

MAINE STATE LEGISLATURE

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SEVENTY-SEVENTH LEGISLATURE

HOUSE

NO. 460

House of Representatives, Feb. 27, 1915.

Ordered, That five hundred copies be printed and that the same be referred to the Committee on Judiciary.

Committee on Reference.

Presented by Mr. Durgain of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE
HUNDRED AND FIFTEEN

AN ACT amendatory of sections sixty-seven and sixty-eight of chapter seventy-nine of the Revised Statutes and Chapter seventy-five of the Public Laws of nineteen hundred and seven, relating to the Reporter of Decisions.

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

Section 1. Section sixty-seven, of chapter seventy-nine
2 of the revised statutes, as amended by section one, of chap-
3 ter seventy-five, public laws of nineteen hundred and seven,
4 is hereby further amended by adding after the word "year-
5 ly," in the sixth line thereof, the words, 'of eight hundred
6 copies;' also by striking out the words "the reporter may,
7 from time to time, as he sees fit, make a written contract

8 in his own name," in the twelfth, thirteenth and fourteenth
9 lines thereof, and inserting in place thereof the words 'the
10 governor and council, may in their discretion, enter into a
11 written contract;,' also by striking out the word "reporter,"
12 in the nineteenth and also the twenty-first lines, and insert-
13 ing in place thereof the words, 'governor and council;,' so
14 that said section as amended shall read as follows:

'Sect. 67. The reporter of decisions shall, by his personal
16 attendance at law court when practicable, or by the best
17 other means in his power, prepare correct reports of all
18 legal questions argued and decided, reporting cases more
19 or less at large according to his judgment of their import-
20 ance. He shall publish at least one volume yearly of eight
21 hundred copies, provided he has material enough to make
22 a volume of the size required by this section and furnish
23 the usual number of current copies to the state and to the
24 public at the price of one dollar and seventy-five cents a
25 volume. Each volume shall be of the average size of vol-
26 ume eighty-three, Maine reports, and be equal thereto in
27 paper, printing, binding, general finish and quantity of
28 printed matter. The governor and council, may in their
29 discretion, enter into a written contract with any person,
30 firm or corporation for the printing, publishing and binding
31 of said reports and shall require such person, firm or cor-
32 poration to give a good and sufficient bond with good and
33 sufficient sureties, conditioned for the faithful performance
34 of all the terms and conditions of such contract by the per-

35 son, firm or corporation with whom the governor and coun-
36 cil make such contract. In case of a breach of any or all
37 the conditions of such bond, the governor and council may
38 maintain an action on such bond in their own name.'

Sect. 2. Section sixty-eight of chapter seventy-nine of
2 the revised statutes, is hereby amended by striking out in
3 the sixth and seventh lines thereof the words "except as
4 hereinafter provided;" also by striking out in the ninth line
5 of said section the following words, "But the reporter may
6 retain out of said profits received by him the sum of four
7 hundred dollars, each year, commencing January one, nine-
8 teen hundred and seven, for clerk hire, stationery, postage,
9 expressage and incidental expenses:" and inserting in place
10 thereof the words, "There shall be appropriated the sum
11 of four hundred dollars annually, for clerk hire, stationery,
12 postage, expressage and incidental expenses of the reporter,
13 bills for which shall be presented to and be audited by the
14 state auditor;" also by striking out after the word "hands,"
15 in the fifteenth line, the words "and shall also assign and
16 transfer to his successor any contract and bond he may
17 then have relating to a volume not then completed or com-
18 menced, and such successor's rights in and under such con-
19 tract and bond shall be the same as though he had originally
20 made the contract and taken the bond;" so that said section
21 as amended shall read as follows:

'Sect. 68. Each volume of said reports shall be entered
23 by the secretary of state with the librarian of congress, and

24 copyrighted in the name of the state of Maine, and the
25 manuscript and copyright thereof shall belong to the state.
26 All profits arising from the publication and sale of said
27 reports and advance sheets thereof, received by said re-
28 porter, shall be accounted for and paid over by him to the
29 treasurer of state on the first Monday in December in each
30 year. There shall be appropriated the sum of four hun-
31 dred dollars annually for clerk hire, stationery, postage,
32 expressage and incidental expenses of the reporter, bills for
33 which shall be presented to and be audited by the state
34 auditor. At the expiration of his term of office, all the
35 official duties of the reporter shall cease, and he shall turn
36 over and deliver to his successor all unpublished cases in
37 his hands.'

STATEMENT OF FACTS EXPLANATORY OF FORE- GOING PROPOSED AMENDMENTS.

The commissioner on revision of statutes recommends that the printing of the revised statutes be hereafter under the direction of the governor and council and that they advertise for bids on that work the same as on other state printing. This would leave only the reports of the supreme judicial court, commonly called the Maine Reports, outside of the authority of the governor and council to contract for. There is no reason known why these reports should not also be included with all other state printing and binding and placed with such other printing under the direction of the governor and council. The larger the amount of printing handled by the governor and council, the lower the price should be in proportion to the work done.

In section 2, it is sought to remedy the conflict of law now existing between chapter 75, public laws 1907, and chapter 147, public laws of 1907. The first chapter provides that the reporter of decisions may retain certain profits of sales of the Maine Reports and himself pay them out for clerk hire, stationery, postage, expressage and incidental expenses. Chapter 147 of the public laws of 1907, provides that the state auditor shall examine all accounts and demands against the state. This change is merely intended to have all bills audited by the state auditor, this being the only case where bills are not so audited.