

# MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

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1961 CUMULATIVE SUPPLEMENT

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ANNOTATED

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IN FIVE VOLUMES

VOLUME 2

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**Discard Previous Pocket Part Supplement**

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THE MICHIE COMPANY  
CHARLOTTESVILLE, VIRGINIA  
1961

a project beyond the date as estimated by the authority for such completion or any damage to or destruction of the whole or any portion of any project shall not operate to relieve the administrative unit of its obligation to pay the rentals and other charges as provided in such contract, lease or agreement. Any such contract, lease or agreement heretofore entered into in accordance with the provisions of this section is ratified and confirmed. (1951, c. 405, § 1. 1953, c. 290, § 5. 1957, c. 364, § 103; c. 443, § 35. 1959, c. 353, § 22.)

**Effect of amendments.** — The first 1957 amendment substituted “administrative unit” for “town or community school district” throughout this section, inserted “or school administrative district” in the last paragraph, and made other minor changes. The second 1957 amendment re-wrote the first sentence of the second para-

graph of this section.

The 1959 amendment added the words “voting on this question” after the word “town” and before the word “or” in the first sentence of the second paragraph.

**Effective date.** — P. L. 1957, c. 443, amending this section became effective on its approval, January 16, 1958.

**Sec. 252. Remedies.**—Any holder of bonds issued under sections 243 to 259, or any of the coupons appertaining thereto, and the trustee under any trust agreement, except to the extent the rights herein given may be restricted by such trust agreement, may by civil action, mandamus or other proceeding, protect and enforce any and all rights under the laws of the state or granted hereunder or under such trust agreement or the resolution authorizing the issuance of such bonds, and may enforce and compel the performance of all duties required by sections 243 to 259, or by such trust agreement or resolution to be performed by the authority or by any officer thereof. (1951, c. 405, § 1. 1961, c. 317, § 89.)

**Effect of amendment.**—The 1961 amendment deleted “the provisions of” formerly preceding “sections 243 to 259” and sub-

stituted “by civil action” for “either at law or in equity, by suit, action” in this section.

**Sec. 254. Transfer to administrative units.**—When the bonds issued under the provisions of sections 243 to 259, inclusive, in connection with any project and the interest thereon shall have been paid or a sufficient amount for the payment of such bonds and the interest thereon to the maturity thereof shall have been set aside in trust for the benefit of the bondholders, such project shall be conveyed by the authority to the lessee administrative unit. (1951, c. 405, § 1. 1957, c. 364, § 104.)

**Effect of amendment.** — The 1957 amendment substituted “administrative

unit” for “town or community school district”.

## Chapter 41-A.

### New England Board of Higher Education.

**Sec. 1. Purposes.**—The several New England states cooperatively deem it feasible to provide needed, acceptable, efficient, educational facilities to meet the needs of New England in the fields of medicine, dentistry, veterinary medicine, and other fields of technical, professional and graduate training. (1955, c. 441.)

**Sec. 2. Authorization; form of compact.**—The governor, on behalf of this state, is hereby authorized to enter into a compact, substantially in the following form, with any one or more of the states of Connecticut, Massachusetts, New Hampshire, Rhode Island and Vermont; said compact to be effective upon the filing of a copy thereof in the office of the secretary of state.

#### New England Higher Education Compact.

##### Article I.

The purposes of the New England higher education compact shall be to pro-

vide greater educational opportunities and services through the establishment and maintenance of a co-ordinated educational program for the persons residing in the several states of New England parties to this compact, with the aim of furthering higher education in fields of medicine, dentistry, veterinary medicine, public health and in professional, technical, scientific, literary and other fields.

#### **Article II.**

There is hereby created and established a New England board of higher education hereinafter known as the board, which shall be an agency of each state party to the compact. The board shall be a body corporate and politic, having the powers, duties and jurisdiction herein enumerated and such other and additional powers as shall be conferred upon it by the concurrent act or acts of the compacting state. The board shall consist of 3 resident members from each compacting state, chosen in the manner and for the terms provided by law of the several states parties to this compact.

#### **Article III.**

This compact shall become operative immediately as to those states executing it whenever any 2 or more of the states of Maine, Vermont, New Hampshire, Massachusetts, Rhode Island and Connecticut have executed it in the form which is in accordance with the laws of the respective compacting states.

