

MAINE STATE LEGISLATURE

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REVISED STATUTES
OF THE
STATE OF MAINE
1954

1963 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

VOLUME 1

Discard Previous Supplement

THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA
1963

State Police Retirement System.

Sec. 22-A. Military leave credits.—No credits toward retirement under the provisions of section 22 shall be allowed to any member of the state police in military service beyond the period of first enlistment or induction into the armed forces of the United States unless the individual involved is compelled to continue service under some mandatory provision. (1957, c. 86.)

Sec. 22-B. Repealed by Public Laws 1957, c. 429, § 7.

Editor's note. — The 1957 act repealing identical to those of the repealed section, this section became effective on its ap- sec § 23-A. proval, October 31, 1957. For provisions

Sec. 23-A. Occupational disability.—Upon the filing with the chief of the state police of an application by a member of the state police in service and upon the determination by the chief that he has incurred permanent disability as a result of injuries received in the line of duty, such member may be retired on a disability retirement allowance equal to $\frac{1}{2}$ of the pay per year that is paid to a member of his grade at the time of his disability. A medical board of 3 physicians, designated by the chief of the state police, after a medical examination of such member of the state police, shall first certify that such member is mentally or physically incapacitated for further performance of duty, that such incapacity is likely to be permanent and that he should be retired.

The provisions of this section shall apply only to persons who were members of the state police on July 9, 1943. (1957, c. 429, § 8.)

Effective date. — The 1957 act adding this section became effective on its ap- proval, October 31, 1957.

Chapter 15-A.

Department of Finance and Administration. Budgeting. Accounts and Control. Public Improvements. Purchasing.

- Sections 1- 3. Department of Finance and Administration.
- Sections 4-16. Bureau of the Budget.
- Sections 17-23. Bureau of Accounts and Control.
- Sections 24-33. Bureau of Public Improvements.
- Section 33-A. Construction Reserve Fund.
- Sections 34-42. Bureau of Purchases.
- Sections 43-44. Automobile Travel by State Employees.
- Section 45. Bonds of State Officials and Employees.
- Section 45-A. Construction Reserve Fund.
- Section 46. Departments to Exchange Information and Records without Cost.
- Section 47. Disposition of Uncollectible Accounts.
- Section 48. Fiscal Year.
- Section 49. Petty Cash Funds.
- Section 50. Return of Working Capital Advances.
- Section 51. State Contingent Account.
- Section 52. State Funds Eliminated.
- Section 53. Weekly Payment of Salaries or Wages.
- Section 54. Financial Reports of Federal Funds.
- Sections 55-60. Public Ways and Parking Areas.

Editor's note.—Sections 8, 9, 10 and 11 departmental garage shall be discontinued of P. L. 1957, c. 340, provided as follows: at the close of business on August 31, "Sec. 8. Departmental garage opera- 1957. tions discontinued. The operations of the At the close of business on August 31,

1957, the motor transport division of the state highway commission shall purchase, take title to and pay for the motor vehicles of the departmental garage not on requisition to agencies, commissions and departments of the state government other than the state highway commission and such other equipment and supplies of the departmental garage as the state highway commission may deem usable in the operations of the motor transport division.

The purchase price to be paid by the motor transport division of the state highway commission to the working capital fund of the departmental garage for the motor vehicles, equipment and supplies acquired by the motor transport division under the provisions of this section shall be the net book value thereof as determined from the records of the departmental garage at the close of business on August 31, 1957.

Motor vehicles, equipment and supplies of the departmental garage not acquired by the motor transport division of the state highway commission under the provisions of this section shall be transferred to other agencies, commissions and departments of the state government having need therefor, or otherwise disposed of by the state purchasing agent in a manner satisfactory to the governor and the commissioner of finance and administration.

Pending the final disposition of the motor vehicles, equipment and supplies not acquired by the motor transport division of the state highway commission, the motor transport division shall furnish storage space therefor in a location and under conditions satisfactory to the state purchasing agent.

The accounts of the departmental garage shall remain open on the books of the state until June 1, 1958, to provide sufficient time for the liquidation of all claims against and the collection of all moneys due the working capital fund of the departmental garage. As soon as practicable after June 1, 1958, the state controller shall transfer the cash balance in the working capital fund of the departmental garage to the unappropriated surplus account of the general fund and close the accounts of the departmental garage working capital fund.

The state highway commission is hereby authorized to allocate from the unappropriated surplus of the general highway fund to the working capital fund of the motor transport division an amount not

to exceed the purchase price of the motor vehicles, equipment and supplies acquired from the departmental garage under the provisions of this section."

"Sec. 9. Legislative intent. It is the intent of the legislature that this act shall in no way affect the tenure of office of the present commissioner of finance and administration or such departmental personnel as may be determined by the commissioner to be essential to the efficient operation of the department.

With respect to the year end closing at June 30, 1957, all encumbered balances of the superintendent of public buildings shall be credited to the appropriation for the bureau of public improvements and all appropriations to the superintendent of public buildings made by the 98th legislature shall be credited to the appropriation for the bureau of public improvements.

With respect to the year end closing at June 30, 1957, all encumbered balances of the continuing property records division of the bureau of accounts and control shall be credited to the appropriation for the bureau of public improvements and all appropriations to the bureau of accounts and control made by the 98th legislature for the operation and maintenance of the continuing property records division shall be credited to the appropriation for the bureau of public improvements.

With respect to the year end closing at June 30, 1957, all encumbered balances of the budget office division of the department of finance and administration shall be credited to the appropriation for the bureau of the budget and all appropriations to the department of finance and administration made by the 98th legislature for the operation and maintenance of the budget office division shall be credited to the appropriation for the bureau of the budget."

"Sec. 10. Rules and regulations declared lawful. Rules and regulations duly and properly promulgated by the department of finance and administration as authorized under the provisions of laws in effect prior to the passage of this act, which rules and regulations were in effect prior to the passage of this act, are hereby declared lawful and in effect.

Nothing contained herein shall be construed as depriving the department of finance and administration of the right to amend, revise or otherwise change its rules and regulations in accordance with

existing law in their present form or as amended or supplemented.”

“Sec. 11. Appropriation. In addition to any sums which may be appropriated by the legislature for the operation of the department of finance and administration for the fiscal years 1957-58 and 1958-59, there is hereby appropriated from the general fund the following sums:

	1957-58	1958-59
Bureau of the budget		
Personal services	\$ 9,854	\$10,296
Capital expenditures	655	
All other	1,375	1,375
Bureau of public improvements		
Personal services	28,626	29,900

Capital expenditures	3,520	
All other	7,460	7,460

Any balances at June 30, 1958 shall not lapse but shall be carried forward into the following fiscal year to be expended for the same purposes. Unless otherwise directed by the legislature, any unencumbered balances at June 30, 1959 shall lapse to the unappropriated surplus account of the general fund.”

Effective date.—P. L. 1957, c. 340, which inserted this chapter, provided in § 12 thereof that such act should be retroactive to July 1, 1957.

Department of Finance and Administration.

Sec. 1. Department of finance and administration; commissioner; appointment; removal; vacancy; salary.—The department of finance and administration, as heretofore established, shall exercise such powers and perform such duties as are set forth in this chapter and chapters 16 and 17 of the Revised Statutes.

The department shall be under the supervision and control of a commissioner of finance and administration, hereinafter called the “commissioner,” who shall be appointed by the governor, with the advice and consent of the council, to serve for a term of 7 years, and until his successor is appointed and qualified.

The commissioner may be removed from office by the governor and council for cause.

Any vacancy in the said office shall be filled by appointment for a like term in the same manner as hereinbefore provided.

The salary of the commissioner shall be fixed by the governor and council. (1957, c. 340, § 1.)

Sec. 2. Powers and duties of commissioner.—The commissioner may employ such bureau chiefs as may be necessary, with the approval of the governor. The bureau chiefs shall be under the immediate supervision, direction and control of the commissioner and shall perform such duties as he may prescribe, except as otherwise provided by law.

The salaries of the bureau chiefs shall be fixed by the commissioner, with the approval of the governor.

The commissioner may also employ such deputies, assistants and employees as may be necessary, subject to the provisions of the personnel law.

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

The commissioner shall have the duty and authority:

- I. To serve as the principal administrative and fiscal aide to the governor;
- II. To coordinate financial planning and programming activities of departments and agencies of the state government for review and action by the governor and council;
- III. Repealed by Public Laws 1959, c. 33, § 1.
- IV. To prepare and report to the governor or to the legislature such financial data or statistics as may be required or requested by them;

V. To supervise and direct the activities of the bureaus which may by statute be designated as being under the department of finance and administration;

VI. To exercise such other powers and perform such other duties as may be designated by statute. (1957, c. 340, § 1. 1959, c. 33, § 1.)

