

MAINE STATE LEGISLATURE

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SEVENTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED AUGUST 5, 1930, AND TAKING
EFFECT NOVEMBER 10, 1930



By the Authority of the Legislature

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ERRATA

1. Page 60 in headnote of Chapter 2, third line, "Boards" should read "Bonds."
2. Page 454, Line 20, should read "and the said Department may declare any and all of its rules and regulations."
3. Page 534, Section 113, in note, "c. 63" should be "c. 64."
4. Page 549, Section 32, Line 4, should read "templated in the six preceding sections for the building of state aid highways." (See Chap. 28, Sec. 32.)
5. Page 845, Section 4, Line 2 should read "employers who employ five or less workmen or operatives regularly in the same."
6. Page 877, Line 10, change first word "or" to "of."
7. Page 1339, Section 59 in headnote, "count" should read "court."

CHAPTER 2.

Sovereignty and Jurisdiction. State Parks. Public Grounds and Buildings. Legislature. Tenure and Qualification for Office. Secretary of State. Treasurer of State and State Boards. State Auditor. State Budget Committee. Appropriations and Expenditures.

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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. State flag. R. S. c. 2, § 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 ferrule; 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. 3. Flag to be carried by national guard. R. S. c. 2, § 4. 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 of the state; in the upper scroll the official designation of the regiment, and in the lower scroll the inscription, National Guard state of Maine.

Sec. 4. State processes executed in places ceded. R. S. c. 2, § 5. 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. 5. Governor may cede not exceeding ten acres to the United States. R. S. c. 2, § 6. 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. 6. Compensation to owner. R. S. c. 2, § 7. 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-seven.

See c. 27, §§ 4-8.

Sec. 7. Governor may purchase or take land for forts or other purposes, and may cede the same to the United States. R. S. c. 2, § 8. 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. 8. Such land to be surveyed; plan, etc., to be filed and recorded. R. S. c. 2, § 9. 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. 9. Compensation to owner. R. S. c. 2, § 10. The owner of any land or rights, taken as aforesaid, shall have a just compensation therefor, to be determined as prescribed in section six, provided, that application is made within five years after the land is taken.

Sec. 10. Consent of legislature to acquisition by United States of land within the state for public buildings; record of conveyances. R. S. c. 2, § 11. 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

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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.

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

Sec. 11. Jurisdiction ceded to United States over land acquired for public purposes; concurrent jurisdiction with United States retained. R. S. c. 2, § 12. 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 processes 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. 12. Such property not to be taxed. R. S. c. 2, § 13. Lands with the tenements and appurtenances so acquired for the purposes mentioned in section ten 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. 13, § 6, Par. I.

Sec. 13. Proceedings for relinquishment to United States of title to land for erection of lighthouses, forts, etc., when title cannot otherwise be obtained. R. S. c. 2, § 14. 1921, c. 11. Whenever, upon application of an authorized agent of the United States, it is made to appear to any justice of the superior 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 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 weeks, 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 ninety-five, 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. 95, § 21.

Sec. 14. Disposal of the purchase money. R. S. c. 2, § 15. The money so paid into such county treasury shall there remain until ordered to be paid out by a court of competent jurisdiction.

Sec. 15. Treasurer receiving the money to give bond. R. S. c. 2, § 16. The justice 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 justice. 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. 16. Consent to certain acts of United States Coast Survey. R. S. c. 2, § 17. 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. 17. Compensation to owners for use of land. R. S. c. 2, § 18. 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. 18. Report of county commissioners to be filed with superior court; appeal. R. S. c. 2, § 19. The commissioners shall file in the office of the clerk of the superior 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. 19. Tender of amends; costs. R. S. c. 2, § 20. 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. 20. Injury to works. R. S. c. 2, § 21. 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.

Sec. 21. Appropriation for topographic mapping of state; contingent on apportionment of equal amount by United States. 1927, c. 74, § 1. In order to complete the topographic mapping of the state of Maine and to revise existing United States topographical maps of certain areas so that a complete and accurate map of the state may be obtained to meet the urgent needs of the state government, of the federal government, and of all individuals who desire reliable information regarding the natural resources of the state, there shall be

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appropriated the sum of twenty-five thousand dollars (\$25,000) annually for a period of two years, and fifty thousand dollars (\$50,000) annually for seven years thereafter, on condition that the United States government by its duly authorized agents shall apportion an equal amount to be expended for the same purposes within the state.

Sec. 22. When available; unexpended balances. 1927, c. 74, § 2. The sum of twenty-five thousand dollars (\$25,000) shall become available during each of the years nineteen hundred and twenty-seven and nineteen hundred and twenty-eight, and the sum of fifty thousand dollars (\$50,000) shall become available in each year from nineteen hundred and twenty-nine to nineteen hundred and thirty-five, both inclusive. Unexpended balances accruing during the period of nine years shall remain available for the purposes of sections twenty-one to twenty-four inclusive until the topographic mapping of the state is completed.