#### **Article IV.**

The board shall annually elect from its members a chairman and vice-chairman and shall appoint and at its pleasure remove or discharge said officers. It may appoint and employ an executive secretary and may employ such stenographic, clerical, technical or legal personnel as shall be necessary, and at its pleasure remove or discharge such personnel. It shall adopt a seal and suitable by-laws and shall promulgate any and all rules and regulations which may be necessary for the conduct of its business. It may maintain an office or offices within the territory of the compacting states and may meet at any time or place. Meetings shall be held at least twice each year. A majority of the members shall constitute a quorum for the transaction of business, but no action of the board imposing any obligation on any compacting state shall be binding unless a majority of the members from such compacting state shall have voted in favor thereof. Where meetings are planned to discuss matters relevant to problems of education affecting only certain of the compacting states, the board may vote to authorize special meetings of the board members of such states. The board shall keep accurate accounts of all receipts and disbursements and shall make an annual report to the governor and the legislature of each compacting state, setting forth in detail the operations and transactions conducted by it pursuant to this compact, and shall make recommendations for any legislative action deemed by it advisable, including amendments to the statutes of the compacting states which may be necessary to carry out the intent and purpose of this compact. The board shall not pledge the credit of any compacting state without the consent of the legislature thereof given pursuant to the constitutional processes of said state. The board may meet any of its obligations in whole or in part with funds available to it under article VII of this compact; provided, that the board takes specific action setting aside such funds prior to the incurring of any obligation to be met in whole or in part in this manner. Except where the board makes use of funds available to it under article VII hereof, the board shall not incur any obligations for salaries, office, administrative, traveling or other expenses prior to the allotment of funds by the compacting states adequate to meet the same. Each compacting state reserves the right to provide hereafter by law for the examination and audit of the accounts of the board. The board shall appoint a treasurer who may be a member of the board and disbursements by the board shall be valid only when authorized by the

board and when vouchers therefor have been signed by the executive secretary and countersigned by the treasurer. The executive secretary shall be custodian of the records of the board with authority to attest to and certify such records or copies thereof.

#### **Article V.**

The board shall have the power to :

**I.** Collect, correlate and evaluate data in the fields of its interest under this compact ; to publish reports, bulletins and other documents making available the results of its research ; and, in its discretion, to charge fees for said reports, bulletins and documents ;

**II.** Enter into such contractual agreements or arrangements with any of the compacting states or agencies thereof and with educational institutions and agencies as may be required in the judgment of the board to provide adequate services and facilities in educational fields covered by this compact ; provided, that it shall be the policy of the board in the negotiation of its agreements to serve increased numbers of students from the compacting states through arrangements with then existing institutions, whenever in the judgment of the board adequate service can be so secured in the New England region. Each of the compacting states shall contribute funds to carry out the contracts of the board on the basis of the number of students from such state for whom the board may contract. Contributions shall be at the rate determined by the board in each educational field. Except in those instances where the board by specific action allocates funds available to it under article VII hereof, the board's authority to enter into such contracts shall be only upon appropriation of funds by the compacting states. Any contract entered into shall be in accordance with rules and regulations promulgated by the board and in accordance with the laws of the compacting states.

#### **Article VI.**

Each state agrees that, when authorized by the legislature pursuant to the constitutional processes, it will from time to time make available to the board such funds as may be required for the expenses of the board as authorized under the terms of this compact. The contributions of each state for this purpose shall be in the proportion that its population bears to the total combined population of the states who are parties hereto as shown from time to time by the most recent official published report of the bureau of the census of the United States of America, unless the board shall adopt another basis in making its recommendation for appropriation to the compacting states.

#### **Article VII.**

The board for the purposes of this compact is hereby empowered to receive grants, devise, gifts and bequests which the board may agree to accept and administer. The board shall administer property held in accordance with special trusts, grants and bequests, and shall also administer grants and devise of land and gifts or bequests of personal property made to the board for special uses, and shall execute said trusts, investing the proceeds thereof in notes or bonds secured by sufficient mortgages or other securities.

#### **Article VIII.**

The provisions of this compact shall be severable, and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any compacting state or of the United States the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstances shall not be affected thereby ; provided, that if this compact is held to be contrary to the constitution of any compacting state the compact shall remain in full force and effect as to all other compacting states.

**Article IX.**

This compact shall continue in force and remain binding upon a compacting state until the legislature or the governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until 2 years after notice thereof has been sent by the governor of the state desiring to withdraw to the governors of all other states when parties to the compact. Such withdrawal shall not relieve the withdrawing state from its obligations accruing hereunder prior to the effective date of withdrawal. Any state so withdrawing, unless reinstated, shall cease to have any claim to or ownership of any of the property held by or vested in the board or to any of the funds of the board held under the terms of the compact. Thereafter, the withdrawing state may be reinstated by application after appropriate legislation is enacted by such state, upon approval by a majority vote of the board.

