

# MAINE STATE LEGISLATURE

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## Chapter 10.

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#### Organization of the Legislature.

**Cross Reference.**—See c. 42, § 8, re legislative reference in library.

**Sec. 1. Certified rolls of members elect.**—The secretary of state shall, on or before the day preceding the meeting of the legislature, furnish to the secretary of the preceding senate a certified roll, under the seal of the state, of the names and residences of senators elect, according to the report of the governor and council, and to the clerk of the preceding house of representatives a certified roll, under the seal of the state, of the names and residences of the representatives elect, according to the report of the governor and council, and shall report the vacancies if any exist. (R. S. c. 9, § 1.)

See Me. Const., re legislative powers.

**Sec. 2. Salary and travel of members of the legislature and representatives of Indian tribes.**—Each member of the senate and house of representatives shall receive \$1,000 for the regular session of the legislature, and shall be paid for travel at each legislative session once each week at the rate of 5¢ per mile to and from his place of abode; the mileage to be determined by the most reasonable direct route. He is entitled to mileage on the 1st day of the session, and \$100 of his salary on the 1st day of each month thereafter, during the session, and the balance at the end thereof; but \$2 shall be deducted from the pay of every member for each day that he is absent from his duties, without being excused by the house to which he belongs.

The president of the senate and speaker of the house of representatives shall each receive \$1,150 for each regular session of the legislature, with the same mileage as other members, and subject to the same deduction in case of each absence. Any member acting as president pro tempore of the senate, or speaker pro tempore of the house, shall receive \$2 a day extra therefor.

When an extra session is called by the governor, the members of the senate and house of representatives shall each be paid \$10 for every day's attendance, and mileage as aforesaid.

The president of the senate and speaker of the house of representatives at such extra session shall receive, in addition, \$2 for every day's attendance.

The member of the Indian tribe elected by it to represent the tribe at the biennial assembly of the legislature shall receive a compensation of \$200 for such attendance. (R. S. c. 9, § 2. 1943, c. 362, §§ 1, 2, 3. 1949, c. 406. 1953, c. 410, §§ 1, 2.)

**Sec. 3. Senate; organization.**—The secretary of the preceding senate, at the time and place appointed for the meeting of the legislature, shall call

the senators-elect present to order, and from the certified roll furnished him as aforesaid, call their names, and if a quorum respond, he shall preside until they are qualified and a president is elected; if no quorum appear he shall preside, and the senators-elect present shall adjourn from day to day, but shall transact no business, except to go into convention to fill vacancies, until a quorum appear and are qualified and a president is elected. After the election of the president, the senate shall proceed to elect by ballot a secretary, an assistant secretary, a sergeant at arms, an assistant sergeant at arms, a postmaster, a doorkeeper and 2 pages.

In case of vacancy in the office of such secretary or his absence or inability to perform the duties aforesaid, the said duties shall be performed by his assistant. (R. S. c. 9, § 3.)

**Sec. 4. Secretary and assistant secretary of the senate; salaries and duties.**—The secretary of the senate shall perform the usual duties of the office during the session of the legislature, file and index all papers, which have been subject to adverse legislative action, index and supervise the preparation of the permanent senate journal. He shall also perform the duties required of him by sections 3 and 5. He shall also deliver to the librarian of the state library all papers on file in the office of the secretary of the senate which were considered by a session of the legislature held more than 10 years previously and the state librarian shall inspect said papers and preserve all those having any historical or permanent value. He shall receive a salary of \$4,000 in full for all official services by him performed during the regular session of the legislature.

The assistant secretary of the senate shall receive a salary of \$2,400; his work shall be performed under the direction of the secretary. (R. S. c. 9, § 4. 1945, c. 375, § 1. 1953, c. 422, §§ 1, 2.)

See c. 4, § 44, re appointment of committee by president of senate for investigation of expenses incurred by nominees

in primary elections; c. 16, § 12, re advisory committee on budget.

**Sec. 5. Records of senate; amendments.**—The secretary or assistant secretary of any senate shall amend, according to the fact, the journal of said senate, whenever empowered or required by authority of the same, or of any subsequent senate. (R. S. c. 9, § 5.)

**Sec. 6. House of representatives; organization.**—The clerk of the preceding house of representatives in the same manner as provided for the senate shall call the representatives-elect to order and preside until they are qualified and elect a speaker; if no quorum appear he shall preside, and the representatives-elect present shall adjourn from day to day until a quorum appear and are qualified and a speaker is elected. After the election of the speaker, the house of representatives shall proceed to elect by ballot a clerk, an assistant clerk, a sergeant at arms, an assistant sergeant at arms, a document clerk, a doorkeeper and 2 pages.

In case of vacancy in the office of such clerk, or his absence or inability to perform the duties aforesaid, the said duties shall be performed by his assistant. (R. S. c. 9, § 6.)

**A quorum must appear and be qualified before proceeding to election of a speaker;** and if the whole number of votes for speaker is less than a quorum, and there is nothing upon the record to show that a quorum was present and acting, there would be no election. Opinion of the Justices, 70 Me. 570, 590.

**But qualifying oaths may be admin-**

**istered to number less than quorum.**—While by this section the clerk is to preside until a quorum shall appear and be qualified, it is not provided that a less number than a quorum shall not be qualified. The qualifying oaths may be administered to members elect in any numbers. Opinion of the Justices, 70 Me. 570, 590.

**Sec. 7. Clerk and assistant clerk of the house; salaries and duties.**—The clerk of the house of representatives shall perform the usual duties of his office during the session of the legislature and index the house journal. He shall when the legislature is not in session be the executive officer of the legislature, and unless the legislature otherwise order, have custody of all legislative property and material, arrange for necessary supplies, service and equipment, make all arrangements for incoming sessions of the legislature, have general oversight of chambers and rooms occupied by the legislature, permit state departments to use legislative property, dispose of surplus or obsolete material with the approval of the speaker of the house and president of the senate and approve accounts for payment. He shall also perform the services required of him by sections 6 and 8. He shall receive a salary of \$4,500 in full for all official services by him performed during the regular session of the legislature and for such additional services provided for in this section.

The assistant clerk of the house shall receive a salary of \$2,400; his work shall be performed under the direction of the clerk. (R. S. c. 9, § 7. 1945, c. 375, § 2. 1953, c. 422, §§ 3, 4.)

See c. 4, § 44, re appointment of committee by speaker of the house for investigation of expenses incurred by nominees in primary elections; c. 16, § 12, re advisory committee on budget.

**Sec. 8. Records of the house; amendments.**—The clerk or assistant clerk of any house of representatives shall amend, according to the fact, the journal of said house, whenever empowered or required by authority of the same, or of any subsequent house. (R. S. c. 9, § 8.)

