

MAINE STATE LEGISLATURE

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REVISED STATUTES

OF THE

STATE OF MAINE

1954

1961 CUMULATIVE SUPPLEMENT

ANNOTATED

IN FIVE VOLUMES

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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 Repealed by Public Laws 1955, c. 185, § 1.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

acquisitions during the 2 preceding years, specifying those obtained by purchase, donation and exchange and shall make in such report suggestions in relation to the improvement of the library. (R. S. c. 38, § 12. 1955, c. 185, § 3.)

Effect of amendment.—The 1955 amendment substituted the word “acquisitions” for the words “books, maps and charts acquired.”

Printing of Laws. Distribution of Public Documents and Laws.

Sec. 16. Public documents distributed.—All Maine reports, digests, statutes, codes and laws, printed or purchased by the state and previously distributed by law to the several towns and plantations within the state, shall be and remain the property of the state and shall be held in trust by such towns or plantations for the sole use of the inhabitants thereof. (R. S. c. 38, § 14. 1955, c. 185, § 4.)

Effect of amendment.—The 1955 amendment substituted “previously” for “hereafter” in line two.

Sec. 17. Reports of departments; publication and distribution; copies.—The reports of all state departments, commissions and institutions may be printed and bound, but the number and styles in which the same shall be so printed and bound at the expense of the state shall be determined from time to time by the governor and council. The reports shall be printed biennially covering the 2 fiscal years next preceding each legislative year and shall be ready for distribution upon the convening of the legislature at its regular biennial sessions. Such reports may be printed and distributed annually as are deemed advisable by the governor and council, or directed by the legislature. At least 80 copies of these reports shall be delivered to the librarian of the Maine state library, immediately upon receipt by the superintendent of public printing, for exchange, library use and general distribution; and the balance of the number of each report shall be delivered by said superintendent to the head of the department or institution where it originated and where it was prepared for publication. At least 10 copies of all other publications, including periodicals, bulletins, pamphlets, leaflets and special reports issued by any department, commission or institution of the state, or by any legislative committee, shall be delivered to the state librarian. (R. S. c. 38, § 15. 1955, c. 185, § 5.)

Effect of amendment.—The 1955 amendment substituted “80” for “175” near the beginning of the fourth sentence.

Sec. 18. Public documents turned over to successors in office.—All compilations or revisions of the statutes, and supplements thereto, and the laws, sold and delivered at half-price to any state, county or municipal officer shall be held in trust by said officer for the sole use of his office: and at the expiration of his term of office or on his removal therefrom by death, resignation or other cause, such officer, or if he be dead, his legal representatives, shall turn over to his successor in office all of said books and publications. If there be no successor to his office such officer, or his legal representatives, shall turn over all of said books and publications to the state, county or municipal unit which purchased the same. This section shall also apply to the Maine reports distributed in accordance with the provisions of section 20. Copies of said publications distributed or sold to justices and ex-justices of the supreme judicial and superior courts shall be and remain the personal property of said justices.

All compilations or revisions of the statutes, and supplements thereto, and the laws, sold and delivered by the state at half-price to municipalities within the state shall be held in trust by such municipalities for the sole use of the inhabitants thereof. (R. S. c. 38, § 16. 1955, c. 185, § 6.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 19. Repealed by Public Laws 1955, c. 185, § 7.

Sec. 20. Maine reports.—A copy of the printed decisions of the supreme judicial court, commonly called Maine reports, and of the advance sheets, which are purchased by the state in accordance with the provisions of section 2 of chapter 104, shall be distributed by the state librarian to the following: each county law library, college library, county attorney, judge of probate, register of probate, clerk of courts, municipal court, trial justice, councilor, senator and representative from Maine in the congress of the United States, justice and ex-justice of the supreme judicial court, justice and ex-justice of the superior court; the governor, judge of the United States district court for Maine, United States district attorney for Maine, clerk of the United States district court for Maine, judge of the United States court of appeals for the first circuit.

Copies shall be sent, on an exchange basis to the library of congress, secretary of the Maine state bar association, the supreme court library of Canada, and to each state or territorial library in the United States.