**Article X.**

If any compacting state shall at any time default in the performance of any of its obligations assumed or imposed in accordance with the provisions of this compact, all rights and privileges and benefits conferred by this compact or agreement hereunder shall be suspended from the effective date of such default as fixed by the board. Unless such default shall be remedied within a period of 2 years following the effective date of such default, this compact may be terminated with respect to such defaulting state by affirmative vote of three-fourths of the other member states. Any such defaulting state may be reinstated by:

- I. Performing all acts and obligations upon which it has heretofore defaulted, and
- II. Application to and approval by a majority vote of the board. (1955, c. 441.)

**Sec. 3. Compact effective.**—When the governor shall have executed said compact on behalf of this state, and shall have caused a verified copy thereof to be filed with the secretary of state, and when said compact shall have been ratified by one or more of the states named in section 2 of this chapter, then said compact shall become operative and effective as between this state and such other state or states. The governor is hereby authorized and directed to take such action as may be necessary to complete the exchange and filing of official documents as between this state and any other state ratifying said compact, and to take such steps as may be necessary to secure the consent of the congress of the United States to the compact. (1955, c. 441.)

**Sec. 4. Board established.**—The 3 members who shall represent the state of Maine are:

- I. The president of the university of Maine, ex officio, in office at the time being;
- II. The commissioner of education, ex officio, in office at the time being; and
- III. A member of the legislature to be chosen by the governor by and with the consent of the council, whose term as such member of the board shall expire when he shall cease to be a member of the legislature or at the expiration of 6 years from the date of his appointment whichever shall first occur. All members shall be entitled to their actual expenses incurred in the performance of their duties as such. (1955, c. 441.)

**Sec. 5. Board; duties.**—The board on the part of the state shall obtain accurate accounts of all the board's receipts and disbursements and shall report to the governor and the commissioner of finance and administration annually on or before the 15th day of September, setting forth in such detail as said commissioner may require the transactions of the board for the fiscal year ending on the

preceding June 30th. They shall include in such report recommendations for any legislation as may be necessary or desirable to carry out the intent and purposes of the New England higher education compact among the state joining therein. (1955, c. 441.)

## Chapter 42.

### State Library.

#### State Library. Duties.

**Sec. 3. Library hours.**—The librarian shall keep the library open from 9 in the morning until 4 in the afternoon on every day, except Saturdays, Sundays and public holidays. Neither the state director of public improvements nor any of the state employees under his jurisdiction shall admit anyone to the library rooms out of library hours or permit any book to be taken therefrom without the consent of the librarian. (R. S. c. 38, § 3. 1949, c. 153, § 1. 1959, c. 363, § 33.)

**Effect of amendment.**—The 1959 amendment divided the section into two sentences and rewrote the present second sentence.

**Sec. 6. Responsibility for books borrowed.**—Any person or organization receiving the loan of any books, documents or other material from the Maine state library shall be responsible for the full value thereof to the librarian, and in case of the loss of or damage to a volume belonging to a set, shall procure a new volume or be responsible for the value of the set. If any person or organization shall neglect or fail to return any books, documents or other material lent to them, or shall return the same in an injured or mutilated condition, after due demand and notice, the librarian may maintain a civil action against such person or organization for the full value thereof. Actions to enforce the liability mentioned in this section may be brought by the librarian in his own name in behalf of the state, and in case of his death or removal, the action shall be prosecuted by his successor. (R. S. c. 38, § 6. 1953, c. 5, § 1. 1961, c. 317, § 90.)

**Effect of amendment.**—The 1961 amendment substituted “a civil action” for “an action at law” in the second sentence of this section.

**Sec. 10.** Repealed by Public Laws 1955, c. 185, § 1.

**Sec. 11. Advice to local libraries; gifts; schools of library instruction.**—The Maine state library shall give advice to all school, state institutional, public and county law libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books and other details of library management, and may send its employees to aid in organizing such libraries or assist in the improvement of those already established. It may also receive gifts of money, books or other property which may be used or held in trust for the purpose or purposes given. It may publish lists and circulars of information and may cooperate with the libraries and commissions of other states in the publication of documents in order to secure the most economical administration of its work. It may conduct courses or schools of library instruction and hold librarians' institutes in various parts of the state, and cooperate with others in such schools or institutes. It shall perform such other library service as it may consider for the best interests of the citizens of the state. (R. S. c. 38, § 11. 1947, c. 127, § 2. 1955, c. 185, § 2.)

**Effect of amendment.**—The 1955 amendment made the first sentence of this section applicable to county law libraries.

**Sec. 14. Biennial report.**—The librarian shall report to the legislature biennially the receipts and expenditures on account of the library, the number of