#### Representatives of the Press.

**Sec. 9. Rights and privileges of representatives of the press; to have no interest in private claims.**—Representatives of the press, who shall be actually engaged in sending daily reports of the doings of the legislature to daily newspapers, shall have the privilege of the floor of the senate and house of representatives, and shall be subject to such rules as may from time to time be adopted by either branch of the legislature. No such representative shall be interested in any private claim or measure pending before the legislature, nor shall any such representative, while acting as correspondent for any daily newspaper, and as such correspondent having the privileges mentioned in this section, become interested in the prosecution of any such claim or measure. (R. S. c. 9, § 9.)

**Sec. 10. Room reserved for representatives of the press.**—Room 400, on the 4th floor of the state house, shall be maintained and reserved, during each legislative session, for the use of such representatives of the press as have the privilege of the floor of the senate and house of representatives under the provisions of the preceding section; the superintendent of public buildings shall see that such room is properly furnished, lighted, heated and kept in order. (R. S. c. 9, § 10.)

#### Notice of Petitions for Legislation.

**Sec. 11. Notice of petitions affecting individuals or corporations.**—Notice of any petition for legislation, affecting the rights of individuals or corporations, may be given by serving them with a true copy of the petition at least 14 days before the commencement of the next session, or by publishing such copy 3 weeks successively in some newspaper printed in the counties in which such individuals reside or such corporations are established; or if no newspaper is there published, then in the state paper, the last publication to be at least 14 days before the session; and if further service is deemed necessary, or if notice is defective or insufficient, further notice may be ordered. (R. S. c. 9, § 11.)

Cited in *Westbrook v. Deering*, 63 Me.

**Sec. 12. Notice of petitions affecting town or county.**—Notice of any petition affecting the rights or interests of any town or county may be given to such town by serving it with a true copy of the petition at least 14 days before the session, and to such county, by publishing as prescribed in the preceding section. (R. S. c. 9, § 12.)

This section does not empower a town to raise money to pay an attorney for appearing before a committee of the legislature to oppose a division of the town. *Westbrook v. Deering*, 63 Me. 231.

**Sec. 13. If no notice, petition to be referred.**—Petitions mentioned in the 2 preceding sections without proof of notice as prescribed shall be referred, with order of notice, to the next legislature. (R. S. c. 9, § 13.)

Cited in *Westbrook v. Deering*, 63 Me. 231.

**Sec. 14. Service; proof.**—Service of notice of such petitions may be made by any sheriff or constable, and proved by his proper return or by written acknowledgment of the adverse party on the petition, or if notice is given by publication, then by the newspapers or the affidavit of the printer. (R. S. c. 9, § 14.)

**Sec. 15. Notice of petitions for special legislation pertaining to fish and game.**—Notice of petitions, bills or resolves for special legislation, regarding or in any manner pertaining to fish or game, shall be given with full description of the territory or waters affected by such legislation, in some weekly publication nearest the locality so affected, for 8 consecutive weeks, the last notice to be not less than one, nor more than 3 weeks before the assembling of the legislature of which such legislation is requested, and such notice shall be absolutely required before any such legislation shall be enacted. All laws hereafter enacted pertaining to fish or game which do not conform to the general laws of the state shall for the purposes of this section be deemed special. Provided, however, that the provisions of this section shall not apply to any petition, act or resolve, either repealing or amendatory, which has for its object the placing of the territory or waters in question under the general laws of the state. (R. S. c. 9, § 15.)

#### Departmental Heads and Legislative Committees.

**Sec. 16. Heads of departments not to employ counsel.**—No head of any department shall employ counsel or witnesses, at the expense of the state, to appear before any committee of the legislature, without the consent of the legislature. (R. S. c. 9, § 16.)

#### Constitutional Amendments.

**Sec. 17. When constitutional amendments take effect.**—Unless otherwise provided in the resolve submitting it, every constitutional amendment shall take effect and become part of the constitution, on the 1st Wednesday of January following its adoption by the people. (R. S. c. 9, § 17.)

**Sec. 18. Proclamation and publication thereof.**—Within 30 days after it appears that a constitutional amendment has been adopted, the governor shall make proclamation thereof, and the secretary of state shall forthwith cause such proclamation to be published in the state paper, and it shall also be included in the next volume of acts and resolves. (R. S. c. 9, § 18.)

**Sec. 19. Constitutional amendments, explanation of.**—The attorney general shall prepare a brief explanatory statement which shall fairly describe the intent and content of each constitutional resolve or state-wide referendum that may be presented to the people. He shall cause to have published this explanatory

statement in each daily newspaper of the state, such statement to be published not more than 45 days and not less than 30 days prior to the voting and publish such statement in each daily newspaper of the state a second time, not more than 10 and not less than 7 days prior to the voting. (1949, c. 183, § 1.)

### Statutes.

**Sec. 20. Notice of approval of public acts.**—When a public act is approved by the governor, the secretary of state shall give written notice thereof to the presiding officers of the senate and house, describing it by its title, and the date of its approval, which shall be entered on the journal of each house. (R. S. c. 9, § 19.)

Stated in *Weeks v. Smith*, 81 Me. 538, 18 A. 325.

**Sec. 21. Construction and effect of repealing acts.**—The repeal of an act or resolve passed after the 4th day of March, 1870, does not revive any statute in force before the act or resolve took effect. The repeal of an act does not affect any punishment, penalty or forfeiture incurred before the repeal takes effect, or any suit, or proceeding pending at the time of the repeal, for an offense committed or for recovery of a penalty or forfeiture incurred under the act repealed. Actions pending at the time of the passage or repeal of an act are not affected thereby. (R. S. c. 9, § 20.)

**Cross reference.**—See Const. of Me., Art. IV, Part Third, §§ 17 et seq., re people's initiative and referendum.

**Proceedings in insolvency are not "actions"** within the meaning of that word as used in the last sentence of this section. *Belfast v. Fogler*, 71 Me. 403.

**Nor are petitions pending before county commissioners.**—The word "actions" in the last sentence of this section does not include petitions pending before the board of county commissioners for the location of highways, and the right of appeal from a decision of such commissioners may be taken away by a change of the statute governing the time for taking such appeals. *Webster v. Androscoggin County Com'rs*, 63 Me. 27.

The word "actions" in the last sentence

of this section does not include a petition pending before county commissioners for gates at a railroad crossing. *Grand Trunk Ry. v. Cumberland County Com'rs*, 88 Me. 225, 33 A. 988.

