

MAINE STATE LEGISLATURE

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New Draft of: S. P. 260, L. D. 742
FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1532

S. P. 562

In Senate, April 10, 1981

Reported by Senator Conley of Cumberland from the Committee on
Judiciary and Printed under Joint Rules No. 2.

MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Relating to Law Libraries.

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

Sec. 1. 4 MRSA c. 6 is enacted to read:

CHAPTER 6

LAW LIBRARIES

§ 191. State Court Library Committee

There is created a State Court Library Committee consisting of 7 voting members, 2 of whom shall be members of the public, 2 of whom shall be members of the judiciary and 3 of whom shall be attorneys. The members shall be appointed by and serve at the pleasure of the Chief Justice of the Supreme Judicial Court. The Chief Justice shall designate the chairman. The State Law Librarian and the State Court Administrator shall be ex officio nonvoting members. A quorum shall consist of 4 of the voting members. The committee shall meet at least 4 times each year. Secretarial assistance shall be provided by the Administrative Office of the Courts.

§ 192. Personnel

The State Court Administrator shall employ, subject to the approval of the State Court Library Committee, and shall supervise a professionally trained person,

who shall be designated State Court Library Supervisor. The supervisor shall have general supervision of the professional functions of all county law libraries, visit all libraries whenever necessary, meet with county law library committees, coordinate activities with the court administrator's offices, advise staff members of the clerks of courts and carry out any additional duties assigned by the State Court Library Committee. The supervisor shall also instruct and supervise all full-time and part-time employees in the law library system.

The State Court Library Supervisor, with the approval of the State Court Library Committee, shall employ and assign to the Cleaves Law Library in Portland one full-time person and shall employ and assign to the Penobscot County Law Library in Bangor one full-time person. These persons shall be under the supervision of the State Court Library Supervisor and shall be available for duties within the entire law library system. The law libraries in locations without full-time employees shall be maintained by the offices of the clerks of courts and the duties of each clerk's office shall be specified by the State Court Administrator, subject to the approval of the State Court Library Committee.

§ 193. System of law libraries

There shall be a system of law libraries within the State, under the supervision of the State Courty Library Committee. These libraries shall be arranged in a tier system according to the extent of potential use.

Tier I libraries shall be located in:

**Cumberland County, Portland; and
Penobscot County, Bangor.**

Tier II libraries shall be located in:

**Androscoggin County, Auburn;
Aroostook County, Houlton; and
Hancock County, Ellsworth.**

Tier III libraries shall be located in:

**Franklin County, Farmington;
Knox County, Rockland;
Lincoln County, Wiscasset;
Oxford County, South Paris;
Sagadahoc County, Bath;
Somerset County, Skowhegan;
Washington County, Machias; and
York County, Alfred.**

Tier IV libraries shall be located in:

Aroostook County, Caribou;
Kennebec County, Augusta;
Oxford County, Rumford;
Piscataquis County, Dover-Foxcroft; and
Waldo County, Belfast.

All funds appropriated by the Legislature for the use and benefit of the law libraries after the effective date of this chapter shall be paid to the Administrative Office of the Courts shall be disbursed by that office under the direction of the State Court Library Committee for purchase of law books, legal literature and library equipment and necessary personnel. The committee shall allocate a specific amount of any appropriation for each tier, and each library within a specific tier shall receive an equal share of that amount.

The State Court Library Committee shall establish guidelines for each tier.

§ 194. Duties of State Court Library Committee

The State Court Library Committee shall govern the county law library system. It shall formulate policy and exercise control and may delegate administrative policy.

§ 195. County law libraries

There is created a County Law Library Committee, of not less than 3 nor more than 7 members, in each county in which a county law library is located. The members of the committee shall be appointed or elected by the county bar association, as its bylaws may provide. Membership on the committee need not be restricted to attorneys. The County Law Library Committee shall appoint a chairman, a treasurer and a clerk.

§ 196. Duties, county committee

The County Law Library Committee shall establish local operating policies, such as, but not limited to, hours, circulation policies, smoking rules, access and photocopy privileges. Each county committee shall exercise supervision over the expenditures of private and nonstate funds, including endowments, and may use those funds to upgrade its county law library. Each county law library committee, together with the State Court Library Committee, shall develop its basic collection within guidelines established by the State Court Library Committee. Each county committee, in consultation with the State Court Library Committee, shall determine new acquisitions. Each county committee shall determine space requirements, with the advice and assistance of the State Court Library Committee.

§ 197. Duties of treasurer and clerk

The treasurer of each County Law Library Committee, under the direction of the County Law Library Committee, shall apply all private and nonstate moneys received, and all bequests and gifts, to form and operate a law library. The clerk shall keep an exact record of all the proceedings of the committee.

The treasurer shall, annually, before the last Wednesday in January, deposit in the office of the State Court Library Committee a statement of the funds received and expended by the treasurer during the year preceding.

§ 198. Rules

The Supreme Judicial Court may promulgate rules to implement the purposes of this chapter.

Sec. 2. 27 MRSA c. 7, as amended, is repealed.

Sec. 3. **Intent.** It is the intent of the Legislature that each officer of the several county law library associations, who is serving as such on the effective date of this Act, shall continue to serve until a vacancy has occurred, at which time the Revised Statutes, Title 4, chapter 6, shall become operative with respect to that association.

Sec. 4. **Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1981-82	1982-83
JUDICIAL DEPARTMENT		
Positions	(3)	(3)
Personal Services	\$ 45,282	\$ 47,581
All Other	141,918	150,619
Capital Expenditures	<u>1,000</u>	<u>—</u>
Total	\$188,200	\$198,200

Any unexpended balances on June 30, 1982, shall not lapse, but shall carry forward to the next fiscal year to be used to assist any libraries to meet minimum standards.

STATEMENT OF FACT

The purpose of this new draft is to provide for increased public access to and financial accountability of the 18 county law libraries under the coordinated supervision of the Judicial Department in cooperation with the State Law Librarian.

The Chief Justice would be authorized to appoint a State Court Library Committee comprised of 2 members of the public, 2 judges and 3 attorneys. Control over local operating policies will continue to be vested in County Law Library Committees elected or appointed in each county.

The approximately 180,000 volumes in the 18 county law libraries are a major asset. Lack of funding, staffing and space, however, have resulted in major discrepancies and unnecessary duplication between libraries. This new draft establishes a 4-tier system for the county law libraries to assure basic collections in all libraries and larger collections on a regional basis for easy access to law libraries by the judiciary, the bar and the public.

This new draft envisions a full-time employee, the State Court Library Supervisor, who shall be appointed by the State Court Administrator, with the approval of the State Court Library Committee. One person in Cumberland County and one person in Penobscot County would be brought under the system. In counties without full-time library personnel, employees in the offices of the clerks of courts would be assigned part-time responsibility for the libraries by the State Court Administrator.

This new draft is the result of the study of county law libraries by the Advisory Committee on County Law Libraries appointed by the Chief Justice in August, 1978.

While this new draft includes the full appropriation needed to implement its provisions, the Judicial Department current services budget request for fiscal year 1981-82 and fiscal year 1982-83 includes the present statutory support level of \$97,150. If this new draft is funded, the Judicial Department, Part I appropriation, should be reduced by \$97,150 each year of the biennium.

This new draft assigns the chapter to the Judicial Department, Title 4.