Effect of amendment.—The 1959 amendment deleted subsection III of this section.

Sec. 3. Organization; bureau chiefs; vacancy. — The commissioner shall organize the department of finance and administration into bureaus, as follows:

I. Bureau of the budget, the head of which shall be the state budget officer;

II. The bureau of accounts and control, the head of which shall be the state controller;

III. Bureau of public improvements, the head of which shall be the state director of public improvements;

IV. Bureau of purchases, the head of which shall be the state purchasing agent;

V. Bureau of taxation, the head of which shall be the state tax assessor.

In the absence of any bureau chief from the state, or from his official duties, or in the event of a vacancy in the position of any one of them, the commissioner, or his authorized agent, may exercise the powers and perform the duties prescribed for such bureau chief. (1957, c. 340, § 1. 1959, c. 33, § 2.)

Effect of amendment. — The 1959 amendment substituted “may exercise” for “shall” and added “from the state, or” before “have” in the last paragraph of this section.

Bureau of the Budget

Sec. 4. Definition.—The words “governor-elect,” whenever used in sections 5 to 16, shall be held to mean the candidate most recently elected to the office of governor of the state of Maine in the November election for choice of governor, or his successor. (1957, c. 340, § 1. 1959, c. 33, § 3.)

Effect of amendment.—The 1959 amendment rewrote this section.

Sec. 5. Powers and duties relating to budgeting.—The department of finance and administration, through the bureau of the budget, shall have the duty and authority:

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

II. Work program and allotments. To examine and recommend for approval the work program and quarterly allotments of each department and agency of the state government, before the appropriations or other funds of such department or agency shall become available for expenditure;

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

III-A. To constantly review the administrative activities of other departments and agencies of the state, study organization and administration, investigate duplication of work and to formulate plans for better and more efficient management, and report periodically to the governor and on request to the legislature.

IV. To make rules and regulations, subject to the approval of the commissioner, for the carrying out of the provisions of sections 5 to 16. (1957, c. 340, § 1. 1959, c. 33, § 4. 1961, c. 101, § 1.)

Effect of amendments. — The 1959 amendment added the words “or the governor” in paragraph I, and added paragraph III-A. The 1961 amendment substituted “or other funds of” for “made for” in subsection II.

Sec. 6. Scope of the state budget.—The budget of the state government shall present a complete financial plan for each fiscal year of the ensuing biennium. It shall set forth all proposed expenditures for the administration, operation and maintenance of the departments and agencies of the state government; all interest and debt redemption charges during each fiscal year and all expenditures for capital projects to be undertaken and executed during each fiscal year of the biennium. In addition thereto, the state budget shall set forth the anticipated revenues of the state government and any other additional means of financing expenditures proposed for each fiscal year of the biennium. (1957, c. 340, § 1.)

Sec. 7. Form of the state budget document.—The state budget document, setting forth a financial plan for the state government for each fiscal year of the ensuing biennium, shall be set up in 3 parts, the nature and contents of which shall be as follows:

Part 1 shall consist of a budget message by the governor-elect, or the governor, which shall outline the financial policy of the state government for the ensuing biennium, describing in connection therewith the important features of the financial plan. It shall also embrace a general budget summary setting forth the aggregate figures of the budget in such manner as to show the balanced relations between the total proposed expenditures and the total anticipated revenues together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The general budget summary shall be supported by explanatory schedules or statements, classifying the expenditures contained therein by organization units, objects and funds, and the income by organization units, sources and funds.

Part 2 shall embrace the detailed budget estimates both of expenditures and revenues as provided in this chapter. It shall include statements of the bonded indebtedness of the state government showing the debt redemption requirements, the debt authorized and unissued and the condition of the sinking funds. It shall also contain any statements relative to the financial plan which the governor-elect, or the governor, may deem desirable, or which may be required by the legislature.

Part 3 shall embrace complete drafts or summaries of the budget bills, that is, the legislative measures required to give legal sanction to the financial plan when adopted by the legislature. These bills shall include an appropriation bill, authorizing by departments and agencies, and by funds, all expenditures of the state government for each fiscal year of the ensuing biennium, and such other bills as may be required to provide the income necessary to finance the budget. (1957, c. 340, § 1. 1959, c. 33, §§ 5, 6.)

Effect of amendments. — This section was amended twice by P. L. 1959, c. 33. Section 5 added the words “or the governor” in the first line of the second paragraph. Section 6 added the words “or the governor” in the last sentence of the third paragraph.

Sec. 8. Budget estimates. — On or before September 1st of the even-numbered years, all departments and other agencies of the state government and corporations and associations receiving or desiring to receive state funds under the provisions of law shall prepare, in the manner prescribed by and on blanks furnished them by the state budget officer, and submit to said officer, estimates of their expenditure and appropriation requirements for each fiscal year of the ensuing biennium contrasted with the corresponding figures of the last completed fiscal year and the estimated figures for the current fiscal year. The expenditure estimates shall be classified to set forth the data by funds, organization units, character and objects of expenditure. The organization units may be sub-classified by functions and activities, or in any other manner, at the discretion of the state budget officer.

Tentative revenue estimates prepared by the state budget officer during the month of September of the even-numbered years shall be revised by this officer during the following November for inclusion in the budget. The revenue estimates shall be classified so as to show the income by organization units, sources and funds, or in any other manner, at the discretion of the state budget officer.

Upon receipt of the budget estimates submitted in accordance with this section, the state budget officer may require the heads of departments and other agencies of the state government and officers of organizations and associations receiving or desiring to receive state funds under the provisions of law to appear before said officer and present such additional data in support of their budget estimates as said officer may deem necessary. (1957, c. 340, § 1. 1959, c. 33, § 7. 1961, c. 101, § 2. 1963, c. 237.)

Effect of amendments. — The 1959 amendment substituted "September" for "October" near the beginning of the first paragraph, added "in the manner prescribed by and" preceding "on blanks" in the first sentence of that paragraph, substituted "during the month of September" for "on October 1st" in the second paragraph, added "or in any other manner,

at the discretion of the state budget officer" at the end of that paragraph and added the third paragraph.

The 1961 amendment deleted "month of" before "November" in the second paragraph.

The 1963 amendment added "and appropriation" after "expenditure" in first sentence of the first paragraph.

Sec. 9. Review and revision of budget estimates.—The governor-elect, or the governor, with the assistance of the state budget officer, shall review the budget estimates, altering, revising, increasing or decreasing the items of said estimates as may be deemed necessary in view of the needs of the various departments and agencies and the total anticipated income of the state government during the ensuing biennium. The state budget officer, at the direction of the governor-elect, or the governor, shall then prepare a state budget document in the form required by the provisions of this chapter. The governor-elect, or the governor, shall be fully responsible for all budgetary recommendations made to the legislature. The governor shall transmit said budget document to the legislature not later than the close of the 2nd week of the regular legislative session. (1957, c. 340, § 1. 1959, c. 33, § 8.)

Effect of amendment.—The 1959 amendment added the words "or the governor"

in the first and second sentences. It also added the third sentence to this section.

Sec. 10. Repealed by Public Laws 1959, c. 15.

Sec. 11. Form of appropriation bill.—The general fund appropriation bill provided for in section 7 shall be drawn so as to authorize the appropriation to be made to each department or agency of the state government for each fiscal year of the biennium. Such appropriation shall provide specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. Appropriations for the acquisition of property shall be in such detail under each department or agency as the governor-elect, or the governor, shall determine. Such appropriations shall not be segregated in greater detail than the major classes or projects for which they are expendable during each fiscal year of the biennium. (1957, c. 340, § 1. 1959, c. 33, § 9.)

Effect of amendment.—The 1959 amendment added the words "or the governor,"

after "governor-elect" and before "shall" in the third sentence.

Sec. 12. Handling appropriations.—No appropriations to any state department or agency shall become available for expenditure until allotted upon the basis of the work program duly approved by the governor and council as provided in this chapter. (1957, c. 340, § 1.)

Sec. 13. No agent or officer of state to exceed appropriations.—No agent or officer of the state or any department or agency thereof, whose duty it

is to expend money under an appropriation by the legislature, shall contract any obligation on behalf of the state in excess of the appropriation. 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 be guilty of a misdemeanor and, upon conviction, be fined a sum equal to such excess of appropriation by him expended, and imprisoned for no longer than 11 months in the discretion of the court. All prosecutions under this section shall be by indictment and the fines inure to the state. (1957, c. 340, § 1.)

