decade of years it shall be the duty of the clerk then in office to have one set of such lists received during the decade, bound in a substantial manner.

Sec. 52. Secretary to notify officers appointed, to pay duties. R. S. c. 2, § 49. The secretary of state shall notify every person appointed to an office upon which a duty is to be paid, and on receipt of evidence of its payment, shall cause a commission to be immediately made, under direction of the governor, and delivered to such officer, or to any person appointed by him to receive it.

Sec. 53. Secretary to prepare commissions; to record qualifications; to engross bills. R. S. c. 2, § 50. He shall prepare and present to the governor and council under the seal of the state, in order that the same may receive the signature of the governor, a commission for every person appointed or elected to any office for which a commission is required; enter in a suitable book the time when and the person by whom any commission

is taken from his office, and the time when any certificate of the qualification of any officer is filed therein. He shall cause all bills passed by the legislature to be engrossed, under his special direction, for the use thereof.

Sec. 54. Public laws to be printed in newspapers. R. S. c. 2, § 51. He shall cause the public laws passed at each session to be printed within thirty days after the close thereof on extra sheets, on good paper, in good, clear nonpareil type, by the publishers of each newspaper; and each printer who so publishes and distributes the laws to his subscribers within the state, shall receive ten dollars, besides two dollars for every hundred copies so distributed within the state.

2 Me. 303; 9 Me. 56; 16 Me. 70; 21 Me. 60; 39 Me. 295; 81 Me. 546.

Sec. 55. Tables referring to changes in statutes shall be prepared. R. S. c. 2, § 52. After final adjournment of each regular session of the legislature, he shall cause tables to be prepared showing what general statutes have been affected by subsequent legislation, in such manner as to furnish ready reference to all changes in such statutes. The tables so prepared shall be printed in the official edition of the laws hereafter published by the state. The compensation for the services herein provided for shall be fixed by the governor and council.

Sec. 56. Mail election blanks to town clerks; clerks to notify sec'y, if not rec'd; penalty for neglect. R. S. c. 2, § 53. He shall cause blanks for all election returns required by law to be seasonably distributed to the clerks of the several towns, by mail; and if any clerk fails to receive such blanks by the twentieth day of August, in any year in which an election is held of which returns are to be made to the office of the secretary of state, he shall forthwith notify the secretary of state. If the secretary neglects this duty he forfeits one hundred dollars for each neglect.

See c. 7, § 64.

Note. Secretary of state to furnish copies of law relating to registration of dogs, c. 4, § 108; copies of law forbidding sale of votes, c. 7, § 98; returns for election of presidential electors, c. 7, § 64, blank applications for license to solemnize marriages, c. 64, § 12.

Duties of secretary of state as to primary elections, c. 6, § 9, et seq; as to official ballots, c. 7, § 5 et seq; as to voting machines, c. 7, § 35; as to itinerant vendors, c. 41, §§ 14, 15, 23 and 24; as to recording conditional contracts for railroad equipment, c. 57, § 89.

Secretary of state forbidden to draft any instrument which he is by law required to record, c. 12, § 14.

Treasurer of State and State Bonds.

Sec. 57. Treasurer's office; bond. R. S. c. 2, § 54. 1915, c. 30. The treasurer of state shall keep his office at the seat of government, and give the bond required by the constitution, to the state of Maine, with good and sufficient sureties residing therein, or with two or more surety companies authorized to transact business therein, as sureties, in the penal sum of not less than one hundred and fifty thousand dollars.

52 Me. 551.

Sec. 58. Condition of treasurer's bond. R. S. c. 2, § 55. The condition of the bond shall be for the faithful discharge of all the duties of his office and the fidelity of all persons by him entrusted with any of its concerns, and that during his continuance in office he will not engage in trade or commerce, or act as broker, agent or factor, for any merchant or trader; and that he, or his executors, administrators or sureties, or their executors

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or administrators, shall render a just and true account of all his agents' and servants' doings and transactions in the office, to the legislature, or to such committee as it appoints, on the first day of each regular session of the legislature, previous to the choice of a new treasurer, and at any other time, when required by the legislature, or the governor and council; and that he will settle and adjust said account, and faithfully deliver to his successor in office, or to such person as the legislature appoints, all moneys, books, property, and appurtenances of said office, in his, or any of his agents' possession, and pay over all balances found due on such adjustment. Such bond, when approved as the constitution prescribes, shall be lodged in the office of the secretary of state.