Sec. 23. Right of entry on lands provided for. 1927, c. 74, § 3. All persons employed in the work of mapping under the provisions of sections twenty-one to twenty-four inclusive are authorized to enter and cross all lands within the state, provided that in so doing no damage shall be done to private property.

Sec. 24. Public utilities commission to have charge of work on behalf of state. 1927, c. 74, § 4. The public utilities commission shall have charge of the work on behalf of the state; and said commission is hereby authorized and directed to enter into such agreements with the director of the United States Geological Survey as will assure the progress of the work in an efficient and economical manner.

Sec. 25. Leases of right to take kelp on submerged lands. 1927, c. 45. The power to lease the right to gather and harvest kelp on the submerged lands and reefs within the jurisdiction of the state, seaward of mean low water mark, and east of sixty-nine degrees forty-five minutes west longitude, is hereby vested in the governor and council who shall have authority to make leases to such persons and upon such terms and for such length of time except as hereinafter limited, as they may prescribe. No lease shall be executed for a period of over thirty years, but any lease executed as herein provided may be renewed by the lessee for a further period to be fixed by the parties. The rental to be paid to the state for these rights shall be not less than three dollars per annum per square mile of territory covered by said lease and shall be determined by the governor and council. The lessee shall file with the secretary of state a plot showing the location of the territory desired to be leased with the boundaries located thereon.

State Parks.

Sec. 26. State Park at Augusta; commission; appointment; duties. R. S. c. 2, § 22. 1929, c. 320, §§ 1, 4, 5, 6, 7. 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, direction and control of a commission of four persons, one of whom shall be the superintendent of public buildings, ex-officio, the other three to be 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. The expenditure of all moneys so received, and of all

legislative appropriations, or funds from any other source, for the maintenance or improvement of said park, or for the erection or preservation of any monuments or structures of any description thereon, shall be under the direction of said commission, whose income and expenditures shall be audited in the manner now provided by law. If, at any time, in the course of their duties, said commission shall be equally divided, for and against any proposition, and unable to agree, the matter shall be referred to the governor and council, whose decision thereon, after hearing, shall be final. All equipment of the state in charge of the superintendent of public buildings which is adapted for use on said park shall be available, free of charge, to said commission.

Said commission may, from time to time, establish such rules and regulations as they deem necessary for the protection and preservation of said park, and of the monuments or structures erected thereon. Before promulgating the same, they shall be submitted to the governor and council for approval, and if so approved shall then be submitted to the attorney-general, and if he shall certify that in his opinion they are in conformity with law, they shall thereupon, together with paragraphs three and four of this section, be published once a week for two successive weeks in the state paper, and posted in at least four places on said park, whereupon they shall take effect. A certificate of such publication and posting shall be executed by one of the members of said commission, and filed with the secretary of state, who shall record the same.

Whoever violates any of the rules and regulations of said commission, promulgated in conformity with the provisions of paragraph two of this section, shall be punished by a fine of not more than one hundred dollars and costs, or by imprisonment for not more than sixty days, or by both said fine and imprisonment.

Whoever wilfully mutilates, defaces or destroys any notice, rule or regulation of said commission, posted in conformity with the provisions of paragraph two of this section, shall be punished by a fine of not more than fifty dollars, or by imprisonment for not more than thirty days, or by both said fine and imprisonment.

The municipal court of the city of Augusta shall have, upon complaint, original and concurrent jurisdiction with all higher courts within the county of Kennebec in all prosecutions arising under this section.

Sec. 27. Certain state parks. 1925, c. 183. 1927, cc. 90, 169. 1929, c. 217. All that portion of the state lands comprising Fort Machias at Machiasport; Fort Knox at Prospect; Fort Edgecomb at Edgecomb; Fort St. George's at St. George; Fort McClary at Kittery; Fort Baldwin, Fort Popham, and the North and South Sugar Loaf Islands at Phippsburg; Fort William Henry at Pemaquid, including all the property in Pemaquid to which the state now has title; the lot of land conveyed to the state of Maine by the First Maine Heavy Artillery Association, situated in Petersburg in the state of Virginia; and all that portion of the public land situated in Bangor on the west side of Essex Street and near land formerly owned by Samuel Eastman, and known as State Arsenal lot and land, shall be maintained as public parks under the supervision, direction, and control of the governor and council. The governor and council are hereby authorized to receive moneys by gift or legacy and shall hold and expend the same as trustees for the purposes stated in this section, and an annual report of the same shall be made to the state auditor, who shall audit the same.

Sec. 28. State park at Kittery. 1927, c. 84. The state park at Kittery, situate between Hunter Avenue and Newmarch Street and between Water and

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Government Streets in the town of Kittery, county of York, shall forever be known and designated as "John Paul Jones Memorial Park" in memory of the commander of the first American warship.

Public Grounds and Buildings.

Sec. 29. Superintendent of public buildings; appointment and duties. R. S. c. 2, § 23. 1929, c. 320, § 2. 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, or by substitute, 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.

