

MAINE STATE LEGISLATURE

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ONE HUNDRED AND FIFTH LEGISLATURE

Legislative Document

No. 1510

H. P. 1104

House of Representatives, March 12, 1971

Referred to Committee on State Government. Sent up for concurrence and ordered printed.

BERTHA W. JOHNSON, Clerk

Presented by Mr. Kennedy of Milbridge.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-ONE

AN ACT Establishing the Law and Legislative Reference Library under the Legislative Research Committee.

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

Sec. 1. R. S., T. 3, c. 7, sub-c. II, additional. Chapter 7 of Title 3 of the Revised Statutes is amended by adding a new subchapter II, to read as follows:

SUBCHAPTER II

LAW AND LEGISLATIVE REFERENCE LIBRARY

§ 171. Declaration of policy

The Legislature declares that it is the policy of the State to provide a law and legislative reference library adequate to the informational needs of the Legislature, other branches of State Government and the citizens of Maine.

§ 172. State Law Librarian

The Legislative Research Committee shall appoint a qualified State Law Librarian who shall be the Director of the Law and Legislative Reference Library. He shall be chosen without reference to party affiliation and solely on the ground of professional competence to perform the duties of his office. 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 any necessary traveling expenses.

§ 173. Functions and duties

The State Law Librarian shall perform the following functions and duties:

1. Legislative reference service. Provide a comprehensive reference service on legislative problems for all members of the Legislature and its committees, equally and impartially, and to the limits of its staff and facilities. Such reference services shall be available also to public officials and to citizens generally.

Collect, index and make available in the most suitable form information relative to governmental subjects which will aid the Legislature, other public officials and citizens to perform their duties in an enlightened manner.

2. Law library. Provide a law library for the use of all agencies of State Government, the judiciary, attorneys and citizens of Maine.

Give advice to county law libraries in all aspects of library management and cooperate with the judiciary and county law library associations in planning for their improvement.

3. Distribution, sale and exchange of law books. Copies of the Revised Statutes, supplements thereto and session laws shall be delivered by the printer to the State Law Librarian for distribution and sale. The State Law Librarian, subject to the approval of the Governor and Council, shall fix the prices at which these items may be sold and delivered, and shall thereafter make sales at the prices fixed. All proceeds from such sales shall be deposited to the credit of the General Fund.

A. Statutes and session laws. A copy of all revisions of the statutes, and supplements thereto, and the session laws shall be sold at the established price to the following: Each free public library, college library, county attorney, clerk of courts, county commissioners' court, sheriff, county treasurer, register of deeds, register of probate, judge of probate and Ex-governor. Two copies shall be sold at the established price to each municipality.

A copy of all revisions of the statutes, and supplements thereto, and the session laws shall be furnished to each county law library, Justice and Ex-justice of the Supreme Judicial Court, Justice and Ex-justice of the Superior Court, District Court, Councillor, 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, the Library of the United States Court of Appeals for the first circuit, Senator and Representative from Maine in the Congress of the United States, the Secretary of the Senate and the Clerk of the House.

The Legislature, state administrative departments, bureaus, agencies and commissions shall be sold or furnished copies necessary for legislative or administrative purposes under rules and regulations promulgated by the State Law Librarian.

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 and the Assistant Clerk of the House.

One copy of the latest unannotated 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 the Legislature which enacted the revision or a Legislature which met in regular session after the effective date of such revision of statutes.

The remaining copies of the revisions of the statutes, and supplements thereto, and the session laws shall be held in the library for exchange or library use, except as otherwise provided by law.

B. 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 Title 4, section 702, shall be distributed by the State Law Librarian to the following: Each county law library, college library, county attorney, judge of probate, register of probate, clerk of courts, District Court, 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.

C. General provisions. The State Law Librarian may, in his discretion, sell surplus copies of volumes entrusted to him or use them for exchange purposes to increase the usefulness of the library. Proceeds from all sales shall be deposited to the credit of the General Fund.

§ 174. Administrative provisions

The State Law Librarian shall formulate policies for the operation of the Law and Legislative Reference Library and exercise general supervision. He shall employ, subject to the Personnel Law, such assistants as may be necessary to carry out this subchapter. He shall promulgate any necessary rules and regulations governing the use of library property and admission to its quarters.