**Applied** in *Estes v. White*, 61 Me. 22; *Ridlon v. Cressey*, 65 Me. 128; *Treat v. Smith*, 68 Me. 394; *Whitmore v. Learned*, 70 Me. 276; *Union Slate Co. v. Tilton*, 73 Me. 207; *Buck v. Kimball*, 75 Me. 440; *Hamelin v. Biddeford*, 95 Me. 308, 49 A. 1100.

**Quoted** in *State v. Waterville Savings Bank*, 68 Me. 515.

**Cited** in *Holmes v. French*, 68 Me. 525; cited in *Plummer v. Jones*, 84 Me. 58, 24 A. 585; *Hallowell v. Portland*, 139 Me. 35, 26 A. (2d) 652.

### Rules of Construction. Affirmations.

**Cross Reference.**—See c. 23, § 2, re application of rules to highway chapter.

**Sec. 22. Rules of construction.**—The following rules shall be observed in the construction of statutes, unless such construction is inconsistent with the plain meaning of the enactment.

**I.** Words and phrases shall be construed according to the common meaning of the language. Technical words and phrases and such as have a peculiar meaning convey such technical or peculiar meaning. The words "and" and "or" are convertible as the sense of a statute may require.

**Legal terms used according to legal significance.**—In and of this major rule is the rule that legal terms are presumed to be used according to their legal significance. *Portland Terminal Co. v. Boston &*

*Maine R. R.*, 127 Me. 428, 144 A. 390; *Doughty v. Maine Central Transp. Co.*, 141 Me. 124, 39 A. (2d) 758.

**The definition of the word "technical"**, which is, "pertaining to art or the arts",

will not generally apply to the word "bond". *Augusta Bank v. Augusta*, 49 Me. 507.

**Applied** in *Collins Granite Co. v. Devereux*, 72 Me. 422; *Low v. Windham*, 75 Me. 113; *Lyon v. Lyon*, 88 Me. 395, 34 A. 180; *E. A. Strout Co. v. Gay*, 105 Me. 108, 72 A. 881; *Durgin v. Curran*, 106 Me. 509, 77 A. 689, overruled in *Bartlett v. McIntire*, 108 Me. 161, 79 A. 525; *Dolliver v. Granite State Fire Ins. Co.*, 111 Me. 275, 89 A. 8; *Thurston v. Carter*, 112 Me. 361, 92 A. 295; *Grindle v. Bunker*, 115 Me. 108, 98 A. 69; *Barry v. Austin*, 118 Me. 51, 105 A. 806; *Merchant's Case*, 118 Me. 96, 106

A. 117; *Woods v. Perkins*, 119 Me. 257, 110 A. 633; *McDougal's Case*, 127 Me. 491, 144 A. 446; *Solon v. Holway*, 130 Me. 415, 157 A. 236; *Pejebscot Paper Co. v. State*, 134 Me. 238, 184 A. 764; *Public Utilities Comm. v. Congdon*, 137 Me. 216, 18 A. (2d) 312; *People's Savings Bank v. Chesley*, 138 Me. 353, 26 A. (2d) 632; *Canal Nat. Bank of Portland v. Bailey*, 142 Me. 314, 51 A. (2d) 482.

**Quoted** in *Wells v. Somerset & Kennebec R. R.*, 47 Me. 345.

**Cited** in *W. S. Libbey Co. v. Johnson*, 148 Me. 410, 94 A. (2d) 907.

**II.** Words of the singular number may include the plural; and words of the plural number may include the singular. Words of the masculine gender may include the feminine.

**Applied** in *Rich v. Roberts*, 48 Me. 548; *Morrill v. Sanford*, 49 Me. 566; *Blanding v. Mansfield*, 72 Me. 427; *Hurley v. South Thomaston*, 105 Me. 301, 74 A. 734; *Dan-*

*forth v. Emmons*, 124 Me. 156, 126 A. 821; *Jordan v. Mace*, 144 Me. 351, 69 A. (2d) 670.

**III.** Words giving authority to three or more persons authorize a majority to act, when the enactment does not otherwise determine.

**This rule clearly implies that less than a majority can do no binding act;** consequently, the doings of the minority can have no effect to make responsible those for whom it professes to act. *Boothby v. Troy*, 48 Me. 560.

**Majority of committee appointed to review proceedings of county commissioners may act.**—See note to c. 89, § 60.

**Applied** in *Stevens v. Fassett*, 27 Me. 266; *Junkins v. Doughty Falls Union*

*School District*, 39 Me. 220; *Webber v. Stover*, 62 Me. 512; *Knowles v. School District No. 10*, 63 Me. 261; *Deming v. Houlton*, 64 Me. 254; *Acton v. York County Com'rs*, 77 Me. 128; *Bryant v. Penobscot County Com'rs*, 79 Me. 128, 8 A. 460; *State v. McLellan*, 117 Me. 73, 102 A. 778.

**Quoted** in *Allen v. Hackett*, 123 Me. 106, 121 A. 906.

**Cited** in *Wiswell v. Starr*, 48 Me. 401.

**IV.** The words "annual meeting," applied to towns, mean the annual meeting required by law for choice of town officers.

**Applied** in *Webber v. Stover*, 62 Me. 512; *State v. Gilman*, 96 Me. 431, 52 A. 620.

**V.** The word "grantor" means the person who conveys a freehold estate or interest in land; and the word "grantee," the person to whom it is conveyed.

**VI.** The word "highway" may include a county bridge, county road or county way.

**Cross references.**—See c. 96, § 96, re definition of "highway" in certain cases, c. 22, § 1, re definition of certain terms.

**The word "highway" in popular language means public way,** and a town way is a public way, all the citizens having a right to use it. *Cleaves v. Jordan*, 34 Me. 2.

**But its meaning is restricted by this rule.**—The meaning of this provision appears to be that, when the word "highway" is used in the statutes, its import should be that which is mentioned in this rule unless the sense would require a different one. If the word "may" in this rule is not

intended to restrict the signification, then the term "highway" might still be understood in its broadest and most comprehensive sense and this provision would be inoperative and useless. *Cleaves v. Jordan*, 34 Me. 2.

The meaning of this provision is that when the word "highway" is used, its import is to be taken as thus defined, unless the obvious sense of the statute should require a different construction. *Waterford v. Oxford County Com'rs*, 59 Me. 450; *Moore v. Maine Central R. R.*, 106 Me. 297, 76 A. 871.

**And a "highway" does not include a**



**town way** unless by express enactment. *Waterford v. Oxford County Com'rs*, 59 Me. 450.

**But this rule is not absolute.**—The word “highway” in a statute generally means a county way, a way leading from town to town, and established by county commissioners, as distinguished from a town way which is within the territorial limits of a town, and is laid out by municipal authority. But this is not an absolute rule. It does not apply when it is obvious that the word is used in a statute in a different

sense. And that may appear either from the purpose of the statute itself, or from the context. *Moore v. Maine Central R. R.*, 106 Me. 297, 76 A. 871, holding that the word “highway” in the statute under consideration was used in its more generic and popular legal sense, and included all public traveled ways, whether county or town.