Sec. 14. Appropriations for construction of buildings, structures, highways and bridges to be carried forward to next fiscal year; unexpended balances to revert.—All appropriations by the legislature for the construction of buildings, structures, highways and bridges shall constitute continuous carrying accounts for the purposes designated by the legislature in such appropriations. The state controller is authorized to carry forward all such appropriations to the succeeding fiscal year, provided 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 appropriations were made. Any balance remaining after the completion of the object of the appropriations shall revert to the general fund in the state treasury or to the fund from which it was apportioned under existing provisions of law. (1957, c. 340, § 1.)

Sec. 15. Transfer of unexpended appropriations on recommendation of state budget officer.—Any balance of any appropriation or subdivision of an appropriation made by the legislature for any state department or agency, which at any time may not be required for the purposes named in such appropriation or subdivision may, upon the recommendation of the department or agency head concerned and the state budget officer, be transferred by the governor and council, at any time prior to the closing of the books, to any other appropriation or subdivision of an appropriation made by the legislature for the use of the same department or agency for the same fiscal year. (1957, c. 340, § 1.)

Sec. 16. Work program and allotments.—Not later than June 1st of each year, the governor shall require the head of each department and agency of the state government to submit to the bureau of the budget a work program for the ensuing fiscal year. Such work program shall include all appropriations, revenues, transfers and other funds made available to said department or agency for its operation and maintenance and for the acquisition of property, and it shall show the requested allotments of said sums by quarters for the entire fiscal year, classified to show allotments requested for specific amounts for personal services, capital expenditures and amounts for all other departmental expenses. The governor and council, with the assistance of the state budget officer, shall review the requested allotments with respect to the work program of each department or agency and shall, if they deem it necessary, revise, alter or change such allotments before approving the same. The aggregate of such allotments shall not exceed the total sums made available to said department or agency for the fiscal year in question. The state budget officer shall transmit a copy of the allotments as approved by the governor and council to the head of the department or agency concerned and also a copy to the state controller. The state controller shall thereupon authorize all expenditures to be made from the sums available on the basis of such allotments and not otherwise.

The head of any department or agency of the state government, whenever he shall deem it necessary by reason of changed conditions, may revise the work program of his department or agency at the beginning of any quarter during the fiscal year, and submit such revised program to the bureau of the budget with his request for a revision of the allotments of the remaining quarters of that fiscal

year. If, upon such re-examination of the work program, the state budget officer, with the approval of the governor and council, shall decide to grant the request for the revision of the allotments, the same procedure, so far as it relates to review, approval and control shall be followed as in the making of the original allotments.

In order to provide some degree of flexibility to meet emergencies arising during each fiscal year in the expenditures for operation and maintenance of the various departments and agencies of the state government, the state budget officer, with the approval of the governor and council, may require the head of each department and agency in requesting original allotments, to set aside a reserve, the exact amount of which shall be determined by the state budget officer, of the total amount appropriated to the department or agency. At any time during the fiscal year this reserve or any portion of it may be returned to the appropriation to which it belongs and may be added to any one or more of the allotments, provided the state budget officer shall deem such action necessary and shall notify the state controller of such action. Any unused portion of such reserve shall remain at the end of the fiscal year as an unexpended balance of appropriation. Any unexpended and unencumbered balance of allotment at the end of each quarter shall be credited to a reserve set up for the fiscal year. (1957, c. 340, § 1. 1961, c. 101, §§ 3, 4.)

Effect of amendment.—The 1961 amendment inserted “revenues, transfers and other funds” near the beginning of the second sentence, substituted “sums” for “appropriations” in two places in the first

paragraph, substituted “sums available” for “appropriations” near the end of the first paragraph and substituted “requesting” for “making” in the first sentence of the third paragraph.

Bureau of Accounts and Control.

Sec. 17. Powers and duties relating to accounting.—The department of finance and administration, through the bureau of accounts and control, shall have authority:

- I.** To maintain an official system of general accounts, unless otherwise provided by law, embracing all the financial transactions of the state government;
- II.** To examine and approve all contracts, orders and other documents, the purpose of which is to incur financial obligations against the state government, to ascertain that moneys have been duly appropriated and allotted to meet such obligations and will be available when such obligations will become due and payable;
- III.** To audit and approve all bills, invoices, accounts, payrolls and all other evidences of claims, demands or charges against the state government; and to determine the regularity, legality and correctness of such claims, demands or charges;
- IV.** To inquire into and cause an inspection to be made of articles and materials furnished, or work and labor performed, for the purpose of ascertaining that the prices, quality and amount of such articles or materials are fair, just and reasonable, and that all the requirements expressed or implied pertaining thereto have been complied with, and to reject or disallow any excess;
- V.** To make monthly reports on all receipts and expenditures of the state government to the governor and the state auditor; to make monthly reports on appropriations, allotments, encumbrances and authorized payments to the governor, to the state auditor and to the head of the department or agency directly concerned;
- VI.** To prescribe the forms of receipts, vouchers, bills or claims to be filed by any and all departments and agencies with the department of finance and administration;
- VII.** To prescribe such subsidiary accounts, including cost accounts, for the

various departments and agencies as may be desired for the purposes of administration, supervision and financial control;

VIII. To examine the accounts of every department or agency receiving appropriations from the state;

IX. To report to the attorney general for such action, civil or criminal, as he may deem necessary, all facts showing illegality in the expenditure of public moneys or the misappropriation of public properties;

X. To exercise the rights, powers and duties conferred and imposed by law upon the state auditor which were effective November 9, 1931, insofar as these relate to financial administration and general accounting control of the state government, involving the keeping of general accounts, the auditing before payment of all bills or vouchers and the authorizing of all claims against the state for which appropriations have been made. The state controller shall set up and maintain special accounts with respect to moneys received for designated purposes from the federal government. (1957, c. 340, § 1. 1961, c. 101, § 5.)

Effect of amendment.—The 1961 amendment deleting “special accounts” in the last sentence deleted “in the general fund” following “special accounts” in the last sentence of subsection X.

Sec. 18. Signature of outgoing state controller valid.—The facsimile signature of the state controller who is leaving office shall be valid until new signature plates for the signing of checks have been obtained for his successor. (1957, c. 340, § 1.)

Sec. 19. Disbursements; exceptions.—No money shall be drawn from the state treasury except in accordance with appropriations duly authorized by law. Every disbursement from the treasury shall be upon the authorization of the state controller and the treasurer of state, as evidenced by their facsimile signatures, which authorization shall be in the form of a warrant drawn in favor of the payee, and said warrant shall, upon being delivered by the treasurer of state to the payee, become a check against a designated bank or trust company acting as a depository of the state government.

Notwithstanding the provisions of the foregoing paragraph, the chairman of the Maine employment security commission is hereby authorized to prepare and sign warrants for the payment of benefits to eligible unemployed persons, which warrants shall, upon being countersigned by the remaining 2 members of the commission and delivered to the payee, become a check against a designated bank or trust company acting as a depository of the state government. The authority of the chairman to prepare and sign such warrants is hereby limited solely to the payment of benefits to eligible unemployed persons. The facsimile signatures of the chairman of the commission and the remaining 2 members of the commission who are leaving office shall be valid until new signature plates for the signatures herein authorized have been obtained for their successors. (1957, c. 340, § 1; c. 429, § 9. 1961, c. 83.)

Effect of amendments.—The 1957 amendment substituted the words “the remaining 2 members” for the words “one other designated member,” formerly appearing in the first sentence of the second paragraph. It also substituted the words “remaining 2 members” for the words “designated member”, formerly appearing in the last sentence.

The 1961 amendment rewrote the second sentence of this section.

Effective date.—The 1957 act amending this section became effective on its approval, October 31, 1957.

Sec. 20. Unappropriated surplus; report.—The state controller shall maintain on the books of the state an account to be known as “Unappropriated Surplus.” The balances of all revenue and appropriation accounts not otherwise provided for by law, together with any other necessary adjustments of balances previously closed to the unappropriated surplus account, shall be closed to this

account at the end of each fiscal year. Any amounts authorized for allocation by the governor and council or representing permanent working capital advances shall be removed from unappropriated surplus and set up in separate accounts so that the balance of the unappropriated surplus account shall be the amount of free and unencumbered surplus according to generally accepted accounting principles.