52 Me. 551; 58 Me. 123.

Sec. 59. Premiums on bonds shall be paid by state. 1909, c. 38. The premiums necessarily incurred and due and payable on account of any bond given by the treasurer of state or by any clerk in the treasury department of the state shall be paid out of the state treasury, and the legislature shall at each session make appropriate provision by resolve or otherwise for such payment.

Sec. 60. Treasurer not to use, or receive benefit from state money or credit. R. S. c. 2, § 56. The treasurer shall not in any way receive for his own use any interest, premium, gratuity, or benefit, by reason of any money belonging to the state, or of any loan obtained for the state, or for keeping on hand or circulating the bills of any bank; but whatever is so received shall be accounted for to the state. He shall not loan or use in his own business, or for his own benefit, any such money, or permit any other person to do it, unless authorized by law, on pain of forfeiting a sum equal to the amount so used or loaned, to be recovered by indictment.

52 Me. 551. 69 Me. 367. See § 74.

Sec. 61. Attorney general to prosecute. R. S. c. 2, § 57. When the attorney general receives satisfactory information, that a treasurer of state has violated any provision of the preceding section, he shall cause him to be indicted therefor and shall prosecute such indictment to final judgment.

69 Me. 367.

Sec. 62. Deposit of state funds; limitation. R. S. c. 2, § 58. 1907, c. 17. The treasurer may deposit the moneys of the state in any of the banking institutions or trust companies organized under the laws of this state or in any national bank or banks located therein. Not exceeding twenty thousand dollars shall be deposited in any one such bank or institution unless fifteen per cent of the sum of its capital stock and surplus exceeds said amount, in which case said deposit may be increased to an amount equal to said fifteen per cent. The above restrictions shall not apply to deposits actually made to meet the payment of the bonded debt of the state and the interest accruing thereon. Deposits for this purpose may be made in any bank when bonded debt as above is about to mature where by terms of the contract such debt and interest are made payable.

52 Me. 551; 69 Me. 367.

Sec. 63. Monthly exhibits to be prepared. R. S. c. 2, § 59. At the expiration of each month, the treasurer shall prepare an exhibit showing the

banks and places in which moneys of the state have been kept or deposited during the preceding month, and the amount at the time of such exhibit, and file it in the office of the secretary of state, open to public inspection.

52 Me. 551; 69 Me. 367.

Sec. 64. Report receipts from land agent. R. S. c. 2, § 60. His report shall state the time, when each sum was received of the land agent, and the amount of it.

Sec. 65. Investment of sinking funds. R. S. c. 2, § 61. The treasurer, with the advice of the governor, shall from time to time, as funds appropriated for any sinking fund established by law, are received into the treasury, invest the same, with the income thereof, as it accrues, in any bonds of Maine, of any other New England state, or in the registered bonds of the United States; and as such bonds fall due and are paid, the proceeds thereof shall be re-invested in like manner.

Sec. 66. Register to be kept by treasurer. R. S. c. 2, § 62. The treasurer shall keep a register of all such investments, showing the date, amount, and number of each bond, by whom issued, and the time when it will mature, and in his annual report to the governor and council, he shall include an exhibit of the condition of said sinking funds.

Sec. 67. Treasurer may issue registered bonds; date, interest, when payable, and how signed. R. S. c. 2, § 63. The treasurer may issue registered bonds, transferable by assignment, in pieces of not less than one thousand dollars, and of any multiple of one thousand, in exchange for, and in place of, any coupon bonds issued under the laws of this state, bearing the same rate, of interest and maturing at the same time as the bonds which he may receive therefor in exchange; but the place of payment prescribed therein shall be the state treasury; and said bonds shall be signed by the treasurer, countersigned by the governor, and attested by the secretary of state, with the seal of the state.