**Applied** in *Wells v. York County Com'rs*, 79 Me. 522, 11 A. 417; *Merrill v. Harpswell*, 120 Me. 25, 112 A. 834.

**Quoted** in *State v. Bunker*, 59 Me. 366.

**VII.** The word “inhabitant” means a person having an established residence in a place.

**Foreign corporation doing business in this state** held not an “inhabitant” of this state. *Squire & Co. v. Portland*, 106 Me.

234, 76 A. 679.

**Applied** in *Church v. Rowell*, 49 Me. 367.

**VIII.** The words “insane person” may include an idiotic, non compos, lunatic or distracted person; but in reference to idiotic or non compos persons this rule does not apply to sections 10, 13, 96 to 112, inclusive, 130 to 133, inclusive and 135 to 147, inclusive, of chapter 27. (1945, c. 378, § 4).

**In a legal sense, unsoundness of mind is synonymous with insanity.** Upon questions of insanity the law attempts to ascertain whether a party is or not possessed of such soundness of mind as renders him competent to do, or relieves him from the responsibility for doing, certain acts. In a legal and general sense, mental soundness is sanity—mental unsoundness is insanity. *St. George v. Biddeford*, 76 Me. 593.

does not trouble itself much about classifications and exact definitions, but contents itself with a practical and general view. Insanity, in a legal sense, embraces all the groups and conditions. *St. George v. Biddeford*, 76 Me. 593.

**If there were no statutory guide in the matter, the rule would be the same.** *St. George v. Biddeford*, 76 Me. 593.

**“Insane person” may include deaf mute.**

--The words “insane person” are declared to be applicable to a person idiotic, or non compos mentis, which a person deaf and dumb is prima facie presumed to be. *Oliver v. Berry*, 53 Me. 206.

**Stated** in *Overseers of Poor v. Gullifer*, 49 Maine 360.

**Cited** in *New Vineyard v. Harpswell*, 33 Maine 193.

**And term embraces all varieties of mental derangement.**—The old idea of but two sorts of mental derangement, idiocy and lunacy, has long been repudiated. It is now about universally considered that there are many degrees and varieties of mental derangement which come under the generic head of insanity. The law

**IX.** The word “issue,” applied to the descent of estates, includes all lawful lineal descendents of the ancestor.

**Applied** in *Healey v. Cole*, 95 Me. 272, 49 A. 1065; *Union Safe Deposit & Trust Co. v. Dudley*, 104 Me. 297, 72 A. 166.

**X.** The word “land” or “lands” and the words “real estate” include lands and all tenements and hereditaments connected therewith, and all rights thereto and interests therein.

**Cross references.**—See c. 92, § 3, re meaning of words “real estate” for purposes of taxation; c. 155, § 43, re definition of word “property” for administration of inheritance tax laws.

*DeNormandie*, 123 Me. 535, 124 A. 697.

**This definition applies to a toll bridge, toll house and land connected therewith.** *Stevens v. Dixfield & Mexico Bridge Co.*, 115 Me. 402, 99 A. 94.

**The word “lands” is not confined to field or meadow.** Under this rule it includes buildings and improvements on the land as well as the land itself. *Brown v.*

**And boom is taxable as real estate.**—Under this rule a boom, consisting of a line of permanent piers across a river, and logs fastened to the piers and shores by

iron chains, is taxable as real estate. *Hall v. Benton*, 69 Me. 346.

**And water-mains, pipes, etc., may be considered real estate.** *Paris v. Norway Water Co.*, 85 Me. 330, 27 A. 143.

**Applied** in *Foxcroft v. Straw*, 86 Me. 76.

29 A. 950; *Currie v. Bangor & Aroostook R. R.*, 105 Me. 529, 75 A. 51.

**Quoted** in *Pejebscot Paper Co. v. State*, 134 Me. 238, 184 A. 764.

**Cited** in *Lime Rock R. R. v. Farnsworth*, 86 Me. 127, 29 A. 957.

**XI.** The words "timber and grass," when used in reference to the public reserved lots, so called, in unorganized territory in the state, mean all growth of every description on said lots.

**XII.** The word "month" means a calendar month; and the word "year," a calendar year, unless otherwise expressed. The word "year," used for a date, means year of our Lord.

**Applied** in *State v. Bartlett*, 47 Me. 388; *Waterville v. Barton*, 64 Me. 321.

**XIII.** The word "oath" includes an affirmation, when affirmation is allowed.

**"Sworn complaint" includes one made on affirmation.** — Inasmuch as the word "oath" includes affirmation when affirmation is allowed, a "sworn complaint" in-

cludes one made on affirmation, when the complainant is allowed to affirm. *State v. Welch*, 79 Me. 99, 8 A. 348.

**XIV.** The word "person" may include a body corporate.

**Cross references.**—See c. 32, § 8 and c. 100, § 152, re definition of word "person" in certain cases; c. 155, § 43, re definition of word "person" for administration of inheritance tax laws.

**The word "person" does not necessarily embrace the state or government.** *Banton v. Griswold*, 95 Me. 445, 50 A. 89.

**Application to city or town.**—Where the words "person" and "corporation" occur together, "corporation" is the only word

which can be contended to include a city or town, notwithstanding this rule. *Chase v. Litchfield*, 134 Me. 122, 182 A. 921.

**Applied** in *Stevens v. Rollingsford Savings Bank*, 70 Me. 180; *Hurley v. South Thomaston*, 105 Me. 301, 74 A. 734; *Opinion of the Justices*, 133 Me. 525, 178 A. 820.

**Stated** in *Baldwin v. Trustees of Ministerial Fund*, 37 Me. 369.

**XV.** By the words "preceding" or "following," used with reference to a section, is meant the section next preceding or following that in which it is used, when not otherwise expressed.

**XVI.** When the seal of a court, magistrate or public officer is to be affixed to a paper, the word "seal" may mean an impression made on the paper for that purpose with or without wafer or wax.

**Cited** in *McLaughlin v. Randall*, 66 Me. 226; *Warren v. Norwood*, 138 Me. 180, 24 A. (2d) 229.

**XVII.** Whenever a corporate seal is used or required on any instrument, an impression made on the paper of such instrument by the seal of the corporation, without any adhesive substance, shall be deemed a valid seal. A seal of a corporation upon a certificate of stock, corporate bond or other corporate obligation for the payment of money may be facsimile, engraved or printed where such certificate is signed by a transfer agent or transfer clerk and by a registrar, and where such bond or obligation is certified by a trustee.

