**29-248 OFFICE OF THE STATE TREASURER**

**Chapter 104: CERTAIN PAYMENTS NOT IMMEDIATE**

**Summary**: The purpose of this rule is to establish procedures for a department or agency to accept payments using automated procedures, electronic processes and computer driven technology that is not immediately deposited into the State Treasury. Pursuant to 5 M.R.S. Section 131, as enacted by H.P. 1482 – L.D. 1995, the Treasurer of State and the State Controller shall adopt rules.

1. **General**

In accordance with the Act, the Treasurer of the State and the State Controller have established the rules and regulations set forth in sections I to VIII, inclusive, governing the procedures to accept payments using automated procedures, electronic processes and computer driven technology that is not immediately deposited into the State Treasury.

1. **Definitions**

As used in sections I through VII, inclusive, unless the context otherwise requires, the words and terms defined in this section, have the meanings ascribed to them below.

* 1. **State**. “State” means the State of Maine.
	2. **3rd Party Payment Processor**. “3rd Party Payment Processor” means a financial service provider who accepts and transmits payment from a consumer to the State.
1. **Duties of a Department or Agency**

A. Department or Agency seeking to contract with a 3rd Party Payment Processor must use the State’s procurement process to issue a request for proposal (RFP) to select a vendor.

B. Must report to the State Controller and Treasurer of State the winner of the RFP for final approval. The Treasurer of State has the authority to deny the use of a selected winner.

C. Must have ability to review current balances of accounts held with vendor.

1. **Duties and Powers of the Treasurer of State**
	1. The Treasurer of State or designee shall review all proposed 3rd Party Payment Processors and provide approval or denial for each request.
	2. Track all approved vendors.
	3. Must have ability to review current balances of accounts held with each vendor.
2. **Duties and Powers of the State Controller**

The State Controller or designee shall review all proposed vendors and make a recommendation to the State Treasurer to approve or deny as a 3rd Party Payment Processor.

1. **Prohibitions against deductions**

Nothing in these rules waive prohibitions against deductions on account of salaries, fees, costs, charges, expenses, refunds, claims or demands of any description what so ever.

1. **Requirements for a 3****rd Party Payment Processor**
	1. The State shall not be held liable for funds collected until funds have been received by the State in its primary deposit account.
	2. Funds shall be deposited into the State Treasury within 3 business days of initial payment.
	3. Must make payee aware that funds will not be immediately deposited into the State Treasury.
2. **Accounts Not Insured by or Obligation of the State**

Accounts are not insured by the State and any principal contributed and any investment return in an account is not guaranteed by the State. Sections I to VII, inclusive, may not be construed to create any obligation of the Treasurer of State, the State or any agency or instrumentality of the State, to guarantee for the benefit of any account owner or designated beneficiary the return of principal, any rate of interest or any payment of interest or other return on any account.

STATUTORY AUTHORITY:

 5 M.R.S.A. §131

EFFECTIVE DATE:

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