Sec. 68. Equivalent bond to be issued on assignment. R. S. c. 2, § 64. Upon due assignment of any such registered bond and delivery thereof to the treasurer, an equivalent bond or bonds, in form as aforesaid, shall be issued to the assignor in substitution therefor.

Sec. 69. Cancellation and registry of old bonds. R. S. c. 2, § 65. All bonds thus received by the treasurer for exchange shall be canceled, and retained in the office of the treasurer; and the secretary of state, as well as the treasurer, shall keep a register of all such bonds, showing the serial number, date, interest, amount of each certificate, to whom originally issued and when payable; and also a like description of the new bonds issued in place thereof.

Sec. 70. Bonds in state treasury, how indorsed. R. S. c. 2, § 66. Every United States or other bond when received into the treasury, shall immediately be indorsed with the words following, viz.: "Property of the State of Maine; not transferable by the treasurer without the consent of the governor indorsed thereon."

Sec. 71. Coupon bonds of sinking fund shall be converted into registered bonds. R. S. c. 2, § 67. All coupon bonds issued by the state belonging to any sinking fund of the state, shall be converted into bonds registered in

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the name of the treasurer; no registered bond of the state belonging to such sinking fund shall be negotiated by the treasurer unless the governor's assent to the transfer is first indorsed thereon, and all such bonds shall exhibit upon their face this restriction of their negotiability; and any coupon bonds so issued and held by or deposited with the treasurer for trust purposes may be converted into the registered form of bonds, whenever the parties depositing them so desire.

Sec. 72. Purchase of unmatured bonds of state. P. & S. L. 1903, c. 6. Whenever, from time to time, in the judgment of the treasurer, it may be done to the financial advantage of the state, he may, with the advice and consent of the governor and council, purchase, with any funds in the state treasury not otherwise appropriated, and when so purchased, may cancel, any outstanding, unmatured bonds of the state.

Sec. 73. Indemnity bonds deposited in state treasury. 1913, c. 152. All bonds indemnifying the state, other than the bond of the treasurer of state, shall be deposited in the office of the treasurer of state.

Sec. 74. Governor and council to examine into complaints against treasurer; may declare office vacant. R. S. c. 2, § 68. Upon written complaint of any person, that the treasurer is insane or insolvent, or has absconded, or concealed himself to avoid his creditors, is absent from the state and neglecting his duties to the hazard of the trust reposed in him, has violated any provision of section sixty or has failed faithfully to perform the duties of his office, the governor and council shall forthwith examine into the charges, and if either of them is found true, they shall remove him and declare the office vacant.

69 Me. 367.

Sec. 75. Audit of contingent fund. R. S. c. 2, § 69. The state auditor shall audit his account of any contingent fund appropriated for him or his office; and any balance found due shall be paid by him to the state.

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Sec. 76. May require a new bond. R. S. c. 2, § 70. When it appears, to the governor and council, that his bond is not sufficient for the full security of the state, they shall make written demand upon him for a new bond; and if he neglects for ten days thereafter, to file such bond to their satisfaction, they shall remove him and declare the office vacant.

69 Me. 367.

Sec. 77. May appoint a commissioner to fill vacancy. R. S. c. 2, § 71. In case of a vacancy in the office of treasurer, the governor, with the advice and consent of the council, shall appoint a commissioner to perform the duties of the office during the residue of the term for which he was chosen, unless another is sooner elected by the legislature; and the person so appointed shall, before entering on the duties of his office, take and subscribe the oaths, and give bond with the same conditions as are required of the treasurer, to the acceptance of the governor and council.

Sec. 78. Inventory for commissioner. R. S. c. 2, § 72. When such commissioner is appointed, the secretary of state and the attorney general, or two impartial citizens to be appointed by warrant under the hand and seal of the governor, shall, as soon as practicable, after notice to the sureties,

or any two of them, of the late treasurer, or of the treasurer to be superseded, take a true account and inventory of all moneys, notes, books of account and other property belonging to the state, which were in the hands of such treasurer, or of any of his agents, and deliver it to such commissioner, he giving a receipt therefor, which shall be lodged in the secretary's office.

Sec. 79. Treasurer shall issue warrants for taxes. R. S. c. 2, § 73. The treasurer shall issue warrants or executions against delinquent towns, assessors, constables and collectors, to enforce the collection and payment of state taxes in cases prescribed in chapter eleven.