The state controller shall include in his official annual financial report a statement of the unappropriated surplus account reflecting all changes in this account during the fiscal year and the balance of this account at the close of the fiscal period.

The governor and council may allocate from the unappropriated surplus amounts not to exceed \$700,000 for the purchase of real estate in accordance with chapter 1, section 24-A. (1957, c. 340, § 1; c. 429, § 10. 1961, c. 381.)

Effect of amendments.—The 1957 amendment added the last paragraph to this section.

The 1961 amendment increased the amount in the last paragraph from \$500,000 to \$700,000 and deleted “adjacent to the state house” following “real estate” in that paragraph.

Editor’s note.—P. L. 1957, c. 340, which inserted this chapter, also repealed §§ 1 to 53 of c. 16 of the Revised Statutes, relating to the same subject matter. Section 25 of c. 16, which corresponds to the first paragraph of this section of c. 15-A, was amended by P. L. 1957, c. 329, § 2, by adding at the end of such section the

following: “The governor and council may allocate from the ‘Unappropriated surplus’ amounts not to exceed \$500,000 for the purchase of real estate adjacent to the state house in accordance with section 24-A of chapter 1.”

P. L. 1957, c. 429, provided in section 15 thereof as follows: “Section 25 of chapter 16 of the Revised Statutes, as amended by section 2 of chapter 329 of the public laws of 1957 and as repealed by section 2 of chapter 340 of the public laws of 1957, is hereby repealed.”

Effective date. — P. L. 1957, c. 429, amending this section became effective on its approval, October 31, 1957.

Sec. 21. Reproduction of certain documents authorized.—The state controller is authorized to cause to be made, at the expense of the state, by any photostatic, photographic, microfilm or other mechanical process which produces a clear, accurate and permanent copy or reproduction thereof, copies of any part or all of the state cancelled checks, vouchers and other documents on file in the bureau of accounts and control. (1957, c. 340, § 1.)

Sec. 22. Records open to public inspection. — The books, accounts, vouchers, affidavits and other records and papers in the office of the state controller 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. (1957, c. 340, § 1.)

Sec. 23. State controller to prepare official annual financial report; newspaper publication.—The state controller shall prepare as soon as possible after the close of each fiscal year an explanatory report in pamphlet form of the financial condition of the state together with such supporting figures for such fiscal year as may be necessary to furnish a comprehensive and concise report. This report shall be the official annual financial report of the state government.

The state controller shall publish a condensed summary of such report on or before September 5 of each year in all daily newspapers and in all weekly newspapers published in the state which are entered as second-class matter with the United States post-office department and which are published regularly at least 52 times a year. Monthly newspapers may be used for this purpose on authorization of the governor and council. Such condensed summary shall not require newspaper space in excess of a 6-column page or its equivalent. Such condensed summary may be published in the English language in a foreign language newspaper. (1957, c. 340, § 1; c. 429, § 11.)

Effect of amendment.—The 1957 amendment added the last sentence to this section.

Editor's note.—P. L. 1957, c. 340, which inserted this chapter, also repealed §§ 1 to 53 of c. 16 of the Revised Statutes, relating to the same subject matter. Section 33 of c. 16, which corresponds to this section of c. 15-A, was amended by P. L. 1957, c. 318, § 3, by adding after the second sentence of the second paragraph a new sentence as follows: "Such condensed summary may be published in the

English language in a foreign language newspaper."

P. L. 1959, c. 429, provided in section 18 thereof as follows: "Section 33 of chapter 16 of the Revised Statutes, as amended by chapter 398 of the public laws of 1955 and by section 3 of chapter 318 of the public laws of 1957, and as repealed by section 2 of chapter 340 of the public laws of 1957, is hereby repealed."

Effective date. — P. L. 1957, c. 429, amending this section became effective on its approval, October 31, 1957.

Bureau of Public Improvements.

Sec. 24. Definition.—Whenever the words "public improvement" or "public improvements" shall appear in this chapter they shall be held to mean and include the construction, major alteration or repair of buildings or public works now owned or leased or hereafter constructed, acquired or leased by the state of Maine or any department, officer, board, commission or agency thereof, or constructed, acquired or leased, in whole or in part with state funds. Nothing in this section shall apply to the construction, improvement or repair of any and all ways, roads or bridges with appurtenances which, by law, are under the supervision of the state highway commission. (1957, c. 340, § 1.)

Sec. 25. Powers and duties relating to public improvements.—The department of finance and administration, through the bureau of public improvements, shall have authority:

I. To require the development of over-all long range public improvement programs for all departments and agencies of the state government and to coordinate and present recommendations pertaining thereto to the governor, the governor-elect, the state budget officer and the legislature;

II. To regularly inspect state owned and leased buildings in the state and report to the controlling department head whatever construction, repairs, alterations and improvements are deemed necessary. If the commissioner considers it advisable, he shall make a similar report to the governor and council;

III. Upon request to advise all state departments and agencies in connection with engineering and architectural questions and matters pertaining to any and all public improvements;

IV. To review the operation and maintenance of state owned and leased buildings and property and to make recommendations with respect thereto to the commissioner and controlling department or agency head concerned;

V. To prepare, at the request of the governor and council or the legislature, data pertaining to existing or proposed public improvements;

VI. To approve the selection of qualified practicing Maine registered architects and engineers in the planning and supervision of construction and public improvements;

VII. Repealed by Public Laws 1959, c. 299, § 3.

VIII. To approve all proposals, plans, specifications and contracts for public improvements which require their submission to the governor and council for their final approval and acceptance;

IX. Inspection. To inspect materials, equipment, methods used and changes in plans in making public improvements, and inspect public improvements during the course of construction or repair, and make such recommendations as may be indicated to the architect or engineer, when employed, and to the controlling department or agency head. The architect or engineer when employed

shall provide adequate inspection of materials, equipment, methods and changes in plans on all projects under his supervision ;

X. To require prompt inspection upon the completion of any public improvement and to make recommendations promptly for the acceptance or rejection thereof to the authority which approved the execution of the project ;

XI. To make or require an inventory of all removable equipment belonging to the state government and keep it current ;

XII. To require the listing of real estate belonging to or under lease to the state government, showing controlling agency, location, metes and bounds, cost or rental rate and when acquired or rented ;

XII-A. Demolish obsolete buildings. To demolish or otherwise dispose of buildings and appurtenances, excluding land, belonging to the state that have become hazards, obsolete or are unjustifiably expensive to maintain. Such demolition or other disposal shall be on the recommendation of the department or agency head having jurisdiction over the buildings and appurtenances concerned and under such terms and conditions as deemed by the governor and council to be in the best interests of the state.

XIII. To collect and maintain a complete and accurate file of drawings showing plans of location and situation of all public improvements ;

XIV. To collect and maintain records of construction costs and progress of all public improvements ;

XV. To have general supervision of the State House and the public grounds, buildings and property connected with the State House, and make repairs and alterations in and about such grounds and buildings ;

XVI. To control and maintain all that portion of the state lands situated 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 which is now or hereafter may be designated as a public park ;

XVII. To provide, with the consent of the governor and council, food service in the state office buildings located at the seat of government and elsewhere in the state as may be determined by the governor and council ;

XVIII. To assign rooms in all buildings used by the state for offices and determine the occupancy thereof in such manner as the public service may require ;

XIX. Facilities required by state. To lease or approve the leasing of grounds, buildings, facilities and office space required by departments and agencies of the state government. No lease shall be for a period of more than 10 years ;

XX. To purchase or contract or approve the purchasing or contracting for telephone, telegraph, electric, water, sewage and gas services for any and all departments and agencies of the state government ;

XXI. To make rules and regulations, subject to the approval of the commissioner, for the purposes of carrying out the provisions of sections 24 to 33, inclusive.

The head of any agency, board, commission or department of the state government, not otherwise exempted by the provisions of law, who contemplates any public improvement, shall first obtain the approval of the state director of public improvements for such work. The provisions of this paragraph are not intended to restrict the head of any agency, board, commission or department of the state government from making emergency repairs to any state owned building, public work or property or any property under lease to the state government which is under his supervision and control whenever it appears that such repairs are immediately necessary to prevent injury to persons or further damage to such buildings or property. (1957, c. 340, § 1. 1959, c. 122, § 1 ; c. 299, §§ 1-4. 1961, c. 82 ; c. 101, § 6 ; c. 234, § 1. 1963, c. 283.)

Effect of amendments. — This section was amended twice by the 1959 legislature. The first 1959 amendment added the words "prompt" and "promptly" in subsection X. The second 1959 amendment rewrote subsections III, VI and XV, and repealed subsection VII.