Upon request of administrative officers thereof copies shall be placed in each state department or institution. (R. S. c. 38, § 18. 1953 c. 308, § 73. 1955, c. 185, § 8.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 22. Distribution and sale.—All printed copies of revised statutes, supplements thereto, and session laws shall be delivered by the printer to the state librarian for distribution and for sale, in accordance with the provisions of sections 23 and 25. (1943, c. 361, § 1. 1945, c. 7; c. 378, § 49. 1955, c. 185, § 9.)

Effect of amendment.—The 1955 amendment deleted the word “such” before “revised statutes,” inserted the words “supplements thereto,” added the reference to section 23 and made other changes.

Sec. 23. Price.—The state librarian, subject to the approval of the governor and council, shall fix the price at which the printed volumes of a revision of the statutes, and supplements thereto, or those containing the laws passed at a session of the legislature, may be sold and delivered, and shall thereafter make sales at the price so fixed. (1943, c. 361, § 2. 1945, c. 7. 1955, c. 185, § 10.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 25. Statutes and laws distributed and sold.—A copy of all compilations or revisions of the statutes, and supplements thereto, and the laws passed by each legislature shall be sold and delivered at one-half the established price to the following: each free public library, county law library, college library, municipality, county attorney, clerk of courts, county commissioners' court, sheriff, county treasurer, register of deeds, register of probate, judge of probate, justice and ex-justice of the supreme judicial court, justice and ex-justice of the superior court, municipal court, trial justice, ex-governor, councilor; the governor, reporter of decisions, judge of the United States district court for Maine, United States district attorney for Maine, clerk of the United States district court for Maine, judge of the United States court of appeals for the first circuit, Maine historical society.

The legislature and state administrative departments, bureaus, agencies and commissions may purchase more than one such copy for legislative and administrative purposes.

Copies shall be sent, on an exchange basis, to the library of congress, secretary of the Maine state bar association, the supreme court library of Canada and to each state or territorial library in the United States.

One copy of the laws passed by each session of the legislature shall be given to each member thereof, the secretary of the senate, the assistant secretary of the senate, the clerk of the house, the assistant clerk of the house, and each senator and representative from Maine in the congress of the United States.

One copy of the latest revision of the statutes and the current supplement thereto shall be given to each member of the legislature who has not previously received such a copy as a member of a legislature which met in regular session after the effective date of such revision of the statutes.

The remaining copies of the statutes, and supplements thereto, and the laws shall be held in the library for exchange or library use, except as otherwise provided by law. (R. S. c. 38, § 19. 1947, c. 128, § 3. 1953, c. 308, § 74. 1955, c. 185, § 11.)

Effect of amendment.—The 1955 amendment rewrote this section, making it applicable to supplements to the statutes and to sales as well as distribution.

Free Public Libraries.

Sec. 31. Free use of library in adjoining town authorized.—Any municipality may raise and appropriate annually a sum of money for the purpose of securing to its inhabitants free use of a library located in an adjoining municipality. (R. S. c. 38, § 25. 1953, c. 308, § 75. 1955, c. 185, § 12.)

Effect of amendment.—The 1955 amendment deleted former provisions relating to the duty of municipal officers to certify to the state librarian the amount appropriated and expended during the preceding year for securing free use of the library. It also deleted provisions for approval of payment based on certain enumerated percentages.

Sec. 33. State aid for municipalities maintaining free public libraries.—The officers of any municipality may certify to the state librarian annually, before the 1st day of May, the amount of money appropriated and expended by said municipality during the preceding year for the benefit of a free public library established therein, or for the free use of a library in an adjoining town. Upon such certification the state librarian, if satisfied with the quality of service performed by such library, shall approve for payment to such municipality an amount based on the following schedule:

- On appropriations from \$200 to \$475, 10% ;
- On appropriations from \$476 to \$1,900, 7% ;
- On appropriations from \$1,901 to \$5,000, 4%.

No municipality shall receive annually less than \$20, nor more than \$200, except as provided below. The state aid money must be spent for the purchase of books to be placed in said library.