See c. 8, § 63.

Sec. 80. Names of delinquents to be reported. R. S. c. 2, § 74. He shall report the names of all officers who have not settled their accounts as by law required, or who have not paid over the money in their hands belonging to the state, and the amount due from each.

State Auditor.

Sec. 81. Election of state auditor; bond; qualifications; tenure; vacancy. 1907, c. 147, §§ 1, 2. A state auditor shall be elected by the electors of the state qualified to vote for governor, biennially, on the second Monday of September; he shall hold his office for two years from the first day of January next succeeding his election. He shall give to the treasurer of state a bond, for the faithful discharge of his duties, in an amount and with sureties, or with a surety company authorized to do business in the state, as surety, to be approved by the governor, with the advice and consent of the council. He shall be a competent accountant, and no person shall be eligible to hold said office for more than three successive terms. In case a vacancy occurs, the governor, by and with the advice and consent of the council, may appoint a person to fill said vacancy for the unexpired term.

See c. 117, § 55.

Sec. 82. Duties; shall audit accounts of trustees, commissions, and public officers; shall issue and record certificates for payments. 1907, c. 147, § 3. The state auditor shall examine all accounts and demands against the state, including all matters requiring the payment of money from the state treasury. In the examination of claims, accounts and demands he may require affidavits that articles have been furnished, services rendered, and expenses incurred, as therein specified; and the affidavit for articles furnished, services rendered, and expenses incurred for or by any officer, institution, commission, or board of trustees, may be made by the disbursing agent or any officer thereof having special knowledge of the matter. All accounts filed with the auditor shall be fully itemized. He shall in all cases, after he has approved a claim, account or demand, make a certificate specifying the amount due and allowed thereon, the name of the party to whom such amount is due or payable, the law authorizing the same, and the particular head, expenditure, department or appropriation to which it is chargeable. When the legislature, by express statute, authorizes a board of trustees, commission, or public officer to approve demands against the state, and an appropriation therefor has been made, the auditor shall, when such ac-

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counts or demands are properly approved, promptly audit and certify as aforesaid such accounts as he may deem correct, not exceeding the appropriation for that purpose; and if, upon such audit any account or claim is rejected or reduced in amount, and the person presenting such account or claim is dissatisfied therewith, the auditor shall report the same to the governor and council, with a separate certificate therefor. He shall issue a certificate for the payment of all salaries established by law as the same shall become due and payable, and when the legislature has authorized the payment of money for any specific purpose or purposes, he shall promptly issue a certificate for the payment of said money in accordance with the said act of the legislature. He shall record all certificates issued by him in a book kept for that purpose, and shall transmit such certificates to the governor and council.

See c. 114, § 11.

Sec. 83. Shall keep on file all bills, vouchers and affidavits. 1907, c. 147, § 4. The auditor shall keep on file in his department, all original bills and vouchers on which moneys have been or may be paid from the state treasury. He shall also keep on file all affidavits filed with him in relation to the auditing of any matters before him. All boards, commissions or public officers authorized to make contracts under which moneys may be payable from the state, shall at once file with the auditor certified copies of any and all contracts made by them.

Sec. 84. Shall keep account of all receipts and expenditures; shall investigate all accounts; have free access to books and papers; direct method of keeping accounts; notify heads of departments of balances of appropriations. 1907, c. 147, § 5. The auditor shall keep a distinct account of all state receipts and expenditures under appropriate heads. He shall keep a statement of all property belonging to the state and of all debts and obligations due to and from the state. He shall investigate all accounts, demands, bills, vouchers or claims against the state, including those made by any state officer, department, commission or trustee. And if, after said investigation, the amount demanded seems to be excessive or improper, he may reject the account or claim, in whole or in part, and if the person presenting such account or claim is dissatisfied therewith, the auditor shall report the same to the governor and council, with a separate certificate therefor. He shall have free access to all the books and papers of the several departments, commissions, boards, and institutions of the state. Every officer, department, commission, institution and board of trustees shall keep books of accounts in such form and manner as the auditor shall direct, and they shall at all times make such reports to the auditor as he may require. He shall, from time to time, notify the said officers, heads of departments, institutions, commissions and trustees, who are entrusted with the expenditure of public moneys of the state, of the condition of the specific appropriation which they are entrusted to expend, showing the balance of such appropriation unexpended. The auditor shall not approve nor issue his certificate for the payment of any bill or account unless there is a specific appropriation or fund for the payment thereof, or an expenditure is authorized by law to be paid out of a contingent fund, or from moneys in the