Chapter 82, P. L. 1961, added the second sentence of subsection XIX. Chapter 101 substituted "state budget officer" for "budget committee" in subsection I. Chapter 234 rewrote subsection IX.

The 1963 amendment added subsection XII-A.

Sec. 26. Competitive bids for public improvements.—Any contract for any public improvement involving a total cost of more than \$3,000, except contracts for professional, architectural and engineering services, shall be awarded by a system of competitive bidding in accordance with the provisions of this chapter and such other conditions and restrictions as the governor and council may from time to time prescribe.

No agency of the state shall enter into any contract for a public improvement, nor shall any of its instrumentalities enter into any contract for buildings or public works, with a general contractor unless the contract shall provide that the prime contractor shall not subcontract more than 80% of the total bid price. (1957, c. 340, § 1. 1961, c. 234, § 2. 1963, cc. 118, 164.)

Effect of amendments. — The 1961 second paragraph. P. L. 1963, c. 164, added amendment added the last paragraph. the present second paragraph.

P. L. 1963, c. 118, deleted the former

Sec. 27. Maine granite to be considered for construction material for public works and buildings.—Whenever any public work is to be undertaken or repaired by contract by the state or any county or municipality, or any public building is to be erected or repaired, not under contract by the state or any county or municipality, in which concrete may be used, Maine granite shall be set up as an alternative construction material and the officials of the state, county or municipality shall require alternate bids to be offered, one based on the use of concrete, and the other on the use of Maine granite on all or such part of the building or other project as may be deemed expedient from an engineering standpoint. (1957, c. 340, § 1.)

Sec. 28. Advertisements for sealed proposals; bond.—The trustees, commissioners or other persons in charge of any public improvement which is subject to the provisions of this chapter shall, after consultation with the state purchasing agent and the state director of public improvements, advertise for sealed proposals not less than 2 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 advertisements shall be addressed to the trustees, commissioners or such other persons having the construction in charge and shall remain sealed until opened in the presence of a committee of the executive 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 20% of the amount of the contract, payable to the state, and deposited with the treasurer of state. (1957, c. 340, § 1.)

Sec. 28-A. Retention of part of the contract price.—In any contract awarded for any public improvement the state shall withhold 5% of the money due the contractor until the project under the contract has been accepted by or for the state, except that when the contract has been substantially completed the state may, upon request, further reduce the amounts withheld if it deems it desirable and prudent. (1959, c. 122, § 2.)

Sec. 29. Questionnaire as pre-bid qualification.—In order to facilitate the work of any public official, it shall be lawful for said official to require, from

any person proposing to bid on public work duly advertised, a standard form of questionnaire and financial statement, containing a complete statement of the person's financial ability and experience in performing public work, before furnishing such person with plans and specifications for the proposed public work advertised. (1957, c. 340, § 1.)

Sec. 30. Procedure if answers unsatisfactory.—Whenever the public official is not satisfied with the sufficiency of the answers contained in such standard questionnaire and the financial statement of such persons, he may refuse to furnish such persons with plans and specifications on public work duly advertised, and the bid of any person to whom plans and specifications have not been issued may be disregarded. (1957, c. 340, § 1.)

Sec. 31. Procedure of contractor.—Any contractor, after being notified of his classification by the public official and being dissatisfied therewith, may request a hearing before the public official and present such further evidence with respect to his financial responsibility, plant and equipment or experience as might tend to justify in his opinion a higher classification. After hearing the additional evidence, the public official may in his discretion change the classification of the contractor. (1957, c. 340, § 1.)

Sec. 32. Penalty.—Any contractor who makes or causes to be made any incomplete, false or fraudulent statement in the documents required by section 29 shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than \$100 nor more than \$1,000; or in the case of an individual or officer or employee charged with the duty of preparing such documents for a person, firm, copartnership, association or corporation, by imprisonment for not more than 6 months, or by both. (1957, c. 340, § 1.)

Sec. 33. "Person" defined.—The word "person" as used in sections 28 to 33, inclusive, shall mean and include any individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever. (1957, c. 340, § 1.)

Construction Reserve Fund.

Sec. 33-A. Repealed by Public Laws 1957, c. 429, § 19.

Editor's note. — P. L. 1957, c. 401, inserted the above-numbered section as section 34-A of chapter 16 Revised Statutes. Because of the fact that sections 1 to 53 of chapter 16 were repealed by P. L. 1957, c. 340, which act also inserted chapter 15-A, the editors of the 1957 Cumulative Supplement codified the section as section

33-A of chapter 15-A. P. L. 1957, c. 429, § 19, repealed section 34-A of chapter 16 of the Revised Statutes, that is, this section, as enacted by P. L. 1957, c. 401.

Effective date.—P. L. 1957, c. 429, became effective on its approval, October 31, 1957.

Bureau of Purchases.

Sec. 34. Powers and duties relating to purchasing.—The department of finance and administration, through the bureau of purchases, shall have authority:

- I.** To purchase all services, supplies, materials and equipment required by the state government or by any department or agency thereof, subject to the provisions set forth in this chapter;
- II.** To adopt and enforce, subject to the provisions of this chapter, specifications which shall apply to services, supplies, materials and equipment purchased for the use of the state government or any department or agency thereof;
- III.** To purchase or contract for all postal service required for the use of the state government or any department or agency thereof;

IV. To establish and conduct a central duplicating service at the seat of government. Such duplicating service shall be available to all departments and agencies of the state government. The state purchasing agent is empowered to make charges to those departments and agencies of the state government making use of the facilities and supplies of the central duplicating service;

V. To establish and operate, with the approval of the commissioner, such store-rooms which, in the judgment of the state purchasing agent, are deemed necessary for the storage and distribution of supplies, materials and equipment required for use by the state government or any department or agency thereof;

VI. To transfer to or between state departments and agencies, or sell supplies, materials and equipment which are surplus, obsolete or unused;

VII. To establish and conduct a central mailing room for the state departments and agencies at the seat of government. (1957, c. 340, § 1. 1959, c. 33, § 10.)

Effect of amendment.—The 1959 amendment substituted “state purchasing agent” for “superintendent of public printing” and deleted the word “hereby” formerly appearing after the word “is” and before the word “empowered” in subsection IV.

Sec. 35. Scope of purchasing authority.—The terms “services,” “supplies,” “materials” and “equipment” as used in sections 34 to 42, inclusive, shall be held to mean any and all services, articles or things which shall hereafter be used by or furnished to the state or any department or agency thereof, and any and all printing, binding, publication of laws, journals and reports. Except as provided in this chapter, any and all services, supplies, materials and equipment needed by one or more departments or agencies of the state government shall be directly purchased or contracted for by the state purchasing agent, as may be determined from time to time by rules adopted pursuant to this chapter, which rules the department of finance and administration is authorized and empowered to make. It is the intent and purpose of sections 34 to 42, inclusive, that the state purchasing agent shall purchase collectively all services, supplies, materials and equipment for the state or any department or agency thereof in a manner that will best secure the greatest possible economy consistent with the grade or quality of the services, supplies, materials and equipment best adapted for the purposes for which they are needed.

The trustees of the University of Maine, the state board of education and the directors of the Maine port authority may authorize the department of finance and administration to act for them in any purchases.

The word “services,” when used in sections 34 to 42, inclusive, shall be held to mean any and all window cleaning services, elevator repair and maintenance services, laundry service, linen supply service, dry cleaning service, janitor service, floor maintenance service, rubbish and garbage disposal service, tree surgeon service, all types of office machine repair and maintenance service, exterminator service, refrigerator repair and maintenance service and oil burner repair and maintenance service when any such service is performed by an independent contractor. The state purchasing agent may, with the approval of the commissioner, add to or eliminate from the various types of service set forth in this paragraph such services performed by independent contractors as may be deemed by him to be in the best interests of the state. (1957, c. 340, § 1.)

Sec. 35-A. State publications to indicate authority or source of funds.—All publications printed or published by the state as a requirement of law shall set forth the authority for the same at an appropriate place on each copy printed or published. Publications printed or published by the state which are not required by law shall set forth the source of funds by which the publication is printed or published at an appropriate place on each copy. This section shall not apply to publications paid for out of the legislative appropriation. (1963, c. 335.)