The provisions of this section shall not apply to the state park east of the capitol, which is under the exclusive supervision, direction and control of the state park commission, as provided in section twenty-six of this chapter.

See c. 125, §§ 26, 56.

Sec. 30. Additional duties of superintendent of public buildings. 1923, c. 117. 1929, c. 320, § 3. In addition to the duties specified in the preceding section the superintendent of public buildings shall have charge of the John Paul Jones Memorial Park at Kittery, the adjutant-general's office buildings, the Blaine Mansion and its grounds, the Blaine memorial, and all other property of the state within the limits of the city of Augusta, except the state park, the Augusta State Hospital, the garage connected with the highway department, and the property of the military department.

See c. 125, § 26.

Sec. 31. Room reserved for representatives of the press. R. S. c. 2, § 24. Room eighty-two, on the fourth floor of the state house, known as the pharmacy and dentistry room, shall be maintained and reserved, during 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 forty-two of this chapter; the superintendent of public buildings shall see that such room is properly furnished, lighted, heated, and kept in order.

Sec. 32. Competitive bids for building contracts. R. S. c. 2, § 25. 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. 33. Advertisements for sealed proposals; bond. R. S. c. 2, § 26. 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. 34. Insurance on public buildings and property. R. S. c. 2, § 27. 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. 35. Insurance money available for replacement. R. S. c. 2, § 28. 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. 36. Certified rolls of members elect. R. S. c. 2, § 29. 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. 37. Senate; organization. R. S. c. 2, § 30. 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 convention to fill vacancies, until a quorum appear and are qualified and a president is elected.

Sec. 38. House of representatives; organization. R. S. c. 2, § 31. 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.

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Sec. 39. In absence of secretary or clerk, assistants to act. R. S. c. 2, § 32. 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. 40. Records of senate; amendments. R. S. c. 2, § 33. 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. 41. Records of the house; amendments. R. S. c. 2, § 34. 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. 42. Rights and privileges of representatives of the press defined; to have no interest in private claims. R. S. c. 2, § 35. 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.

Legislative Counsel and Agents.

Sec. 43. Registration of legislative counsel and agents and of employers of same. 1919, c. 100, § 1. Any person or persons accepting employment to act as legislative counsel or agent to promote or oppose, directly or indirectly, legislation by the legislature shall within forty-eight hours after such employment cause his or their name or names to be entered upon a docket as herein-after provided, and all employers of such legislative counsel or agents shall also within the same time cause their names to be entered upon the same docket as hereinafter provided.

Sec. 44. Registration docket; kept by secretary of state; open to public inspection. 1919, c. 100, § 2. The secretary of state shall prepare and keep a docket for the registration of legislative counsel or agents and of their employers, which docket shall be open to public inspection during the office hours of said secretary of state and shall contain the names of legislative counsel and agents and of their employers, the addresses of each, the date and subject matter of the employment, and, by appropriate words, a designation of whether such employment is as counsel or agent or both. Such docket shall be so arranged and indexed that under the name of each employer shall appear the names of all legislative counsel or agents employed by him and that the name or names of each employer represented by any counsel or agent shall appear under the name of such counsel or agent.

Sec. 45. Compensation not to be contingent. 1919, c. 100, § 3. No person shall be employed as a legislative counsel or agent for compensation dependent upon a contingency.

Sec. 46. Terms "legislative counsel" and "legislative agent" defined. 1919, c. 100, § 5. The term "legislative counsel" as used in sections forty-three to forty-eight inclusive of this chapter shall be construed to mean any person who

for compensation appears at any public hearing before committees of the legislature in regard to proposed legislation. The term "legislative agent" as used in said sections shall be construed to mean any person, firm, association, or corporation that for hire or reward does any act to promote or oppose proposed legislation except to appear at public hearings before committees of the legislature, and shall include all persons who for compensation shall approach individual members of the legislature or members elect thereof with the intent in any manner, directly or indirectly, to influence their action upon proposed legislation.

Sec. 47. Application of terms. 1919, c. 100, § 6. The provisions of sections forty-three to forty-eight inclusive of this chapter shall not apply to state, county, municipal or quasi-municipal officials, or their regularly elected or appointed subordinates, who act for no compensation other than their ordinary salary or compensation as such public officials or subordinates.

Sec. 48. Penalties for violation. 1919, c. 100, §§ 4, 7. Whoever violates any provision of sections forty-three to forty-six inclusive shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, and the attorney-general shall cause prosecutions to be instituted for the violation of any of the provisions of said sections. Any person, firm, or corporation who shall falsely enter upon the docket aforesaid the name or names of any person or firm as his or their legislative counsel or agent shall be punished by a fine of one hundred dollars and shall be answerable in damages to the person or firm whose name or names has been so falsely entered.

Notice of Petitions for Legislation.

Sec. 49. Notice of petitions affecting individuals or corporations. R. S. c. 2, § 36. 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 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. 50. Notice of petitions affecting town or county. R. S. c. 2, § 37. 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. 51. If no notice, petition to be referred. R. S. c. 2, § 38. 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. 52. Service; proof. R. S. c. 2, § 39. 1929, c. 313. Service of notice of such petitions may be made by any sheriff or constable, 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.