**Cited** in *Warren v. Norwood*, 138 Me. 180, 24 A. (2d) 229.

**XVIII.** The words "United States" include territories and the District of Columbia. The word "state," used with reference to any organized portion thereof, may mean a territory or said district.

**XIX.** The word "town" includes cities and plantations, unless otherwise expressed or implied.

**Applied** in Small v. Lufkin, 56 Me. 30; 289; Trenton v. Brewer, 134 Me. 295, 186 Blood v. Bangor, 66 Me. 154; Parker v. A. 612.  
Williams, 77 Me. 418, 1 A. 138; Rockland v. Rockland Water Co., 82 Me. 188, 19 A. 137.  
163; Tuscan v. Smith, 130 Me. 36, 153 A.

**Quoted** in Kimball v. Rockland, 71 Me.

**XX.** The word "municipality" includes cities, towns and plantations.

**XXI.** The words "in writing" and "written" include printing and other modes of making legible words. When the signature of a person is required, he must write it or make his mark, but the signatures of any officer or officers of a corporation upon a certificate of shares in such corporation, when any such certificate is signed by a transfer agent or transfer clerk and by a registrar, and upon a corporate bond or other corporate obligation or the interest coupons annexed to a corporate bond or other corporate obligation, may be facsimiles, engraved or printed. (1953, c. 213).

**Rule applicable only where signature required by statute.**—The provision that "when the signature of a person is required, he must write it or make his mark" is not a general rule, applicable to contracts or instruments between private persons, except where a signature is required by a statute. It was very manifestly intended to reach the cases of public officers, required by statute to sign official documents, and to do away with any possible construction by which an official signature could be made by proxy. Chapman v. Limerick, 56 Me. 390; Mahoney v. Ayooob, 124 Me. 20, 125 A. 146.

**Public officer must personally affix signature or mark.**—Wherever the constitution or the statutes of the state require the official signature of a public officer, he

must personally affix his signature or mark. This duty cannot be executed by attorney or delegated to another. Opinion of the Justices, 68 Me. 587.

**Signature to will need not be written unassisted.**—This rule does not present an absolute alternative that the signature to a will must be written unassisted or else appear by mark only. The signature is not rendered invalid by the fact that another guided the hand of the testator when he signed. In re Cox's Will, 139 Me. 261, 29 A. (2d) 281.

**A deed signed by another with the name of the grantor** in the presence of and by the request of the grantor is valid. Lovejoy v. Richardson, 68 Me. 386.

**Applied** in Wellington v. Corrinna, 104 Me. 252, 71 A. 889.

**XXII.** The word "will" includes a codicil.

**XXIII.** The words "sworn," "duly sworn," or "sworn according to law," used in a statute, record or certificate of administration of an oath, refer to the oath required by the constitution or laws in the case specified, and include every necessary subscription to such oath.

**This rule obviates the necessity of lumbering up records with the full language of all the oaths administered.** The word "sworn" implies all the necessary terms. Curtis v. Potter, 114 Me. 487, 96 A. 786.

**Applied** in Bennett v. Treat, 41 Me. 226; Patterson v. Creighton, 42 Me. 367; Greene v. Lunt, 58 Me. 518; Bowler v. Brown, 84 Me. 376, 24 A. 879.

**Cited** in Payson v. Hall, 30 Me. 319.

**XXIV.** When an act that may be lawfully done by an agent is done by one authorized to do it, his principal may be regarded as having done it.

**This clause is a rule for the construction of statutes** and not of contracts. Nobleboro v. Clark, 68 Me. 87.

**And does not abrogate parol evidence rule as to contracts.**—This rule does not abrogate the long-established rule, which requires all parties to written contracts, at their peril, to state what they mean to

abide by in the writing itself, and prohibits them from resorting to oral testimony to contradict or vary its terms. Sturdivant v. Hull, 59 Me. 172.

**It is not to be considered as applying to negotiable paper** in such a way as to make parol evidence of the understanding and intention of the parties admissible to re-

lieve an agent who has, on the face of the paper, expressly assumed the liability himself. *Sturdivant v. Hull*, 59 Me. 172.

**Applied** in *Kidder v. Knox*, 48 Me. 551; *Salley v. Terrill*, 95 Me. 553, 50 A. 896.

**XXV.** When a person is required to be disinterested or indifferent in a matter in which others are interested, a relationship by consanguinity or affinity within the 6th degree according to the civil law, or within the degree of 2nd cousins inclusive, except by written consent of the parties, will disqualify.

**Statute need not expressly require disinterestedness or indifference.**—It is not necessary that the statute should require that a person called upon to act in a certain case should be disinterested or indifferent, in order to render this rule pertinent. It is sufficient if it provides that such a person is authorized to act generally in cases of the same kind as the one which may be presented; and if by the principles of the common law he must be disinterested or indifferent, this rule is to determine, whether he is so or not. *Spear v. Robinson*, 29 Me. 531.

Whenever a person is either by the common law, or by the revised or subsequent statutes, required to be disinterested or indifferent in order to do any act under the authority of the latter, his qualification to perform such act is to be tested by the definition contained in this rule. *Spear v. Robinson*, 29 Me. 531.

**Rule applies despite ignorance of relationship.**—A juror who was related to the plaintiff in the fourth degree and to the defendant in the fifth degree was disqualified under this section notwithstanding that neither the plaintiff nor the defendant had any knowledge that this kinsman was a member of the panel until after the verdict, and the juror was not made aware of his relationship until after the trial had concluded. *Jewell v. Jewell*, 84 Me. 304, 24 A. 858.

**And although person is equally related to both parties.**—Where a justice was within the fourth degree of relationship, and there was no express consent, though he was equally related to both parties he was incompetent, and therefore had no jurisdiction. *Bard v. Wood*, 30 Me. 155.

**The matters in which disinterestedness and indifference are required are of a judicial character,** where impartiality is required on the part of the person acting, as in case of magistrates, jurymen, appraisers, commissioners, etc. *Jones v. Larrabee*, 47 Me. 474.

**To which there are parties who may remove disqualification by consent.**—The "matter in which others are interested" referred to in this rule is one to which there are parties to whom is given the power to remove this disqualification by

their "written consent." *Jones v. Larrabee*, 47 Me. 474.

The necessary implication from this rule is, that those who are to consent are present, consulant of the matters in which they are interested, and, consequently, may give or withhold "their written consent" as they deem expedient. *Jones v. Larrabee*, 47 Me. 474.

**The attesting witness to a will is not a person required to be disinterested** and indifferent, within the meaning of this rule. The attestation of a will is not a "matter" in which, nor are the testators, devisees or legatees parties by whom, the written consent referred to in this rule is to be given. *Jones v. Larrabee*, 47 Me. 474.