Sec. 36. Rules and regulations.—The state purchasing agent, with the approval of the commissioner, may adopt, modify or abrogate rules and regulations for the following purposes:

- I. Authorizing any state department or agency to purchase directly certain specified services, supplies, materials and equipment, limiting their powers in relation thereto, and describing the manner in which purchases shall be made;
- II. Prescribing the manner in which the supplies, materials and equipment shall be purchased, delivered, stored and distributed;
- III. Requiring monthly reports by state departments or agencies of stocks of supplies, materials and equipment on hand and prescribing the form of such reports;
- IV. Prescribing the dates for making requisitions and estimates, the periods for which they are to be made, the form thereof and the manner of authentication;
- V. Prescribing the manner of inspecting all deliveries of supplies, materials and equipment, and making chemical and physical tests of samples submitted with bids and samples from deliveries;
- VI. Providing for transfer of supplies, materials and equipment which are surplus from one state department or agency to another which may need them, and for the disposal by private and public sale of supplies, materials and equipment which are obsolete and unusable;
- VII. Prescribing the amount of deposit or bond to be submitted with a bid on a contract and the amount of bond to be given for the faithful performance of a contract;
- VIII. Providing for such other matters as may be necessary to give effect to the foregoing rules and to the provisions of this chapter. (1957, c. 340, § 1.)

Sec. 37. Standardization committee.—A standardization committee is hereby established. It shall consist of the governor or his representative, the state purchasing agent, two public members and such department or agency heads or their representatives as may be designated by the governor. The two public members and the department or agency heads or their representatives shall serve at the pleasure of the governor. The two public members shall be representative of the industry and commerce of Maine.

The governor or his representative, the state purchasing agent and the appointed department or agency heads or their representatives shall serve on the standardization committee without additional compensation but shall be reimbursed for expenses incurred in connection with such service. The two public members shall be paid the necessary expenses incurred in the performance of their duties, and in addition thereto, they shall each receive \$25 per day for attendance at committee meetings.

The state purchasing agent shall be the recording secretary of the standardization committee and shall maintain a complete record of the minutes of every committee meeting. The committee shall meet at least semi-annually and at such other times as the commissioner of finance and administration may request or at such other times as may be deemed necessary by at least 3 members of the committee. Committee meetings shall be held at such locations as may be agreed upon by a majority of the members of the committee.

The per diem allowance and the expenses of the public members and the expenses of the governor or his representative, the state purchasing agent and the designated department or agency heads or their representatives, for attendance at committee meetings, shall be paid from the appropriation of the state bureau of purchases.

It shall be the duty of the standardization committee to advise the state purchasing agent and the commissioner of finance and administration in the formulation, adoption and modification of the rules and regulations which shall pre-

scribe the purchasing policy of the state and to assist the state purchasing agent in the formulation, adoption and modification of such specifications as may be deemed necessary for the procurement of services, supplies, materials and equipment required for use by the state or any department or agency thereof. (1957, c. 340, § 1. 1963, c. 371.)

Effect of amendment.—The 1963 amendment increased the amount paid public members for attendance at committee meetings from \$15 per day to \$25 per day.

Sec. 38. Requisitions required.—Except as otherwise provided in this chapter and the rules and regulations adopted hereunder, services, supplies, materials and equipment shall be purchased by or furnished to the state government or any department or agency thereof only upon requisition to the state purchasing agent. The state purchasing agent, or his authorized representative, shall examine each requisition submitted to him by any department or agency of the state government and may revise it as to quantity, quality or estimated cost after consultation with the department or agency concerned. (1957, c. 340, § 1.)

Sec. 39. Bids, awards and contracts.

I. Except as otherwise provided by law, or by rules and regulations adopted pursuant to the provisions of sections 34 to 42, inclusive, the state purchasing agent shall make purchases of services, supplies, materials and equipment needed by the state or any department or agency thereof by competitive bidding;

II. The requirement of competitive bidding may be waived by the state purchasing agent whenever;

A. The purchase of required services, supplies, materials and equipment involves the expenditure of less than \$50 and the interests of the state would best be served thereby;

B. In the opinion of the governor an emergency exists of a nature which requires the immediate procurement of services, supplies, materials or equipment, the state purchasing agent may be authorized by the governor to make purchases without the formality of competitive bidding.

C. After reasonable investigation by the state purchasing agent, it appears that any required unit or item of supply, or brand of such unit or item, is procurable by the state from only one source.

III. Competitive bidding shall mean the transmission of a written or oral proposal or invitation to bid to at least 3 responsible suppliers to be replied to at a stated time. In obtaining competitive bids, if the state purchasing agent shall find that 3 responsible bidders are not available, he may make such exceptions to the provisions of subsection I as he may deem in the best interests of the state;

IV. Proposals or invitations to bid shall be sent to a representative registry of responsible suppliers on file in the office of the state bureau of purchases. Suppliers desiring to have their names entered on a registry of suppliers shall submit, in writing, to the state purchasing agent, a request for such action. The state purchasing agent shall prescribe the manner and form in which such a request shall be submitted and is hereby empowered to limit the number of names of out-of-state bidders on any and all registries. However, in the interests of economy to the state, the name of any supplier entered in such registry, who fails to submit a bid on 3 consecutive proposals or invitations to bid, may be removed from said registry at the discretion of the state purchasing agent;

V. Alternate bids. Whenever, in bid forms and specifications, an article or material is defined by using a trade name and catalog number of a manufacturer or vendor, the term "or approved equal", if not inserted therewith, shall be implied. It is to be understood that any reference to a particular manufacturer's product either by trade name or by limited description has been made solely for

the purpose of more clearly indicating the minimum standard of quality desired. The term "or approved equal" is defined as meaning any other make which in the opinion of the state purchasing agent is of such character, quality and performance equivalence as to serve the purpose for which it is to be used equally as well as that specified. Consideration will be given to proposals submitted on alternate commodities to the extent that such action is deemed to serve the best interest of the state. The bidder quoting on a commodity other than as specified shall furnish complete identification, descriptive literature or data with respect to the alternate commodity he proposes to furnish. Lack of such information on the bid shall be construed to mean that the bidder proposes to furnish the exact commodity as described. The state reserves the right to reject any or all bids, in whole or in part, to waive any formality and technicality in any bid and to accept any item or items in any bid. No bid may be withdrawn during a period of 21 calendar days immediately following the opening thereof;

VI. Each bid, with the name of the bidder, shall be entered on a record. Each record with the successful bid indicated shall, after the award or letting of the contract, be open to public inspection. A bond for the proper performance of each contract may be required of each successful bidder in the discretion of the state purchasing agent, with the approval of the commissioner;

VII. Except as otherwise provided by law, orders awarded or contracts made by the state purchasing agent or by any department or agency of the state government shall be awarded to the lowest responsible bidder, taking into consideration the qualities of the services, supplies, materials or equipment to be supplied, their conformity with the specifications, the purposes for which they are required, the date of delivery and the ultimate cost thereof to the state, it being the intent and purpose, as previously stated in this chapter, that the state purchasing agent shall purchase collectively all services, supplies, materials and equipment for the state or any department or agency thereof in a manner that will best secure the greatest possible economy consistent with the grade or quality of the services, supplies, materials and equipment best adapted for the purposes for which they are needed;

VIII. Tie bids. Tie bids shall be resolved on the basis of factors deemed by the state purchasing agent to serve the best interests of the state or by the drawing of lots, provided that price, quality, availability and other factors being equal, contracts or purchases shall be awarded to the in-state bidder or to bidder offering commodities produced or manufactured in the state of Maine, and services rendered by Maine bidders;

IX. The phrase "in-state bidder" shall be held to mean one having its principal place of business, or a branch thereof, located in Maine. (1957, c. 340, § 1. 1959, c. 33, §§ 11, 12. 1961, c. 10, §§ 1, 2.)

Effect of amendments. — This section was amended twice by P. L. 1959, c. 33. Section 11 of P. L. 1959, c. 33, added paragraph C to subsection II. Section 12 deleted all of the words formerly appearing

after the word "Maine" at the end of subsection IX.

The 1961 amendment rewrote subsections V and VIII.

Sec. 40. Deliveries. — Supplies, materials and equipment, purchased or contracted for by the state purchasing agent, shall be delivered by him or by the contractor to the department or agency by which or for whom the same are to be used from time to time as required. (1957, c. 430, § 1.)