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Sec. 53. Notice of petitions for special legislation pertaining to fish and game. R. S. c. 2, § 40. Notice of petitions, bills, or resolves for special legislation, regarding or in any manner pertaining to fish or game, shall be given 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 Office and Qualification of Officers.

Sec. 54. Tenure of office. R. S. c. 2, § 41. 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; 119 Me. 285.

Sec. 55. Dedimus justices, how appointed. R. S. c. 2, § 43. 1921, c. 51. The governor, with the advice and consent of the council, may appoint in every county persons who shall be designated as dedimus justices, 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.

Sec. 56. Certain officers to take oath before the governor and council; others before member of council or magistrate. R. S. c. 2, § 44. The justices of the supreme judicial court and of the superior 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. 57. Officers to give new bonds when required, or office deemed vacant. R. S. c. 2, § 45. 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.

Sec. 58. Officers to qualify within thirty days, or office deemed vacant. 1929, c. 150. All public officers appointed by the governor and council shall, within thirty days after being commissioned, qualify to perform the duties of their office and the certificate of such qualification shall be filed in the office of the secretary of state. Any such officer who fails to qualify and file a certificate of qualification in the office of the secretary of state within thirty days, as above provided, shall be deemed to have forfeited his appointment and the office may be declared vacant by the governor and council and a new appointment made.

Official Residence and Office of Governor.

Sec. 59. Official residence of governor; office hours; private secretary. R. S. c. 117, §§ 1, 2. The governor shall have his official residence at Augusta during his term of office, and shall keep his office at the state house open, either personally or by his private secretary, for the transaction of the business of the state during four business days of each week.

The private secretary of the governor shall devote his entire time to the duties of his office.

Secretary of State.

Sec. 60. Secretary of state; office and duties; vacancy, how filled. R. S. c. 2, §§ 46, 47. 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. When a vacancy happens in the office of secretary of state 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.

Sec. 61. Bond. R. S. c. 2, § 48. 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. 125, § 56.

Sec. 62. Account of fees. R. S. c. 2, § 49. 1921, c. 69. He shall keep an accurate account of all fees received by him in his office, and shall annually, on July first, make return thereof, under oath, to the governor and council, and pay the amount of such fees to the treasurer of state.

See c. 126, § 11.

Sec. 63. To furnish lists of appointments of magistrates to registers of probate and clerks of courts. R. S. c. 2, § 50. 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

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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. 64. Clerks of courts to keep lists of appointments; effect of lists and certificates as evidence. R. S. c. 2, § 51. 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. 65. Secretary to notify officers appointed and to issue commissions. R. S. c. 2, § 52. 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. 66. To prepare commissions, record qualifications, engross bills. R. S. c. 2, § 53. 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. 67. To cause public laws to be printed in newspapers. R. S. c. 2, § 54. 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. 68. To prepare tables and index of laws. R. S. c. 2, § 55. 1927, c. 89. 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, and in addition thereto shall make a complete index of all public laws passed subsequent to the last revision of the statutes. The tables and index 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. 69. To distribute blanks for election returns; penalty for neglect. R. S. c. 2, § 56. 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. 8, § 66.

Secretary of state to furnish copies of law relating to registration of dogs, c. 5, § 164; copies of law forbidding sale of votes, c. 8, § 99; returns for election of presidential electors, c. 8, § 66; blank applications for license to solemnize marriages, c. 72, § 11.

Duties of secretary of state as to primary elections, c. 7, § 9, et seq; official ballots, c. 8, § 5, et seq; voting machines, c. 8, § 37; absent voting law, c. 9, § 3; corrupt practices law, c. 10, § 7; registration of physicians and surgeons, c. 21, § 13; registration of dentists, c. 21, § 27; registration of osteopaths, c. 21, § 61; registration of chiropractors, c. 21, § 72; motor vehicle law, c. 29, §§ 29 et seq; circus parades, c. 37, § 2; registration of public accountants, c. 45, § 8; itinerant vendors, c. 46, §§ 14, 15, 23, 24; corporations under special charter, c. 56, § 5; corporations under general law, c. 56, § 10; corporations returns, c. 56, §§ 38, 42; foreign corporations, c. 56, §§ 108, 109, 112; savings banks, c. 57, § 11; trust and banking companies, c. 57, § 66; loan and building associations, c. 57, § 99; cooperative marketing associations, c. 59, § 7; recording conditional contracts for railroad equipment, c. 64, § 100; aircraft, c. 30, § 4; corporations without capital stock, c. 70, § 4.

Secretary of state forbidden to draft any instrument which he is by law required to record, c. 15, § 14.

Treasurer of State and State Bonds.

Sec. 70. Treasurer of state; office; bond. R. S. c. 2, § 57. 1921, c. 193. 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. Provided that each surety or surety company shall give bond for only a fractional part of the total penal sum and shall be held responsible for its proportional share of any loss.