If the appropriations of 2 or more towns for the use of the same library in an adjoining town amount to the sum of \$200 or more, the state librarian may make payment of state aid on the same basis and for the same purpose prescribed above. Such payment shall be made to the municipality where the library is situated. (R. S. c. 38, § 27. 1955, c. 185, § 13.)

Effect of amendment.—The 1955 amendment rewrote this section.

Sec. 34. Libraries controlled by associations assisted by towns.—Any town or city in which there is a library owned or controlled by a corporation or association or by trustees may levy and assess a tax and make appropriation therefrom annually to procure from such library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books; and such library shall then be considered a free public library within the meaning of this chapter and said town or city shall be entitled to the benefits of the preceding section (R. S. c. 38, § 28. 1955, c. 185, § 14.)

Effect of amendment.—The 1955 amendment deleted a former proviso appearing at the end of the section and relating to certain books and documents remaining the property of the municipality.

Sec. 35. Custody of public documents; list of books purchased with state stipend.—The officers of every free public library, on or before the 1st

day of May of each year, shall send to the librarian of the state library a report containing a list of all books and documents purchased with the state stipend for the preceding year. The aid from the state, provided by section 33, shall be withheld from any city, town or village corporation until the report herein required to be made shall have been received by the librarian of the state library; and the same shall also be withheld unless said report shall show that the laws and Maine reports furnished by the state are kept constantly in said library for the free use and benefit of all the citizens. (R. S. c. 38, § 29. 1949, c. 153, § 6. 1955, c. 185, § 15.)

Effect of amendment.—The 1955 amendment deleted in the first sentence provisions relating to laws, Maine reports and other documents required to be transmitted by the state librarian and kept in the public library. It also deleted in the second sentence the words “and other

documents,” formerly appearing after “Maine reports,” inserted the word “constantly” and substituted at the end of the sentence the words “for the free use and benefit of all the citizens” for the words “as required by this section.”

Chapter 44.

Public Utilities Commission.

The public utilities commission is given jurisdiction of all public utilities unless the legislature plainly indicates otherwise. Au-

burn Water District v. Public Utilities Comm., 156 Me. 222, 163 A. (2d) 743.

Appointment, General Authority and Duties.

Sec. 1. Appointment of commissioners; tenure; vacancies; clerks; office and equipment; salary; expenses.

The chairman shall receive a salary of \$11,000 per year, and the other commissioners a salary of \$10,000 each per year. The salary of the clerk shall be left to the discretion of the commission, subject to the approval of the governor and council. The salary of the other subordinate officials and employees of said commission shall be subject to the provisions of the personnel law. The commissioners and all employees shall receive actual expenses when traveling on official business. (R. S. c. 40, § 1. 1949, c. 15. 1951, c. 412, § 13. 1953, c. 416, § 1. 1957, c. 418, § 16. 1959, c. 361, § 12.)

Effect of amendments. — The 1957 amendment, effective July 1, 1957, increased the salary of the chairman from \$9,000 to \$10,125 and of the other members from \$8,500 to \$9,575.

The 1959 amendment increased the salary of the chairman from \$10,125 to \$11,000 and of the other members from \$9,575 to \$10,000, and provided for an ap-

propriation for the fiscal years ending June 30, 1960 and 1961.

As the first paragraph was not changed by the amendments, it is not set out.

Effective date. — P. L. 1959, c. 361, amending this section, provided in section 14 thereof as follows: “The provisions of this act shall become effective for the week ending August 22, 1959.”

Sec. 2. Members and employees not to be connected with any public utility, nor shall commissioner hold other office; removal.—No member or employee of said commission shall have any official or professional connection or relation with or hold any stock or securities in any public utility, as defined in section 16, operating within this state, nor shall he render any professional service against any such public utility nor shall he be a member of a firm which shall render any such service. No commissioner shall hold any other civil office of profit or trust under the government of the United States or of this state except the office of coordinator of atomic development activities or the office of justice of the peace or notary public, nor shall he serve on or under any committee of any political party. Any willful violation of the provisions of