Sec. 41. Unlawful purchases.—Whenever any department or agency of the state government, required by this chapter and rules and regulations adopted pursuant thereto applying to the purchase of services, supplies, materials or equipment through the state purchasing agent, shall contract for the purchase of such services, supplies, materials or equipment contrary to the provisions of this chapter or the rules and regulations made hereunder, such contract shall be

void and have no effect. If any such department or agency purchases any services, supplies, materials or equipment contrary to the provisions of this chapter or rules and regulations made hereunder, the head of such department or agency shall be personally liable for the costs thereof, and if such services, supplies, materials or equipment are so unlawfully purchased and paid for out of state moneys, the amount thereof may be recovered in the name of the state in an appropriate action instituted therefor. (1957, c. 340, § 1.)

Sec. 42. Motor vehicles sold by state.—Any motor vehicle sold by the state shall be sold to the highest bidder. Specific terms of delivery and terms of interim usage prior to delivery shall be stated to the prospective purchaser prior to the time that the state accepts any bid, and such terms shall be complied with by agents or employees of the state having control of the disposition of such motor vehicle or vehicles after any such bids have been accepted. This section shall not apply to the exchange of motor vehicles for new models between the state and authorized dealers. (1957, c. 340, § 1.)

Automobile Travel by State Employees.

Sec. 43. State owned cars; marking.—The state shall provide no automobiles for travel of state employees. This shall not apply to the governor, the state police, the department of inland fisheries and game, the department of sea and shore fisheries, supervising state fire inspectors, the department of state, supervisors in the Maine forestry district, the state highway commission nor to such other agencies, boards, commissions and departments of the state government as the governor and council may from time to time designate.

All state owned cars shall display a marker or insignia, approved by the secretary of state, plainly designating them as state owned vehicles. The governor and council may designate the use of certain state owned cars without the said insignia thereon. (1957, c. 340, § 1; c. 429, § 12.)

Effect of amendment.—The 1957 amendment substituted the words "supervising state fire inspectors, the department" for the words "inspectors in the motor vehicle division of the secretary", formerly appearing in the second sentence of the first paragraph.

Editor's note.—P. L. 1957, c. 340, which inserted this chapter, also repealed §§ 1 to 53 of c. 16 of the Revised Statutes, relating to the same subject matter. The first paragraph of § 30 of c. 16, which corresponds to the first paragraph of this section of c. 15-A, was amended by P. L. 1957, c. 371, to read as follows: "The state shall provide no automobiles for travel of employees. This shall not apply to the governor, the state police, department of inland fisheries and game, department of sea and shore fisheries, supervising state fire inspectors, the department of state, supervisors in the Maine forestry

district, highway department nor to such heads of departments or members of commissions as the governor and council may from time to time designate. Nothing herein contained shall be deemed to preclude the maintenance of a reasonable and proper number of state owned cars to be operated from the departmental garage, for occasional or emergency use, upon application to and approval by the state purchasing agent."

P. L. 1957, c. 429, provided in section 16 thereof as follows: "Section 30 of chapter 16 of the Revised Statutes, as amended by chapter 371 of the public laws of 1957 and as repealed by section 2 of chapter 340 of the public laws of 1957, is hereby repealed."

Effective date. — P. L. 1957, c. 429, amending this section became effective on its approval, October 31, 1957.

Sec. 44. Payment per mile for use of privately owned automobiles; regulated.—The state shall pay for the use of privately owned automobiles for travel by employees of the state in the business of the state not more than 9¢ per mile for the first 5,000 miles actually travelled by such employees on such business in any one fiscal year, and 7¢ for each mile exceeding 5,000 miles, except that the state shall pay inspectors of seed potatoes or table stock potatoes

9¢ for every mile so travelled. The governor, with the advice and consent of the council, may suspend the operation of this section and require state officials and employees to travel in automobiles owned or controlled by the state, if such automobiles be available. (1957, c. 340, § 1; c. 429, § 13. 1963, c. 375.)

Effect of amendments. — The 1957 amendment substituted "8¢" for "7¢", and added the words "or table stock potatoes" after the word "potatoes" in the first sentence of this section.

The 1963 amendment substituted "9¢" for "8¢" in two instances in the first sentence and substituted "7¢" for "6¢" in the first sentence.

Editor's note.—P. L. 1957, c. 340, which inserted this chapter, also repealed §§ 1 to 53 of c. 16 of the Revised Statutes, relating to the same subject matter. The first sentence of § 31 of c. 16, which corresponds to the first sentence of this section of c. 15-A, was amended two times by the 1957 legislature.

Chapter 375 amended such sentence to read as follows: "The state shall pay for the use of privately owned automobiles for travel by employees of the state in the business of the state not more than 7¢ per mile for the first 5,000 miles actually travelled by such employees on such business in any one fiscal year, and 6¢ for

each mile exceeding 5,000 miles. The state shall pay inspectors of seed potatoes or table stock potatoes 8¢ for every mile so travelled."

Chapter 415 amended such sentence to read as follows: "The state shall pay for the use of privately owned automobiles for travel by employees of the state in the business of the state not more than 8¢ per mile for the first 5,000 miles actually travelled by such employees on such business in any one fiscal year, and 6¢ for each mile exceeding 5,000 miles. The state shall pay inspectors of seed potatoes 8¢ for every mile so travelled."

P. L. 1957, c. 429, provided in section 17 thereof as follows: "Section 31 of chapter 16 of the Revised Statutes, as amended by chapters 375 and 415, both of the public laws of 1957, and as repealed by section 2 of chapter 340 of the public laws of 1957, is hereby repealed."

Effective date. — P. L. 1957, c. 429, amending this section became effective on its approval, October 31, 1957.

Bonds of State Officials and Employees.

Sec. 45. Bonds of state officials and employees; premiums; notice of cancellation.—All state officials and employees shall be bonded. The insurance commissioner shall select and prescribe the forms and types of bond, subject to the approval of the governor and council. Such bonds shall be in blanket or comprehensive form, so called, and for such an amount or amounts as may be determined by the state auditor and the commissioner of finance and administration with the approval of the governor and council. In event of inability to obtain a blanket or comprehensive form, so called, a list shall be submitted annually to the governor and council for their approval, as recommended by the state auditor and the commissioner of finance and administration, and designating such state officials and employees who in their discretion shall be bonded. The condition of any bond covering state officials and employees shall be to faithfully discharge the duties of the office or employment of such official or employee. All such bonds shall be deposited with the treasurer of state for safekeeping.

The premiums necessarily incurred and due and payable on account of any bond or bonds required in accordance with the preceding paragraph shall be paid by the state out of the state treasury and charged to an appropriation provided therefor by appropriate legislative action.

The insurance commissioner is expressly authorized to accept a cancellation notice from the surety on any bond, canceling said bond in full or as to any individual, provided the surety gives written notice to said insurance commissioner of such desire and intent, and that said cancellation is received by the insurance commissioner at least 30 days before the effective date of such cancellation. (1957, c. 340, § 1.)

Construction Reserve Fund.

Sec. 45-A. Allocations from the construction reserve fund.—Funds appropriated by the legislature to the construction reserve fund may be allocated by the governor, with the advice and consent of the council, for construction, repairs, equipment, supplies and furnishings, whenever:

I. The legislature makes specific recommendations for the use of funds appropriated to the construction reserve fund;

II. An increase in construction or equipment costs results in a project cost in excess of the amount appropriated therefor by the legislature;

III. A condition arises during the course of a project which necessitates a change in plans, specifications or equipment resulting in a project cost in excess of funds previously made available therefor;

IV. It appears to be in the best interests of the state to acquire real estate or to have estimates, plans or specifications prepared for a project in advance of the date on which funds may be made available therefor by the legislature, except that with respect to allocations from the construction reserve fund, no allocations shall be made for the purpose of acquiring real estate in any municipality until such time as the acquisition has been approved by the governing body of that municipality;

V. It appears to be necessary and in the best interests of the state to proceed with the construction of, or the purchase of equipment for, a project for which funds were not otherwise made available by the legislature.

Any allocation of funds made by the governor and council under the provisions of this section shall constitute a continuous carrying account for the purposes designated by the governor and council. The state controller is authorized to carry forward all such allocations to the succeeding fiscal year, provided work shall have begun by the letting of a contract or contracts or by actually starting the work during the year in which the allocation was made. Any balance remaining after the completion of the object of the allocation shall revert to the construction reserve fund.

Any balance in the construction reserve fund shall not lapse but shall be carried forward from year to year to be expended for the purposes set forth in this section. (1957, c. 429, § 14. 1959, c. 58, §§ 1, 2.)

Effect of amendments. — This section was amended twice by P. L. 1959, c. 58. Section 1 of P. L. 1959, c. 58 added the words "for construction, repairs, equipment, supplies and furnishings," after the word "council" and before the word "whenever" in the first paragraph. Sec-

tion 2 added the last paragraph.