**Nor is judge of probate.**—This provision, first enacted in the revision of 1841 for the purpose of fixing the extreme limit of the disqualification by relationship of those to whom it was intended to apply, can have no possible application to judges of probate, for they were never required by statute to be disinterested by relationship in the estates of deceased persons. *In re Marston*, 79 Me. 25, 8 A. 87.

**Relationship by affinity.**—By marriage, one party thereto holds by affinity the same relation to the kindred of the other, that the latter holds by consanguinity. *Spear v. Robinson*, 29 Me. 531.

**Not annulled by dissolution of marriage.**—The dissolution of a marriage, once lawful, by death or divorce, does not annul the relation by affinity which it produced. *Spear v. Robinson*, 29 Me. 531.

**Where the brother of a juror was the husband of a sister of the defendant,** under this rule there was no disqualifying interest in the juror. *Chase v. Jennings*, 38 Me. 44.

**Written consent not necessary to waive disqualification of juror.**—The right to object, so far as relates to jurors who are related to either party within the prohibited degree, may be lost by the neglect or omission of the parties. A waiver in writing is not required. *Tilton v. Kimball*, 52 Me. 500.

**Relationship disqualifying person serving on committee to review action of county commissioners.**—See note to c. 89, § 60.

**Applied** in *Ware v. Jackson*, 24 Me. 166; *Hardy v. Sprowle*, 32 Me. 310; *Dolloff v. Stimpson*, 33 Maine 546; *Lane v. Goodwin*, 47 Me. 593; *Clifford v. York County Com'rs*, 59 Me. 262; *Call v. Pike*, 66 Me.

350; *Lyon v. Hamor*, 73 Me. 56, overruled in *Blaisdell v. York*, 110 Me. 500, 87 A. 361.

**Cited** in *Call v. Pike*, 68 Me. 217.

**XXVI.** The term "municipal officers" means the mayor and aldermen of cities, the selectmen of towns and the assessors of plantations.

**Cross reference.**—See c. 61, § 76, re duty of officials to prosecute unlawful sale of liquor.

**Clerk not municipal officer.**—Where by the charter of a city, the city clerk is made clerk of the board of mayor and aldermen, the city clerk does not thereby become one of the municipal officers. *Huntington v. Calais*, 105 Me. 144, 73 A. 829.

**Applied** in *Small v. Lufkin*, 56 Me. 30; *Stacey v. Graves*, 74 Me. 368; *Biddeford v. York County Com'rs*, 78 Me. 105, 3 A. 36; *Persson v. Bangor*, 102 Me. 397, 66 A. 1019; *Howard v. Harrington*, 114 Me. 443, 96 A. 769.

**Stated** in *Kimball v. Rockland*, 71 Me. 137.

**XXVII.** The words "state paper" mean the newspaper designated by the legislature, in which public acts, resolves, advertisements and notices are required to be published.

See c. 89, § 104, re clerk of court to preserve and file copies of state paper.

**XXVIII.** Abstracts of titles, chapters and sections, and notes are not legal provisions.

**Quoted** in *Tremblay v. Murphy*, 111 Me. 38, 88 A. 55.

**XXIX.** Acts of incorporation shall be regarded in legal proceedings as public acts. All acts of incorporation granted since the 1st day of January, 1893 become null and void in 2 years from the day when the same take effect, unless such corporations shall have organized and commenced actual business under their charters.

**Acts judicially noticed.** — This rule makes all acts of incorporation public statutes, and such, courts notice judicially. *State v. McAllister*, 24 Me. 139, overruled on another point in *State v. Upham*, 38 Me. 261; *Wilton Mfg. Co. v. Butler*, 34

Me. 431.

**An act in addition to an act of incorporation**, becoming a part thereof, such as an act repealing one section of an act of incorporation, is a public act also. *Belmont v. Morrill*, 69 Me. 314.

**XXX.** The organization of any corporation under any general law of the state becomes null and void in 2 years from the day when its certificate of incorporation has been filed in the office of the secretary of state, unless such corporation shall have commenced actual business under its organization.

**Cross references.**—See c. 45, § 7, re steam railroads to begin constructing road within 3 years; c. 47, § 13, re street railroads to begin constructing road within 3 years; c. 60, § 174, re fraternal beneficiary corporations to commence business

within 1 year; c. 60, § 224, re corporation carrying on casualty insurance on assessment plan to commence business within 1 year.

**Cited** in *Farnsworth v. Lime Rock R. R.*, 83 Me. 440, 22 A. 373.

**XXXI.** The terms "vacant" and "vacancy" as applied to public office shall comprise and include all cases where the person elected or appointed to such office resigns therefrom or dies while holding the same or, being elected or appointed, is ineligible, dies or becomes incapacitated before qualifying as required by law.

**XXXII.** The term "municipal court" or "municipal courts" shall mean "municipal and police courts." (R. S. c. 9, § 21. 1945, c. 378, § 4. 1953, c. 213.)

**Sec. 23. Affirmations.**—When a person required to be sworn is conscientiously scrupulous of taking an oath, he may affirm. (R. S. c. 9, § 22.)

**Affirmation allowed under statute requiring "sworn complaint"**—One conscientiously scrupulous of taking an oath may lawfully make a complaint by affirmation under a statute which provides for a "sworn complaint". State v. Welch, 79 Me. 99, 8 A. 348.

**Complaint need not show that complainant was conscientiously scrupulous of oath.**—It need not appear, either in the body of the complaint or in the jurat, that the complainant in a criminal prosecution, who affirmed rather than swore to the truth of the complaint, was conscientiously scrupulous of taking an oath. State v. Adams, 78 Me. 486, 7 A. 267.

**The magistrate is to determine whether**

**the complainant has such scruples;** and on being affirmatively satisfied that he has, to permit him to affirm in the form prescribed. The magistrate's certificate that the complainant affirmed, necessarily and conclusively implies that he did entertain such scruples, and was therefore permitted to affirm. State v. Adams, 78 Me. 486, 7 A. 267.

**And his certificate is conclusive.**—Where a complaint alleges that it was made "on solemn affirmation", and the certificate of the magistrate recites the same fact, the certificate is conclusive that the complainant was "conscientiously scrupulous of taking an oath". State v. Welch, 79 Me. 99, 8 A. 348.

### Legislative Research Committee.

**Sec. 24. Legislative research committee; membership.**—A legislative research committee, as heretofore established, shall consist of 3 senators to be appointed by the president of the senate, and 7 representatives to be appointed by the speaker of the house of representatives during each regular session. (R. S. c. 9, § 23. 1947, c. 392, § 1.)