treasury not otherwise appropriated; and whenever any appropriation or fund is expended, all bills and accounts presented to said auditor and drawn on said expended appropriation or fund shall not be approved by him, but shall be reported by him to the next session of the legislature, and he shall not approve any bill or account against any appropriation unless said bill or account was incurred during the time for which said appropriation was made.

Sec. 85. State contingent fund created; includes all unexpended balances; exception; amount of income above expenses, credited. 1915, c. 317, §§ 1, 2, 3. The state auditor and treasurer of state shall open on their books an account to be known as the state contingent fund, to which shall be transferred and credited all balances of unexpended appropriations which exist on the first day of January of each year and which are not continued by law, except such appropriations as relate to the issue and payment of state bonds, temporary loans and special funds in the state treasury department. There shall also be credited to said account on the first day of January of each year or as soon thereafter as the amount can be correctly ascertained, the amount by which the actual income of the state for the preceding year exceeds the current expenses of said year.

Sec. 86. Fund may be increased by appropriations. 1915, c. 317, § 4. The fund established by the preceding section and accounted for in the account aforesaid may be increased from time to time by direct legislative appropriations.

Sec. 87. Contingent fund, how to be expended; proviso. 1915, c. 317, § 5. Warrants may be drawn upon, charged to, and paid out of said fund, to pay outstanding bills or accounts that were properly chargeable to the several appropriations previous to the first day of January of each year; to pay outstanding bills necessarily contracted by state departments or state institutions for which the legislature failed to make sufficient provision, and to pay such other expenses as may be necessarily incurred under any requirement of law or for the maintenance of government, and which the governor, with the advice and consent of the council, shall authorize; provided, however, that no payment shall be made from this fund, except as above provided, unless some emergency shall arise requiring an expenditure of money not provided for by the legislature.

Sec. 88. Warrants shall be supported by vouchers; transfers and payments prohibited. 1915, c. 317, §§ 6, 7. Warrants drawn upon this fund shall be supported by proper vouchers, itemized, approved and audited in conformity to law. No transfer or payments other than those provided by the three preceding sections shall be made from any fund thereby created except by special authority of the legislature.

Sec. 89. State auditor shall examine the books of treasurer of state; books shall be open to inspection. 1907, c. 147, § 6. The state auditor shall annually, in the month of January, examine the books, accounts and vouchers of the treasurer of state, and report the result of such examination to the governor and council. He shall comply with all regulations in relation to the duties of his office which may be transmitted to him by the governor

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and council, and which are consistent with the provisions of sections eighty-one to ninety-two, both inclusive, of this chapter. The books, accounts, vouchers, affidavits, and other records and papers in his office relating to the public business shall be open for inspection to the citizens of this state at all reasonable times and for all proper purposes.

Sec. 90. Report to the legislature; contents. 1907, c. 147, § 7. He shall, on or before the first day of February, biennially, submit to the legislature a report, showing a full and accurate statement of the financial condition of the state and of the financial transactions thereof for each of the two preceding years, ending on the thirty-first day of each December. Said report shall contain a statement of the receipts by and payments from the state treasury and a statement of the receipts by, appropriation for, and expenditures of each department, institution, commission and board of trustees, for each of the two preceding years; the latter statement shall be so made that it will show a separate statement in detail of each department, institution, commission and board of trustees, for each of said years. All salaries and other general charges and appropriations shall likewise appear in said report; no expenditure exceeding five hundred dollars shall, if it is composed of separate items, be included under one indefinite head. Said report shall also contain a particular statement of all transactions affecting any funds belonging to or held in trust by the state, including any and all new investments which may have been made of any portion of said funds during each of the two preceding years, and of the disposition and expenditure of any and all funds applicable to educational purposes.