Effective date.—The 1957 act adding this section became effective on its approval, October 31, 1957. The 1959 act amending this section became effective on its approval, March 13, 1959.

Departments to Exchange Information and Records without Cost.

Sec. 46. Departments to exchange information and records without cost.—No state agency, board, commission, department or institution shall be charged for information or copies of records furnished by another state agency, board, commission, department or institution. (1957, c. 340, § 1.)

Disposition of Uncollectible Accounts.

Sec. 47. Charging off of accounts due the state.—The state controller shall charge off the books of account of the state or any department, institution or agency thereof, such accounts receivable, including all taxes for the assessment or collection of which the state is responsible, and all impounded bank accounts, as shall be certified to him as impractical of realization by or for said state, department, institution or agency. Such certification shall be by the attorney general, the commissioner of finance and administration and the treasurer of state,

subject to the approval of the governor and council. In each such case, the charging off of such accounts shall be recommended by the head of the department, institution or agency originally responsible for such account. (1957, c. 340, § 1.)

Fiscal Year.

Sec. 48. Uniform fiscal year.—The fiscal year of the state government shall commence on the 1st day of July and end on the 30th day of June each year. The fiscal year shall be followed in making appropriations and in financial reporting, and shall be uniformly adopted by all departments and agencies of the state government. (1957, c. 340, § 1.)

Petty Cash Funds.

Sec. 49. Petty cash funds; allowed with the approval of the commissioner of finance and administration; reimbursement.—A petty cash fund shall be allowed by the commissioner of finance and administration to each state department or agency, which shall in his opinion require such a fund. Said fund so established shall be reimbursed only upon statements and bills audited by the state controller. (1957, c. 340, § 1.)

Return of Working Capital Advances.

Sec. 50. Return of working capital advances.—Whenever a working capital advance, or any part thereof, is no longer required for the purpose for which it was made, such amount shall be returned to the state fund from which the advance was made. Such return shall be made only on the recommendation of the department or agency head having jurisdiction over the advance and with the approval of the commissioner of finance and administration and the governor and council. (1957, c. 340, § 1.)

State Contingent Account.

Sec. 51. State contingent account; allocations; restoration; report.—The governor, with the advice and consent of the council, may allocate from the state contingent account amounts not to exceed in total the sum of \$450,000 in any fiscal year. Such allocations may be made to meet any expense 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, or to pay bills arising out of some emergency requiring an expenditure of money not provided by the legislature. The governor and council shall determine the necessity for such allocations. All such allocations shall be supported by a statement of facts setting forth the necessity for the allocations. At the close of each fiscal year there shall be transferred from the unappropriated surplus of the general fund an amount sufficient to restore the state contingent account to \$450,000.

The state controller shall include in his official annual financial report at the close of each fiscal year, a statement showing all transfers made from the state contingent account for the fiscal period. (1957, c. 340, § 1.)

State Funds Eliminated.

Sec. 52. State funds eliminated.—Unless the legislature shall otherwise direct, the commissioner of finance and administration, with the approval of the governor and council, shall have authority to discontinue any or all special expendable state funds with the exception of the sinking funds and trust funds,

and to merge the balance or balances of such fund or funds so discontinued with the general fund. (1957, c. 340, § 1.)

Weekly Payment of Salaries or Wages.

Sec. 53. Weekly payment of salaries or wages; exceptions. — All state officers and employees, except temporary and seasonal employees, shall be paid their salaries or wages weekly, the dates of payment to be determined by the state controller. Any state officer, whose salary is established at an annual rate, shall receive weekly a sum which will, in the year's aggregate, most nearly equal the annual rate. Payment may be made once in each calendar month or fortnightly to such state officers and employees as consent to such time of payment. Temporary and seasonal employees of the state shall be paid at such times as the commissioner of finance and administration shall specify. (1957, c. 340, § 1. 1959, c. 81.)

Effect of amendment.—The 1959 amendment added the second sentence to this section.

Financial Reports of Federal Funds.

Sec. 54. Reports re federal funds required.—The governor and every state officer and department head who shall be intrusted with the expenditure of federal funds in this state shall file in the office of the state controller a detailed report of all disbursements, including the purposes for which such disbursements were made and the persons to whom any money was paid, supported by proper vouchers, said report to be filed within 30 days after the entire fund has been disbursed.

Any state officer excepting the governor, whether elected or appointed, and any department head who shall fail or neglect to file such report as herein provided shall be subject to removal from office by authority of the governor, and if the governor of the state shall fail or neglect to file such report, he shall be subject to impeachment in the manner provided in article IX, section 5, of the constitution of the state of Maine. (1957, c. 340, § 1.)

Public Ways and Parking Areas.

Sec. 55. Definitions.—The words "public way" or "public ways," when used in sections 56 to 60, shall be held to mean all roads and driveways on lands maintained by the state at the seat of government.

The words "parking area" or "parking areas," when used in sections 56 to 60, shall be held to mean all lands maintained by the state at the seat of government which may be designated as parking areas by the state director of public improvements. (1959, c. 33, § 13.)

Sec. 56. Rules and regulations.—The state director of public improvements is authorized and empowered to make and enforce rules and regulations, subject to the approval of the governor and the commissioner, governing the use of public ways and parking areas maintained by the state at the seat of government. Said rules and regulations shall become effective upon deposit of a copy thereof with the secretary of state, who shall forward a copy thereof attested under the great seal of the state to the district court for Southern Kennebec. (1959, c. 33, § 13. 1963, c. 402, § 9.)

Effect of amendment.—The 1963 amendment substituted "district court for Southern Kennebec" for "municipal court of the city of Augusta" at the end of the section.

Sec. 57. Special police officers; powers and duties; duties of other officers to cooperate.—The state director of public improvements is authorized and empowered to appoint and employ, subject to the provisions of the

personnel law, special police officers for the purpose of enforcing rules and regulations made pursuant to section 56.

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

The state police, sheriffs and deputy sheriffs, constables and police officers of the city of Augusta shall, so far as possible, cooperate with the special police officers appointed and employed under this section in the enforcement of rules and regulations made pursuant to section 56. (1959, c. 33, § 13.)

Sec. 58. Jurisdiction. — The district court for Southern Kennebec shall have jurisdiction in all proceedings brought under sections 55 to 60, which court shall take judicial notice of all rules and regulations adopted pursuant to section 56. In any prosecution for violation of any rule and regulation, the complaint may allege the offense as in prosecutions under a general statute and need not recite the rule or regulation. (1959, c. 33, § 13. 1963, c. 402, § 10.)

Effect of amendment.—The 1963 amendment substituted “district court for Southern Kennebec” for “municipal court of the city of Augusta” at the beginning of the section.

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

I. For the first offense in any calendar year, a fine of \$1 plus the costs of court;

II. For the 2nd offense in any calendar year, a fine of \$2 plus the costs of court;

III. For each offense in excess of 2 in any calendar year, a fine of \$5 plus the costs of court.

Notwithstanding any other provisions of law, the fines and costs of court paid under this section shall inure to the city of Augusta. (1959, c. 33, § 13.)

Sec. 60. Offenses not covered by rules and regulations. — Offenses not covered by the rules and regulations made under section 56 shall be dealt with as otherwise provided by law. (1959, c. 33, § 13.)

Chapter 16.

Department of Finance and Administration. Accounts and Control. Purchasing. Taxation.

Sections 77-A to 77-D. Assessment of State Property Taxes.

Sections 200-221 Cigarette Tax.

Sections 282-293. Maine Dry Bean Tax.

Sections 294-301. Quahog Tax.

Commissioner of Finance and Administration. Bureau Chiefs.

Sec. 1. Repealed by Public Laws 1957, c. 340, § 2.

Cross reference.—See now: c. 15-A and notes thereto.

Editor's note.—P. L. 1957, c. 340, provided in § 12 thereof that such act should be retroactive to July 1, 1957.

P. L. 1957, c. 429, §§ 15, 16, 17 and 18 repealed §§ 25, 30, 31 and 33, respectively, of chapter 16, previously repealed by P. L. 1957, c. 340, § 2. P. L. 1957, c. 340, re-

pealing §§ 1-53 of chapter 16, also inserted chapter 15-A, relating to the same subject matter. Amendments to §§ 1-53 of chapter 16, passed subsequent to the repeal thereof by P. L. 1957, c. 340, § 2, have been carried in footnotes under the appropriate sections of chapter 15-A, relating to the same subject matter. As to the editorial disposition and treatment of P. L.