**Sec. 25. Term of office; vacancies.**—Members of the committee shall hold office from the date of their appointment until the final adjournment of the next succeeding regular session of the legislature following their appointment. Any vacancy arising in the membership from the senate shall be filled by the president of the senate and any vacancy arising in the membership from the house of representatives shall be filled by the speaker of the house of representatives. (R. S. c. 9, § 24. 1947, c. 392, § 1.)

**Sec. 26. Authority; studies; purposes.**—The committee shall have authority:

**I.** To collect information concerning the government and general welfare of the state;

**II.** To examine the effects of constitutional provisions and previously enacted statutes and recommend amendments thereto;

**III.** To study the possibilities for consolidation in state government, for elimination of all unnecessary activities and of all duplication in office personnel and equipment, and for the coordination of departmental activities, and for methods of increasing efficiency and economy;

**IV.** To assist the legislature in the proper performance of its constitutional functions by providing its members with impartial and accurate information and reports concerning the legislative problems which come before it, which information may be obtained by independent studies or by cooperation with and information from similar agencies in other states as to the practice of other states in dealing with similar problems;

**V.** The committee shall meet as often as may be necessary to perform its duties and, in any event, shall meet at least once in each quarter. Six members shall constitute a quorum and a majority thereof shall have authority to act in any matter falling within the jurisdiction of the committee. The committee may hold either public or private hearings at its discretion and may hold execu-

tive sessions, excluding all except members of the committee. At any public hearing, witnesses who testify, whether summoned or not, shall be subject to cross-examination at the will of any interested party or his attorney. In such public hearings, at the request of any interested party or his attorney, common law or statutory rules of evidence shall apply and the attorney general or any attorney in his department designated by him shall, at the request of the committee or such interested party or his attorney, be present at such public hearings and shall rule on the admissibility of any evidence; (1953, c. 311, § 1).

**VI.** In the discharge of any duty herein imposed the committee shall have the authority to administer oaths, issue subpoenas, compel the attendance of witnesses and the production of any papers, books, accounts, documents and testimony, and to cause the deposition of witnesses, either residing within or without the state, to be taken in the manner prescribed by law for taking depositions in civil actions in the superior court. In case of disobedience on the part of any person to comply with any subpoena issued in behalf of the committee, or on the refusal of any witness to testify to any matters regarding which he may be lawfully interrogated, it shall be the duty of the superior court of any county, or of the judge thereof, on application of a member of the committee, to compel obedience by proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from such court or a refusal to testify therein. Each witness who appears before the committee by its order, other than a state officer or employee, shall receive for his attendance the fees and mileage provided for witnesses in civil cases in courts of record, which shall be audited and paid upon the presentation of proper vouchers sworn to by such witness and approved by the secretary and chairman of the committee;

**VII.** The legislative research committee shall appoint a qualified director of legislative research. He shall be chosen without reference to party affiliations, and solely on the ground of fitness to perform the duties of his office. He shall be well versed in economics, in political science and law, and in methods of research. He shall hold office for a term of 6 years from the date of his appointment and until his successor has been appointed and qualified. He shall receive a salary of \$7,000 per year and any necessary traveling expenses; (1951, c. 412, § 1).

**VIII.** Appropriations for carrying out the purposes of sections 24 to 27, inclusive, shall be made biennially by the legislature;

**IX.** Each state department shall furnish to the legislative research committee such documents, material or information as may be requested by the committee or by the director of the legislative research committee;

**X.** Each officer, board, commission or department of state government shall make such studies for the committee as it may require and as may be reasonably made without derogating from its chief functions and duties;

**XI.** The governor may from time to time send the committee messages containing his recommendations for legislation and explaining the policy of the administration;

**XII.** The committee shall keep minutes of matters considered and votes taken at its meetings and shall make reports to the legislature on all matters which come before the committee, the actions taken thereon, and the progress made in relation thereto; (1953, c. 311, § 2).

**XIII.** Reports of the committee may be made from time to time to members of the legislature and to members of the incoming legislature and to the public; and a final report shall be made to the legislature not later than during the 1st week of each regular session; (1953, c. 311, § 3).

**XIV.** The members of the committee shall be compensated for the time spent in attendance at meetings of the committee and of its duly constituted subcommittees, and when engaged in performance of duties under the instructions of the committee and authorization by its chairman at the rate of \$10 per day and actual expenses incurred; provided, however, that no compensation shall be paid hereunder for attendance at any meeting of the committee held while the legislature is in session. [1953, c. 311, § 4]. (R. S. c. 9, § 25. 1947, c. 392, § 1. 1951, c. 412, § 1. 1953, c. 311, §§ 1, 2, 3, 4.)

**Sec. 27. Certain specific functions and services of the director.**—  
The director shall perform the following functions and duties:

- I.** Provide a comprehensive research and reference service on legislative problems;
- II.** Prepare reports setting forth the political, social and economic effects of legislation enacted, or proposed to be enacted, in this state or elsewhere, when so directed by the legislative research committee or by either or both branches of the legislature;
- III.** Assist and cooperate with any interim legislative committee or other agency created by the legislature or appointed by the governor;
- IV.** Upon request, assist any agency appointed to revise the statutes of the state or any portion thereof, and at the direction of such agency, to consolidate, revise and clarify the statutes of the state;
- V.** To furnish to the members of the legislature the assistance of expert draftsmen qualified to aid the legislature in the preparation of bills for introduction into the legislature. During regular sessions of the legislature he shall perform such duties in addition to those provided for in sections 24 to 27, inclusive, as the legislature shall direct;
- VI.** Prepare and index for printing as promptly as possible after the adjournment of each session the session laws thereof, which compilation shall include all acts and resolves which the legislature has adopted during the session and which have received the approval of the governor, when such approval is necessary, and any other material of a general nature that the committee may determine;  
Immediately after each session of the legislature to distinguish private and special laws from the public laws, and to cause cumulative tables to be prepared showing what general statutes have been affected by subsequent legislation in such manner as to furnish ready reference to all such changes in the statutes and in addition thereto shall make a complete index of the public laws of the state passed since the last revision of the statutes. The tables and index so prepared shall be printed in the official edition of the laws of the state;
- VII.** After each session of the legislature, to cause the public laws enacted thereat to be printed on good paper and in suitable type and to distribute the same within the state to all citizens thereof making a request therefor;
- VIII.** After each session of the legislature to prepare a report inserting in their proper places in the revised statutes public laws enacted since the last revision of the statutes, and after each subsequent session of the legislature to prepare and file a report supplementing the report so that such reports and supplements thereto shall form the basis of the next revision of the statutes, such reports to be made to the secretary of state;
- IX.** After each session of the legislature to prepare a report to the legislature recommending legislation that will keep the statutes continuously revised and to file this report with the secretary of the senate on or before January 1st immediately preceding each biennial session of the legislature;



**X.** The offices of the director shall be kept open during the time provided for other state offices, and when the legislature is in session at such hours, day and night, as are most convenient for legislators;

**XI.** The director shall appoint, with the approval of the legislative research committee, such technical assistants, and shall appoint, subject to the provisions of the personnel law, such clerical assistants, as may be necessary to carry out the provisions of sections 24 to 27, inclusive. (R. S. c. 9, § 26. 1947, c. 392, § 1.)