Sec. 91. Report shall show statement of public debt and of temporary loans. 1907, c. 147, § 8. The report shall show the aggregate amount of the funded debt of the state at the beginning and end of each of the two preceding years, the balance of increase or decrease, and a statement as to the cause of such balance; a statement of the aggregate amount of any and all temporary loans at the beginning and end of each of the two preceding years, the balance of increase or decrease, and a statement of the cause of such balance; a statement showing whether the ordinary expenses of each of the two preceding years have exceeded the income or not, and the amount of the balance.

Note. Name of town treasurer to be communicated to state auditor before town shall receive money from state, c. 4, § 47.

Sec. 92. Heads of departments shall file estimates with auditor. 1907, c. 147, § 9. On or before the first Monday of December in each year preceding the session of the legislature, the heads of the various departments, state institutions, commissions and boards of trustees, who are entrusted with the expenditure of public moneys, shall file with the auditor a written estimate in detail of the necessary expenditures of the department, institution or commission, of which they are in charge, for each of the two following years, together with the estimated income, if any, for said several years. This estimate shall be divided into, first, fixed charges; second, other charges; third, extraordinary or unusual expenses. A written statement showing the reason for all estimated expenditures, other than fixed charges, shall be filed with said estimate. Said auditor shall tabulate these

statements under the various heads, and biennially on or before the fifteenth day of January shall submit to the legislature, a report showing these tabulated statements, including the reasons given for estimated expenditures, other than fixed charges, together with an estimate for each of the two following years of the ordinary revenues of the state, and of such other means as the auditor may be able to point out for defraying the expenses of the state, so that said report shall show the estimated revenues and income of the state, and the estimated expenditures of the state for each of the two following years. The three preceding sections and sections eighty-two, eighty-three and eighty-four of this chapter shall not apply to the contingent fund of the governor and council.

Sec. 93. Statement of desired appropriations to be filed with state auditor; state auditor may require reports to be made. 1911, c. 145, § 1. 1915, c. 49. On or before the first Monday of December in each year preceding the session of the legislature, every corporation, not including municipal corporations, and every association and institution, whether public or private, receiving an appropriation from the state, shall file with the state auditor a statement in detail of all moneys, with the reason therefor, for which any general or special appropriation is desired at the ensuing session of the legislature, by such corporation, association or institution. The state auditor, may from time to time, require any such corporation, association or institution to report to him as to such fiscal affairs as he may deem necessary for the proper compilation of the tabulation provided in the following section. Each of the reports and statements of desired appropriation which is made shall be in such form as may be prescribed by the state auditor, and shall be public records.

Sec. 94. Tabulation of statements and reports by state auditor. 1911, c. 145, § 2. On or before the fifteenth day of December in each year, the state auditor shall make a tabulation of such statements and reports, accompanied by comparative data and estimates, together with such comments and a statement of such other matters as he shall deem necessary and proper for the full understanding of such tabulation, and shall transmit such tabulation to the governor and to the legislature on the first day of its session. Such tabulation so transmitted shall also contain a statement of all moneys required by the state auditor, together with the reasons therefor, for which any general or special appropriation is desired by him at the ensuing session of the legislature, together with such comparative and other data as he may deem necessary and proper for the full understanding of the purposes last mentioned.

Sec. 95. Governor and council shall submit estimate to legislature, of expenses of public service, sums for charitable and state institutions; statement of valuation and rate of taxation necessary and income. 1915, c. 299. The governor and council shall submit to each legislature not less than fifteen days after it convenes, an estimate in detail, or a general estimate in any instance where it is impracticable to give specific items, subdivided under appropriate headings, of such sums as may be deemed necessary to defray the several charges and expenses of the public service for the current and succeeding year. This estimate shall also include such sums as may be deemed necessary for charitable and benevolent institutions, new

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buildings or the renovation of old buildings of state institutions, and for such other purposes for which public money may be properly appropriated. It shall be accompanied by a statement showing the total valuation of taxable property in the state as compiled by the board of state assessors and the rate of taxation necessary to produce approximately the revenue required to meet such appropriations. It shall also show the estimated income of the state for said two years from sources other than direct taxation.

