

# MAINE STATE LEGISLATURE

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R E P O R T

REPORT OF RECESS COMMITTEE ON  
PUBLICATION OF SESSION LAWS AND  
REVISION OF STATUTES.

RECESS COMMITTEE ON REVISION OF STATUTES

From the Senate:

Nathaniel M. Haskell, Cumberland, Chairman

James L. Reid, Kennebec

From the House:

Harold M. Hayes, Dover-Foxcroft

Franz U. Burkett, Portland

S. Waldo Burgess, Limestone

ADVISORY COMMITTEE:

Appointed by the Chief Justice:

Hon. Robert B. Williamson, Augusta

Hon. Donald W. Webber, Auburn

Appointed by President, Maine State Bar Association:

Ballard F. Keith, Esq., Bangor

Theodore Gonya, Esq., Rumford

Roger W. Perkins, Esq., Waterville

\* Frank Morey Coffin, Esq., Lewiston

(\* Appointed in place of Theodore Gonya, Esq.,  
who resigned by reason of illness.)

To the Members of the 96th Legislature:

The Recess Committee, appointed by Joint Order of the 95th Legislature, to consider matters of publication and issuance of the session laws and matters of the revision of the statutes, hereby has the pleasure of submitting to you, the results of its considerations and its recommendations.

(signed) NATHANIEL M. HASKELL  
Chairman

ORDERED, the House concurring, that a recess committee to be composed of 2 members of the Senate appointed by the President of the Senate, and 3 members of the House appointed by the Speaker of the House, be appointed to consider matters of publication and issuance of the session laws and matters of the revision of the statutes; and be it further

ORDERED, that the recess committee be instructed to consult and advise with and seek the advice of an advisory committee to consist of 1 Justice of the Supreme Judicial Court, 1 Justice of the Superior Court and 3 members of the Maine State Bar Association, and 2 Justices to be appointed by the Chief Justice and 3 members of the Bar to be appointed by the President of the Bar Association; and be it further

ORDERED; that the recess committee report the result of its considerations and any recommendations to the 96th Legislature, and be it further

ORDERED, that the recess committee be paid their actual expenses incurred in the performance of their duties from the regular legislative appropriation.

The Recess Committee, together with the Advisory Committee, appointed under and acting pursuant to the provisions of the Joint Legislative Order passed by the 95th Legislature, have held three formal meetings.

The first meeting was held in the fall of 1951; the second, in January of 1952, and the final meeting on the 31st day of October, 1952.

Substantially the entire membership of both committees, Recess and Advisory, were in attendance at each of the meetings.

At the invitation of the Committee, expert opinion was obtained with respect to present and prospective costs of labor, printing and materials, as regards both publication of Session Laws and any Revision of the Statutes, as may be authorized.

The Committee has also benefitted by the invaluable assistance rendered to it by Samuel H. Slosberg, Director of Legislative Research, who was most cooperative to arrange his schedule so as to attend each of the meetings.

The results of the considerations of the Committee are enumerated as follows:

## SESSION LAWS

### SIZE OF VOLUME

It was early recognized by the Committee, that the constantly increasing size of volume required for the Session Laws, presented a problem worthy of serious consideration.

The number of pages of the Session Laws, for the past four Legislative sessions, including the biennial revisions of the Inland Fish and Game and Sea and Shore laws, are as follows: Laws of 1945 - 1242 pages; Laws of 1947 - 1570 pages; Laws of 1949 - 1728 pages; and Laws of 1951 - 1606 pages.

This record seemed to present but two possible and practical alternatives, by way of solution. Either the Session Laws would have to be printed in two volumes, or, in order to retain a printing in one volume of reasonable size, the amount of printed material to be included would have to be reduced.

The Committee was advised that had the Session Laws of 1951 been printed in two volumes, the additional cost of binding, would have been approximately \$3,750.00.

The consensus of opinion appeared to be, that the single volumes of 1949, and 1951 were too bulky for easy, everyday use.

Because of the additional costs involved, there was no ready desire on the part of any member of the Committee to recommend a printing of the Session Laws in two volumes.

The Committee therefore endeavored to consider plans whereby the favorable factors of the single volume might be retained without loss by exclusion therefrom of essential material.

The recommendation of the Committee now, is that the Session Laws continue to be published in a single volume, but that the size of the volume be reduced to reasonable proportions by the elimination from the bound volume of the Biennial Revisions of the Inland Fish and Game Laws and the Sea and Shore Fisheries Law.