*52 Me. 551.

Sec. 71. Condition of treasurer's bond. R. S. c. 2, § 58. 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 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. 72. Premiums on bonds of treasurer and clerks to be paid by state. R. S. c. 2, § 59. 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. 73. Treasurer not to use or receive money from state treasury or credit. R. S. c. 2, § 60. 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

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by law, on pain of forfeiting a sum equal to the amount so used or loaned, to be recovered by indictment.

See § 93. 52 Me. 551; 69 Me. 367.

Sec. 74. Attorney-general to prosecute for violation of preceding section. R. S. c. 2, § 61. 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. 75. Relating to deposit of state funds; limitations. R. S. c. 2, § 62. 1917, c. 92. 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. No sum exceeding an amount equal to twenty-five per cent of the capital and surplus of any one bank or banking institution shall be deposited therein. The above restriction shall not apply to deposits actually made to meet the payment of any bonded debts or interest or warrants of the governor and council.

52 Me. 551; 69 Me. 367.

Sec. 76. Treasurer to prepare monthly exhibits. R. S. c. 2, § 63. 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. 77. To state in report time of receipt from forest commissioner. R. S. c. 2, § 64. 1923, c. 196. His report shall state the time when each sum was received of the forest commissioner and the amount of it.

Sec. 78. Relating to investment of sinking funds. R. S. c. 2, § 65. 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 reinvested in like manner.

Sec. 79. Register of investments and treasurer's report. R. S. c. 2, § 66. 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. 80. Registered bonds. R. S. c. 2, § 67. 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. 81. Equivalent bond to be issued on assignment. R. S. c. 2, § 68. 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. 82. Cancellation and registry of old bonds. R. S. c. 2, § 69. 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. 83. Bonds in state treasury, how indorsed. R. S. c. 2, § 70. Every United States or other bond when received into the treasury shall immediately be endorsed 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. 84. Coupon bonds of sinking fund to be converted into registered bonds. R. S. c. 2, § 71. All coupon bonds issued by the state belonging to any sinking fund of the state shall be converted into bonds registered in 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. 85. Purchase of unmatured bonds of state. R. S. c. 2, § 72. 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. 86. Permanent funds held in trust by state, how invested; exception of farm loan funds. 1923, cc. 170, 222, § 2. 1929, c. 273, § 2. The treasurer of state shall hereafter invest all permanent funds held in trust by the state in the legal obligations of the United States of America; the states of Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, and Pennsylvania; and the bonds of the several counties, cities, and towns in the several states above named which are the direct legal obligation of said counties, cities, and towns; or may deposit the same on time deposit in banks or trust companies organized under the laws of this state, or of the United States, and not otherwise; provided, however, that this requirement shall not extend to the fund arising from the lands reserved for public uses, which shall continue to be used for the purposes set forth in chapter fifty-eight.

Sec. 87. Auditor and treasurer to establish state trust fund. 1929, c. 189. The state auditor and state treasurer shall open on their books an account to be known as the "State Trust Fund." Said fund shall consist of and there shall be credited thereto on the first day of July in each year, the balance in excess of one million dollars which has been paid into the state treasury from inheritance taxes during the fiscal year ending June thirty, prior thereto.

The state treasurer shall as soon as practicable subsequent to July first in each year, transfer the funds in said State Trust Fund to the several trust funds of the state which were created or originated prior to July seventh, nineteen hundred twenty-three, and which are not now represented by assets specifically segregated in the state treasury. The order and amount of distribution of such state trust funds between the several trust funds hereinbefore referred to shall be determined by the state auditor subject to the approval of the gover-

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nor and council. The state treasurer shall, as soon as practicable after such segregation, invest said funds in accordance with the provisions of section eighty-six, and thereafter preserve the identity of such separate trusts.

The provisions of this section shall not extend to the fund arising from the lands reserved for public uses, which shall continue to be used for the purposes set forth in sections one to eleven inclusive of chapter fifty-eight.

Sec. 88. Indemnity bonds deposited in state treasury. R. S. c. 2, § 73. 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. 89. Temporary loan by state. 1917, c. 204. 1925, c. 177. The treasurer of state is authorized, in any year in which he and the governor and council may deem the same necessary, to negotiate a temporary loan in anticipation of and pending the receipt of taxes levied for such year, and of the proceeds of bonds authorized to be issued, as provided by article nine, section fourteen, of the constitution of Maine, as amended by article forty-two of the constitution. The treasurer of state and the governor and council are hereby authorized and directed to pay such loan during such year, and, for the purpose of such loan and the payment thereof there is hereby appropriated for any year in which the treasurer of state and the governor and council may deem it necessary to borrow as aforesaid, the sum of eight hundred thousand dollars.

Sec. 90. Treasurer to issue warrants for taxes. R. S. c. 2, § 79. 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 fourteen.

See c. 11, § 71.

Sec. 91. To report delinquent officers. R. S. c. 2, § 80. 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.

Sec. 92. Audit of contingent fund of state. R. S. c. 2, § 75. 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.