Sec. 96. Collection of fees by state officers and their clerks. 1909, c. 250, § 1. All state officers, their clerks or agents, who furnish copies or information from any of the records of the various state departments shall account to the state and pay over to the treasurer of state all fees collected therefor. No state department, commission, board or institution shall be charged for information or copies of records furnished by another state department, commission, board or institution.

Sec. 97. All fees collected shall be paid to the treasurer of state; appropriation of fees received by state board of health. 1909, c. 250, §§ 2, 3; 1913, c. 217. All fees, or other income which may accrue to any institution, department, board or commission of the state, except educational institutions, from whatever source accruing, shall be paid by the official receiving the same, directly to the treasurer of state. Such income shall be credited to the appropriation of the institution to which it accrues and the same is hereby appropriated for the maintenance of such institution; fees and income accruing to any department, board or commission shall be credited, as now provided by law; any fees received by the state board of health or the registrar of vital statistics and paid over to the treasurer of state, shall be added to and made a part of the appropriations for such departments. Such payments shall be made and a detailed statement of the source and amount of such fees or such income shall be filed with the state auditor at the end of each calendar month.

Sec. 98. Payment of bills of state institutions; auditor may make advance on treasurer; auditor may prescribe rules for crediting fees, etc. 1909, c. 250, § 2. 1913, c. 217. All bills of any institution of the state shall be paid by the treasurer of state, on warrants approved by the governor and council, after proper vouchers therefor have been approved by the proper official of the institution or department contracting the same and audited by the state auditor. The auditor may make an advance on the treasurer of state to any institution of the state needing the same, of such sum as he may think necessary, not to exceed two thousand dollars at any one time. The fees or other income accruing to state institutions, except educational institutions, shall be credited, and the bills of such institutions shall be paid, under such regulations as the state auditor may prescribe.

Sec. 99. Charge for service in institutions receiving state aid, regulated. 1913, c. 166. No institution which accepts persons for medical or surgical treatment, in any of its departments, for a stated consideration, and whose financial affairs are not wholly under the control of the state, shall receive from the state treasury any appropriation made by the legislature, or any part thereof, until the state auditor shall be satisfied that the per capita per diem charge of such institution for service in such departments is not less

than the average cost of such service for the preceding year; but nothing herein shall be construed to prevent the acceptance by any institution of a less sum than the face of any bill, in payment of the same, from any individual judged by the managers to be unable to pay the full amount, nor the performance of a gratuitous service for any individual deemed worthy.

Sec. 100. Application of public money. R. S. c. 2, § 20. Money appropriated for the various branches of expenditure in the public service, shall be applied solely to the object for which the appropriation is made.

Sec. 101. State shall pay accounts semi-monthly. 1915, c. 263. On all contracts with the state or any department thereof the state shall make payments on account at least semi-monthly unless otherwise agreed upon. Nothing herein contained shall be construed to relieve the state, its officers, boards and commissioners from paying mechanics, workmen and laborers employed by it or them as provided in section thirty-four of chapter forty-nine.

Sec. 102. Heads of departments not to employ counsel. R. S. c. 2, § 21. No head of any department shall employ counsel or witnesses, at the expense of the state, to appear before any committee of the legislature, without the consent of the legislature.

Sec. 103. No agent or officer of state shall exceed appropriations; penalty. R. S. c. 2, § 22. No agent or officer of the state, or of any department thereof, whose duty it is to expend money under an appropriation by the legislature, shall contract any bill or incur any obligation on behalf of the state in excess of the appropriation, and whoever exceeds in his expenditure said appropriation, shall not have any claim for reimbursement. Any such agent or officer who shall violate the provisions of this section shall upon conviction be fined a sum equal to such excess of appropriation by him expended, and imprisoned in the discretion of the court. All prosecutions under this section shall be by indictment and the fines inure to the state.

Sec. 104. Purchase of supplies by competitive bids. 1911, c. 13. All materials and supplies purchased in wholesale quantities by the state, or on the credit of the state, for any state department or institution, shall be purchased by competitive bids under the direction of the governor and council, whenever in their judgment it is advisable to adopt such a method of purchasing supplies.