Sec. 2. Transitional provisions. It is the intent of the Legislature:

1. That the present law librarian of the State Library shall be the State Law Librarian provided in this Act and that present staff of the law section of the State Library shall be transferred to the Law and Legislative Reference Library;

2. That all money appropriated by the Legislature to the State Library for the purpose of operating and administering the law and legislative reference services of the State Library and for the distribution of Maine court reports be transferred to the Law and Legislative Reference Library for its operation and administration;

3. That all books, documents, files, records, equipment and property of all kinds used by the law and legislative reference sections of the State Library be transferred to the Law and Legislative Reference Library and that an inventory of all property transferred be recorded with the Bureau of Public Improvements and appropriate adjustments be made in the inventory of the State Library;

4. That the State Library continue to deliver to the Law and Legislative Reference Library those books, documents and other materials received by it which are appropriate to the collections of the Law and Legislative Reference Library and that the two libraries cooperate in every way to meet library needs in the State;

5. That the State Law Librarian shall receive from the State Library and exercise control over all inventories of the Maine Revised Statutes, Maine Revised Statutes pocket supplements, session laws, legislative records, legislative documents, Maine court reports and other law books published by or belonging to the State for sale and distribution as provided by law.

Sec. 3. R. S., T. 2, § 6, sub-§ 4, amended. Subsection 4 of section 6 of Title 2 of the Revised Statutes, as enacted by chapter 542 of the public laws of 1967 and amended by section 1 of chapter 45 of the public laws of 1969, is further amended by adding at the end the following:

State Law Librarian.

Sec. 4. R. S., T. 3, § 164, sub-§ 1, amended. Subsection 1 of section 164 of Title 3 of the Revised Statutes is amended to read as follows:

1. **Research service.** Provide a comprehensive research ~~and reference~~ service on legislative problems;

Sec. 5. R. S., T. 27, § 2, amended. Section 2 of Title 27 of the Revised Statutes is amended to read as follows:

§ 2. Contents; exchange

There shall be procured and kept in the State Library ~~digests, law reports and public laws of the United States and of the several states; English and Canadian law reports, digests and laws, general works of law and practice;~~ histories of all countries, including those of this State, its counties and towns; family histories; works on the arts and sciences with special reference to agriculture, forestry, fishing, manufacturers, shipbuilding and road making; maps, charts, plans and manuscripts, statistical and other publications relating to the financial, social, religious and educational condition of the world and more especially to this State, as fast as means are furnished by the State therefor; full and complete sets of all the documents printed by the State;

and full and complete sets of the reports of the towns, cities and counties of this State. For the purpose of carrying out this section the library may conduct a system of exchanges with other libraries and institutions of learning.

Sec. 6. R. S., T. 27, § 33, repealed. Section 33 of Title 27 of the Revised Statutes is repealed.

Sec. 7. R. S., T. 27, § 36, amended. The first sentence of section 36 of Title 27 of the Revised Statutes is amended to read as follows:

The Maine State Library shall give advice to all school, state, institutional and 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.

Sec. 8. R. S., T. 27, §§ 61 - 65, repealed. Sections 61 to 65 of Title 27 of the Revised Statutes, as amended, are repealed.

Sec. 9. R. S., T. 30, § 1916, amended. Section 1916 of Title 30 of the Revised Statutes, as enacted by chapter 563 of the public laws of 1969, is amended to read as follows:

§ 1916. Recording

All charter revisions, new charters and charter amendments shall, within 3 days after the results of the election have been declared, be certified by the clerk and a certified copy thereof forthwith filed in the office of the Secretary of State, a copy deposited in the Law and Legislative Reference ~~Section of the Maine State~~ Library, and a copy recorded in the municipal clerk's office.

Sec. 10. Appropriation. There is appropriated from the General Fund to the Law and Legislative Reference Library an additional sum of \$52,175. The breakdown shall be as follows:

	1971-72	1972-73
LAW AND LEGISLATIVE REFERENCE LIBRARY		
Personal Services	(2) \$20,738	(2) \$21,492
All Other	4,433	4,352
Capital Expenditures	1,160	—
	<hr/> \$26,331	<hr/> \$25,844

STATEMENT OF FACT

The purpose of this bill is reflected in the title and section 171 and transferring the services of the law and legislative reference sections from the State Library to the Legislative Research Committee.