The basic thought behind this recommendation is that these Biennial Revisions be printed in pamphlet form, to be a part of the Session Laws, but not to be bound in the single volume.

#### PRINTING OF THE SESSION LAWS

The Committee has examined with care into matters pertaining to the number of volumes printed of the Session Laws.

After thorough study and consideration, we are convinced that no substantial savings may be expected to be effectuated with respect to the number of volumes of the Session Laws as are required for distribution to the towns, counties, courts, members of the Legislature and for other purposes. We have examined into the number of volumes actually required for distribution as above for the years 1945, 1947, 1949 and 1951, and find the figures to be relatively constant.



Notice was taken of the fact, however, that during the same period, there has been a marked decline with respect to the number of Session Laws sold to the public.

Our information is that in 1945, 964 volumes were sold; in 1947, 676 volumes were sold; in 1949, 580 volumes were sold; and in 1951, through January 28, 1952, only 388 volumes were sold.

It is interesting and gratifying to observe, that during this period, when the number of sales has decreased, the number of volumes printed has also decreased. For example, we noted that in 1945, 2800 volumes of the Session Laws were printed, whereas in 1951, 2100 volumes only were printed. We find no evidence, therefore, that the volumes of Session Laws printed were in excess of the requirements which could reasonably be anticipated.

We find therefore no apparent present necessity to recommend any specific changes with respect to the printing of the session Laws.

#### PUBLICATION OF THE SESSION LAWS

The Committee was well aware of the fact that some cause for dissatisfaction has existed in the immediate past, by reason of fact that the Session Laws had not been available, in some instances, until some time after the ninety-day period following the close of the regular legislative sessions.

The desirability of having the printed laws of the session available for distribution as nearly as possible to the time

when the same became legally operative, was recognized.

The Committee was well aware of the fact that the above delays were in part at least, occasioned by the length of the legislative sessions of the past several years.

As the result of its exploration into the matter, it is now felt, that the strong possibility exists, that future volumes of the Session Laws, will be published and available for sale and distribution, at an earlier date, than has been the case in the recent past.

It is sincerely hoped that eventually, through the mutual cooperation of all agencies concerned, distribution of the Session Laws can be made to coincide, or nearly coincide, with the legally effective date of the same.

#### REVISION OF THE STATUTES

The advantages of a Biennial Revision of the statutes is apparent to the Committee. Unfortunately, however, the Committee feels that such advantages must also be weighed in connection with other factors. These other factors, not the least of which is the clear recognition of the burden of additional cost which would be thus occasioned, constrain the Committee to recommend that an adoption of a Biennial Revision of the Statutes at this time is not expedient.

The more recent general revisions of the statutes and public laws were printed in 1930 and 1944.

At the time of the general revision of 1930, it was apparent,

that it was then contemplated that a further revision would be available in another ten or twelve years. Due to circumstances not foreseen, the revision following that of 1930 was not available until 1944.

The need of a general revision at approximately ten year intervals appears as valid today as in 1930.

The Committee therefore, is of the opinion and now recommends that the 96th Maine Legislature give serious consideration to a need for a revision at this time, and to appropriate the monies necessary to effectuate this purpose.

Based on the best available estimates, it would appear that the contemplated cost of such a current revision of the statutes and the public laws would be approximately \$125,000.00, which estimate would necessarily have to depend on the actual cost of labor, materials and printing at the time of actual printing of the revision. It is hoped that the income from the sales of such revision, a return of \$25,000.00 or even \$30,000.00 may be realized.

The Committee further recommends that serious consideration be given, in event that a revision be authorized, to a rearrangement, in part at least, of titles and chapters, in order to provide a more workable tool for those required to refer to the Statutes.

The Committee has been made well aware of the fact, both by its members, its advisory committee, and from others interested, that one of the most important concerns of any revision is

with respect to the fact that the revision should be accompanied with a suitable Index.

To facilitate the work of revision, and in particular with regard to the preparation of a suitable index, the Committee recommends that a person be employed to work under the direction of the Director of Legislative Research, on the revision of the statutes and public laws, with especial attention to be given to the preparation of a more complete and accurate index.

The Committee, being convinced that the need now exists for a general revision of the statutes and public laws, and being further convinced that the public laws passed since the last revision are in sufficient form in the files of the Director of Legislative Research to make such revision feasible and practical, now recommends that the 96th Legislature, by suitable resolve, authorize a Revision of the Statutes and Public Laws of the State, appropriate the monies necessary therefor, and take such other action, additional and supplemental thereto, as it may seem proper to accomplish such purpose.