69 Me. 367.

Sec. 93. Governor and council may hear complaints against treasurer; may remove him and declare office vacant. R. S. c. 2, § 74. 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 seventy-three, 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. 94. Governor and council may require a new bond. R. S. c. 2, § 76. 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. 95. May appoint a commissioner to fill vacancy. R. S. c. 2, § 77. 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. 96. Inventory for commissioner. R. S. c. 2, § 78. 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.

State Auditor.

Sec. 97. State auditor, election; bond; qualifications; appointment to fill vacancy. R. S. c. 2, § 81. 1921, c. 172. A state auditor who shall be a competent accountant 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. 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. 125, § 62.

Sec. 98. Duties relative to auditing accounts. R. S. c. 2, § 82. 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 accounts 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

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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. 123, § 11.

Sec. 99. Filing bills and vouchers. R. S. c. 2, § 83. 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. 100. To account for receipts and expenditures; to have access to books and papers; to supervise accounting by departments, institutions, commissions, and trustees. R. S. c. 2, § 84. 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.

See c. 5, §§ 97-106.

Sec. 101. State contingent fund; amount; how made up; may be increased by appropriations. R. S. c. 2, §§ 85, 86. 1917, c. 226, § 1. 1921, c. 96. 1925, c. 164, § 1. The state auditor and treasurer of state shall open on their books an account to be known as the state contingent fund which shall not, except as hereinafter provided, exceed three hundred thousand dollars. Said fund shall consist of, and there shall be transferred and credited thereto to the extent permitted by said limitation, 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. To the extent permitted by said limitation, there shall also be credited to said account on the first day of July 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, and, in the discretion of the governor and council, balances of unexpended appropriations which exist on the first day of July of each year and which are not continued by law, except such as relate to the issue and payment of state bonds, temporary loans or special funds in the state treasury department. The state contingent fund may be increased from time to time by direct legislative appropriations, but such appropriations, if made for specific purposes, shall be separately accounted for.

Sec. 102. Sinking fund reserve, how made up; to be applied to payment of outstanding obligations of state. 1925, c. 164, § 2. The state auditor and treasurer of state shall also open on their books an account to be known as the sinking fund reserve, to which shall be transferred and credited all sums of money at any time found in the state contingent fund in excess of three hundred thousand dollars plus the amount of special legislative appropriations. All sums derived from all the sources mentioned in the preceding section which may not be credited to said state contingent fund because of the limitation recited in said section shall also be credited to said reserve. Said sinking fund reserve shall, upon the first day of July in each year or as soon thereafter as the amount thereof can be ascertained, be set aside as a sinking fund, to be added to from year to year in like manner to be applied to the payment of outstanding obligations of the state, and to the purchase of outstanding, unmatured bonds of the state in the manner provided in section eighty-five of this chapter.

Sec. 103. Contingent fund, how to be expended; conditions and limitations. R. S. c. 2, § 87. 1917, c. 226, § 2. 1919, c. 209. 1921, c. 96. 1925, c. 164, § 3. When authorized by the governor, with the advice and consent of the council, warrants may be drawn upon, charged to, and paid out of said state contingent fund for the purposes and to the extent of any special appropriations thereto made by the legislature, and to pay outstanding bills or accounts that were properly chargeable to the several appropriations for the previous fiscal year ending the thirtieth day of June preceding the time of payment; to pay outstanding bills necessarily contracted by state departments or state institutions for which, on account of circumstances arising subsequent to the legislative appropriations for such departments and institutions, the legislature failed to make sufficient provision; to pay such other expenses as may be necessarily incurred under any requirement of law or for the maintenance of government within the scope existing at the time of the previous session of the legislature or contemplated by laws enacted thereat; and to pay bills arising out of some emergency requiring an expenditure of money not provided for by the legislature. So much of said state contingent fund as may be necessary for said purposes is hereby appropriated to pay such bills and expenses and for said purposes. No amount shall be expended from or charged to said fund in any year in excess of the sum of three hundred thousand dollars plus any special legislative appropriations thereto.

Sec. 104. Warrants to be supported by vouchers and audited; report of state auditor relating to contingent fund and sinking fund reserve. R. S. c. 2, § 88. 1925, c. 164, § 4. Warrants drawn upon said state contingent fund shall be

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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 or account thereby created except by special authority of the legislature. The state auditor shall submit to the legislature as soon as possible after it convenes a statement showing the amounts in said state contingent fund and in said sinking fund reserve, together with a detailed statement of the expenditures charged against said state contingent fund.

Sec. 105. State auditor to examine books of treasurer of state; books to be open for inspection. R. S. c. 2, § 89. The state auditor shall annually, in the month of July, 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 and council, and which are consistent with the provisions of sections ninety-seven and succeeding sections 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. 106. Report to legislature, contents. R. S. c. 2, § 90. 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 thirtieth day of each June. 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. 107. Report to show statement of public debt and of temporary loans. R. S. c. 2, § 91. 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.

Budget Committee.