**Cross references.**—See c. 37, § 143, re revisions and laws.  
revision of inland fisheries and game laws; **Section cited** in *W. S. Libbey Co. v. Johnson*, 148 Me. 410, 94 A. (2d) 907.  
c. 38, § 142, re revision of sea and shore fisheries laws; c. 42, § 21, re printing of re-

### Commission on Interstate Cooperation.

**Sec. 28. Maine commission on interstate cooperation, established.**—The Maine commission on interstate cooperation, as heretofore established, shall be composed of 9 regular members; namely, 3 state officials to be appointed by the governor, 3 members of the senate to be appointed by the president of the senate and 3 members of the house of representatives to be appointed by the speaker of the house of representatives. The governor, the president of the senate and the speaker of the house of representatives shall be ex officio members of the commission. (R. S. c. 9, § 34.)

**Sec. 29. Tenure of office.**—The members appointed by the governor shall hold office as members of the commission so long as they shall continue to hold the respective state offices by virtue of which they shall have been appointed. The members appointed from the senate shall hold office as members of the commission so long as they shall continue without interruption to be members of the senate and the members appointed from the house of representatives shall continue to hold office as members of the commission so long as they shall continue without interruption to be members of the house of representatives. (R. S. c. 9, § 35.)

**Sec. 30. Organization and procedure.**—The commission shall organize by the choice of one of its members to be its chairman and of one of its members to be its secretary. The commission may enact such rules governing its procedure and the conduct of its affairs not inconsistent with law as it may see fit. (R. S. c. 9, § 36.)

**Sec. 31. Functions of the commission.**—It shall be the function of the commission:

**I.** To carry forward the participation of this state as a member of the council of state governments.

**II.** To encourage and assist the legislative, executive, administrative and judicial officials and employees of this state to develop and maintain friendly contact by correspondence, by conference and otherwise, with officials and employees of the other states, of the federal government and of local units of government.

**III.** To endeavor to advance cooperation between this state and other units of government whenever it seems advisable to do so by formulating proposals for, and by facilitating:

**A.** The enactment of uniform or reciprocal statutes,

**B.** The adoption of uniform or reciprocal administrative rules and regulations,

**C.** The informal cooperation of governmental offices with one another,

**D.** The personal cooperation of governmental officials and employees with one another, individually,

**E.** The interchange and clearance of research and information, and

**F.** Any other suitable process.

**IV.** In short, to do all such acts as will, in the opinion of the commission, enable this state to do its part in forming a more perfect union among the various governments in the United States and in developing the council of state governments for that purpose. (R. S. c. 9, § 37.)

**Sec. 32. Commission to form certain committees.**—The commission shall have power to establish such delegations and committees as it deems advisable, whose members may or may not be made up from the members of the commission, from state officials or from private citizens, such delegations or committees to be charged with the duty of conferring and formulating proposals concerning effective means to secure interstate harmony and of performing such other functions for the commission as it may from time to time require. (R. S. c. 9, § 38.)

**Sec. 33. Reports; to serve without compensation.**—The commission shall report to the governor within 15 days after the convening of each regular legislative session, which report shall be transmitted by the governor to the legislature, and it may report to the governor at such other times as it deems appropriate. Its members and the members of all delegations and committees which it establishes shall serve without compensation for such service. (R. S. c. 9, § 39.)

#### Legislative Counsel and Agents.

**Sec. 34. Registration of legislative counsel and agents and of employers of same.**—Any person or persons accepting employment to act as legislative counsel or agent to promote or oppose, directly or indirectly, legislation by the legislature shall within 48 hours after such employment cause his or their name or names to be entered upon a docket as hereinafter provided, and all employers of such legislative counsel or agents shall also within the same time cause their names to be entered upon the same docket as hereinafter provided. (R. S. c. 9, § 40.)

See § 39, re penalty.

**Sec. 35. Registration docket; kept by secretary of state; open to public inspection.**—The secretary of state shall prepare and keep a docket for the registration of legislative counsel or agents and of their employers, which docket shall be open to public inspection during the office hours of said secretary of state and shall contain the names of legislative counsel and agents and of their employers, the addresses of each, the date and subject matter of the employment, and, by appropriate words, a designation of whether such employment is as counsel or agent or both. Such docket shall be so arranged and indexed that under the name of each employer shall appear the names of all legislative counsel or agents employed by him and that the name or names of each employer represented by any counsel or agent shall appear under the name of such counsel or agent. (R. S. c. 9, § 41.)

See § 39, re penalty.

**Sec. 36. Compensation not to be contingent.**—No person shall be employed as a legislative counsel or agent for compensation dependent upon a contingency. (R. S. c. 9, § 42.)

See § 39, re penalty.

**Sec. 37. "Legislative counsel" and "legislative agent" defined.**—The

term "legislative counsel" as used in sections 34 to 39, inclusive, shall be construed to mean any person who for compensation appears at any public hearing before committees of the legislature in regard to proposed legislation. The term "legislative agent" as used in said sections shall be construed to mean any person, firm, association or corporation that for hire or reward does any act to promote or oppose proposed legislation except to appear at public hearings before committees of the legislature, and shall include all persons who for compensation shall approach individual members, of the legislature or members elect thereof with the intent in any manner, directly or indirectly, to influence their action upon proposed legislation. (R. S. c. 9, § 43.)

See § 39, re penalty.

**Sec. 38. Application of terms.**—The provisions of sections 34 to 39, inclusive, shall not apply to state, county, municipal or quasi-municipal officials, or their regularly elected or appointed subordinates, who act for no compensation other than their ordinary salary or compensation as such public officials or subordinates. (R. S. c. 9, § 44.)

**Sec. 39. Penalties for violation.** — Whoever violates any provision of sections 34 to 37, inclusive, shall be punished by a fine of not less than \$100, nor more than \$500, and the attorney general shall cause prosecutions to be instituted for the violation of any of the provisions of said sections. Any person, firm or corporation who shall falsely enter upon the docket aforesaid the name or names of any person or firm as his or their legislative counsel or agent shall be punished by a fine of \$100 and shall be answerable in damages to the person or firm whose name or names has been so falsely entered. (R. S. c. 9, § 45.)