Sec. 108. Budget committee, personnel; duties; compensation. 1919, c. 102, § 1. 1929, c. 321. The governor, state auditor, treasurer of state, one member of the senate and one member of the house of representatives, together with the governor-elect, if he is a different individual from the governor, are hereby constituted a committee to be known as the "Committee on Budget." The member from the senate shall be selected by the president of the senate and the member

from the house shall be selected by the speaker of the house. 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, if such member is to serve as a member of the next succeeding legislature; otherwise it shall be some other member of such committee who is to serve as a member of the next succeeding legislature; otherwise it shall be some other member of the senate and house respectively who is to serve as a member of the next succeeding legislature. Any vacancy in the legislative members of the budget committee shall be filled by the original appointing power unless there shall be a vacancy in the office of the president of the senate or speaker of the house respectively, in which case the vacancy in the budget committee shall be filled by the governor by appointment from the membership of the legislature. The governor shall be the chairman of the committee and the auditor its secretary. The secretary shall keep the minutes of the committee and shall record them in a suitable book to be kept for that purpose in the office of the state auditor. The minutes of the committee shall be a public record and shall at all times be open to public inspection. The members of the committee shall be paid the necessary expenses incurred in the performance of their duties under this act, and in addition thereto the legislative members shall receive five dollars a day for the time actually spent in the performance of their duties hereunder while the legislature is not in session. The secretary of the committee is hereby authorized to expend such sums as he may require for clerical assistance in carrying out the provisions of this section, not to exceed five hundred dollars in each biennial period.

Sec. 109. Heads of departments, state institutions, commissions and boards of trustees to file statements and estimates with secretary of committee. R. S. c. 2, § 92. 1917, c. 240, § 1. 1919, c. 102, § 2. During the month of October in each even year there shall be filed with the secretary of the committee on budget by each individual, by the heads of departments, state institutions, commissions, and boards of trustees, who are intrusted with the expenditure of public money, upon forms prepared and furnished by the committee, written statements showing in detail the amounts appropriated and expended for the current biennial fiscal period ending on the thirtieth day of June preceding, and a written estimate of the necessary expenditures of the department, institution, commission, or board, for each of the two following years ending on June thirtieth, together with the estimated income, if any, arranged in proper manner in detail by classification and by proper summaries as may be required by the committee. A written statement showing the reason for all estimated expenditures, other than fixed charges, shall be filed with statement of appropriations and expenditures.

Sec. 110. Corporations and associations desiring state aid to file statements, R. S. c. 2, § 93. 1917, c. 240, § 2. 1919, c. 102, § 3. During the month of October in each even year there shall be filed with the secretary of the committee, by every corporation, not including municipal corporations, every association, board, and institution, whether public or private, receiving or requesting an appropriation from the state, upon forms prepared and furnished by the committee, a statement in detail of all money, 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, and such statement of desired appropriations as well as any reports required shall be and remain public records.

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Sec. 111. Meetings of committee; public hearings; budget to be for two ensuing fiscal years. 1919, c. 102, § 4. The committee shall meet on the third Tuesday in November of each even year at the state capitol, and shall thereupon proceed to prepare estimates, for the budget, of the amounts required to be appropriated by the legislature for the conduct of the business of the state in all its offices, institutions, departments, and undertakings for the biennial fiscal period next ensuing. Before making up such estimates the committee shall examine all statements and requests for appropriations on file with its secretary, and shall afford to the officers, boards, and commissions presenting such statements, and making such requests, reasonable opportunity for explanation in regard thereto, and whenever requested shall grant to such officers, boards, or commissions, and to citizens having information a hearing thereon. All such hearings shall be open to the public. The committee, or any member or members thereof upon vote of the committee, may visit any department, institution, or undertaking for which an appropriation is requested, for the purpose of examination and investigation, and the committee shall also hold such public hearings as in its judgment may be deemed advantageous for the purpose of preparing such estimates. As a part of the budget shall be included an estimate of the revenues of the state expected to be received during the ensuing biennial fiscal period, together with a report of the expenditure of state funds during the current biennial fiscal period in detail, so far as advisable. Said estimates, together with such recommendations, reasons, and explanations with regard to such estimates as shall be deemed necessary by the committee, shall be the budget for the ensuing biennial fiscal period.

Sec. 112. Budget to be transmitted to legislature; statements, estimates, etc., to be filed when requested. R. S. c. 2, §§ 94, 95. 1917, c. 240, § 3. 1919, c. 102, § 5. The committee shall transmit to the legislature, not later than the fifth day of the first session thereof, the budget as above, and upon request of any committee of the legislature the secretary of the committee on budget shall transmit to such committee of the legislature all statements, estimates, and requests which were filed with said secretary by officers, boards, and commissions as required by sections one hundred nine and one hundred ten of this chapter, or copies thereof.

Sec. 113. How the budget shall be made up. R. S. c. 2, § 95. 1919, c. 102, § 6. In making up the estimates, constituting the budget, the committee shall, in connection therewith and as a part thereof, submit 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 ensuing biennial fiscal period. This estimate shall also include such sums as may be deemed necessary for charitable and benevolent institutions, new 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 biennial fiscal period from sources other than direct taxation.

Appropriations.

Sec. 114. State auditor to prepare biennially statement of emergency expenditures for use of legislature. 1917, c. 172, § 1. The state auditor shall in

the month of December before the assembling of each biennial session of the legislature prepare, and shall present to the legislature on the first day of its session, an estimate in detail, based upon the appropriations of the two preceding years, of the cost of the session of the legislature, of all salaries fixed by law, of the general departmental expenses of the state government, and of the ordinary current expenses or maintenance of the state institutions, which may be required for the period prior to the adjournment of such legislature.

Sec. 115. Such appropriations to be made with emergency clause attached. 1917, c. 172, § 2. The legislature shall forthwith appropriate, with the emergency clause, as necessary, sums sufficient to meet such costs and expenses and the treasurer of state is authorized to pay the same, upon warrants drawn by the governor and council, from any moneys in the treasury not otherwise appropriated, such payments to be charged to the regular appropriations for the same when made, or from the proceeds of any temporary loan.

Sec. 116. Application of public money. R. S. c. 2, § 100. 1925, c. 163, § 2. 1927, c. 173. 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, except as provided in the following section.

Sec. 117. Transfers of unexpended appropriations on recommendation of state auditor. 1925, c. 163, § 2. 1927, c. 173. Any balance of any appropriation or subdivision of an appropriation made by the legislature for any state department or state institution, which at any time may not be required for the purposes named in such appropriation or subdivision may, upon recommendation of the state auditor, be transferred by the governor and council to any other appropriation or subdivision of an appropriation made by the legislature for the use of the same department or the same institution for the same fiscal year.

Sec. 118. Appropriations for construction of buildings, highways, and bridges to be carried forward to next fiscal year; unexpended balances to revert. 1925, c. 163, § 1. All appropriations by the legislature for the construction of buildings, highways, and bridges shall constitute continuous carrying accounts for the purposes designated by the legislature in such appropriations and the state auditor is hereby authorized to carry forward all such appropriations to the succeeding fiscal year; provided, however, that the construction shall have been begun by the letting of a contract or contracts or by actually starting the work during the year for which the appropriation was made, and provided further that any balance remaining after the completion of the object of the appropriations shall revert to general income in the state treasury or to the fund from which it was apportioned under existing provisions of law.

Fees and Expenditures.

Sec. 119. Collection of fees by state officers and their clerks. R. S. c. 2, § 96. 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. 120. Fees collected to be paid to treasurer of state; fees of certain departments to be added to appropriation. R. S. c. 2, § 97. All fees, or other income which may accrue to any institution, department, board, or commission

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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. 121. Bills of state institutions; advances to state institutions and departments; regulations as to fees and income. R. S. c. 2, § 98. 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. 122. Charitable and benevolent institutions to submit itemized bills. 1917, c. 114, § 1. No part of any appropriation made by the state for the care, treatment, support, or education of any person in any charitable or benevolent institution not wholly owned or controlled by the state shall be paid until duly itemized bills, showing the name of the person cared for, the date on which the service was rendered, and the rate charged therefor per day or week, shall have been audited and certified by the state auditor as prescribed by section ninety-eight.

Sec. 123. Bills for services to be accompanied by certificate of department of public welfare. 1917, c. 114, § 2. 1927, c. 48. No such bill shall be allowed by the state auditor unless it bears a certificate of the department of public welfare or its secretary, showing that satisfactory evidence has been filed in its office by the institution furnishing the service that the persons receiving care were in need of such treatment, support, or education; that they were not able to pay for the same; that the rates charged are not greater than those charged to the general public for the same service, and that the rates charged to those who are able to pay are not less than the cost of the service rendered.

Sec. 124. Person aided not to be deemed a pauper. 1917, c. 114, § 3. No person shall be deemed a pauper by reason of having received the benefit of any funds, either state or municipal, which shall have been expended in his behalf under the provisions of sections one hundred twenty-two to one hundred twenty-five inclusive of this chapter, for care, support, medical or surgical treatment, or education.

Sec. 125. State auditor and department of public welfare to furnish blank forms. 1917, c. 114, § 4. 1927, c. 48. The state auditor shall prescribe and furnish such blank forms as are necessary for rendering the bills designated in section one hundred twenty-two of this chapter, and the department of public welfare shall prescribe such regulations and furnish such blank forms as are necessary for carrying out the provisions of section one hundred twenty-three of this chapter.

Sec. 126. State to pay accounts semi-monthly. R. S. c. 2, § 101. 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-nine of chapter fifty-four.

Sec. 127. Heads of departments not to employ counsel. R. S. c. 2, § 102. 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. 128. No agent or officer of state to exceed appropriations; penalty. R. S. c. 2, § 103. 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. 129. Purchase of supplies by competitive bids. R. S. c. 2, § 104. All materials and supplies purchased in wholesale quantities by the state, or on the credit of the state, or 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.