

# MAINE STATE LEGISLATURE

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**Legislative Document**

**No. 1**

S. P. 23

In Senate, January 7, 1943.

In Senate chamber report accepted. Tabled by Senator Farris of Kennebec pending printing of 500 copies.

ROYDEN V. BROWN, Secretary.

Presented by Senator Farris of Kennebec.

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**STATE OF MAINE**

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-THREE

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**Report of Committee on Revision of Statutes.**

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December 30, 1942.

To the Honorable Senate and  
House of Representatives  
of the Ninety-first Legislature

A Joint Select Committee consisting of 3 members on the part of the Senate and 7 members on the part of the House of Representatives was appointed by the President of the Senate and the Speaker of the House of the Ninetieth Legislature for the purpose of preparing and completing a revision of the Statutes and the public laws of the State under the provisions of Chapter 140 of the Resolves of 1941.

The President of the Senate appointed Senators Ralph W. Farris, Joseph E. Harvey and Harry C. Libby, and the Speaker of the House appointed Representatives George R. Grua, Peter Mills, Samuel H. Slosberg, Leo G. Shesong, Frank E. Southard, Jr., Warren E. Belanger and Gerard S. Williams at the close of the regular session of the Ninetieth Legislature.

Under the authority of said resolve approved by the Governor April 25, 1941, the Committee on Revision of the Statutes met at the State House

on May 9, 1941, and organized for the purpose of proceeding with the work as outlined in said resolve.

This is the eighth revision of the Statutes of Maine and heretofore a commissioner had been appointed by the Governor under authority of the Legislature to revise the Statutes and report to the next incoming Legislature. In the resolve authorizing the eighth revision, the Revisor of Statutes was directed to prepare a report on a revision of the Statutes consolidating all the general and public laws now in force and such as were enacted during the ninetieth session of the Legislature, and arrange the chapters and sections so that relative subject matter would be contiguous so far as possible.

The Revisor was also directed to add references to all decisions interpreting the Statutes which appear in the Maine reports, correct the notations, annotations and citations of all chapters and sections, and prepare notes and references for new sections, and in addition to prepare a cross-reference table showing where the sections and chapters of the 1930 revision and amendatory laws appear in the new revision.

After this work was completed he was directed by the resolve to cause 200 copies of his report printed and bound in paper covers and deliver a copy of said report to each member of the Legislative Committee on Revision of Statutes.

When the Revision Committee met on May 9 for organization it was the understanding of each member of the Committee that the Revisor of Statutes had made a continuous revision of the Statutes under the provisions of Chapter 210 of the Public Laws of 1931, so that the Committee would be in a position to proceed at once to complete and codify the work which the Revisor had set up during his 10 years in said office. Upon an examination of the records in the office of the Revisor of Statutes by the members of the Revision Committee, the Committee found that the only revision of the Statutes was a copy of the Revised Statutes of 1930 having been clipped from the book and pasted on plain paper and each chapter so clipped was placed in a folder, the chapter numbers and sections being the same as in the 1930 revision with an addition of the amendments of each session of the Legislature written in in different colored pencil for each Legislative year since 1930.

The Committee at once examined the act creating the office of the Revisor of Statutes and it found that Par. 4 of Sec. 2 of Chapter 210 of the Public Laws of 1931 provided for a continuous revision of the Statutes to form a basis for the next revision. Inasmuch as the revision had not been

continuous and up to date and the new laws passed since the 1930 revision had not been codified or revised, such as the Administrative Code Act passed by the Legislature in 1931, the Health and Welfare Laws passed by the Legislature in 1933, the laws authorizing the manufacture and sale of intoxicating liquors passed at a special session of the 1933 Legislature and also the Personnel Law and the Banking Laws all of which had been passed since the 1930 revision, the Committee discovered that it had to go to work and begin this revision which had not been done during the years since the last revision. The Committee employed 2 clerks and began to regroup and revise the public laws that had been enacted since the 1930 revision.

In accomplishing this work the Chairman appointed sub-committees to revise and re-group Criminal procedure, civil procedure, Education, the banking laws, probate laws, town laws, labor laws, liquor laws, the administrative code law and many others. Besides the sub-committees each member was assigned chapters upon which to work between meetings of the committee, and report the progress of his work at the next meeting. When a sub-committee reported the progress of its work to the full committee it was reviewed by the committee and suggestions and changes made and voted for the final draft to be printed through the office of the Revisor and the State Printer. At the organization meeting on May 9, 1941, the revisor of statutes was appointed secretary to the committee by virtue of his office and to save the expense of a new and inexperienced man. The Revisor has worked along with the committee in this new set-up and we are submitting our report of what we have accomplished up to the convening of the Ninety-first Legislature.

Shortly after the committee organized, Representatives Southard and Mills entered the military service, and the committee has been working with eight members along with the Revisor and his office staff.

The Committee has let the contract for the printing and binding of the new revision, thus securing the metal for the type and the paper which was used for the proof before war priorities were effective, and the Governor and Council authorized the State Purchasing Agent to purchase the paper for 5500 copies of the new volume and under his authority bids were let and the paper purchased and placed in a warehouse for use when the State is ready for the printing of the final draft.

The Committee was directed to supplement the final draft with a suitable index, and had correspondence with several publishing houses on the price of an index and found that the publishing houses would not compile and print the index unless it could do the complete work of the revi-

sion. Whereupon, the Committee called before it Richard H. Armstrong, Esq. of Biddeford, Maine, an attorney and indexer who compiled the index of the 1930 Revision of Statutes. Mr. Armstrong appeared before the Revision Committee and explained his views and answered questions on the proposition of an index for the new revision, but the final draft not being prepared no action was taken upon securing the services of an indexer.

Several department heads and bureau chiefs have appeared before the Committee and they have contributed valuable data and information which has been very helpful both to the Committee as a whole and the Revisor of Statutes.

Many suggestions from departments upon proposed changes could not be properly incorporated in the new revision set-up without Legislative enactment, as the Committee has no authority under the resolve to make new laws, but has made notes on suggested new laws which are desired by heads of departments and bureau chiefs to facilitate their work in the practical operation of their several departments and these suggestions have been recorded by the Revisor of Statutes and new bills will be drafted to take care of suggested changes.

In our rough draft laws which have been clearly superseded are omitted, even though not expressly repealed they are regarded as repealed by implication, especially where affected by the Administrative Code Act of 1931, where any reasonable doubt existed as to the status of such legislation it is included together with a note inviting attention to the question of possible repeal in whole or in part by the Ninety-first Legislature. Acts declared unconstitutional in their entirety by the Supreme Judicial Court have been omitted and where the decisions of the Court fix the validity of only one section or a part of the Statute, a note has been inserted directing attention to the Court's decision on this question. In determining whether or not a doubtful act shall be excluded as not in effect, we realize that care must be observed not to infringe upon the functions of the Judiciary.

Where sections have been construed by the courts in order to clarify the Legislative intent, such construction has been closely followed and the Committee has studied the decisions of the Court most carefully before determining whether a Statute should be repealed as unconstitutional in toto or whether the Statute has been held unconstitutional in the particular case presented.

At the outset it was the desire of the Committee on Revision to secure the aid and assistance of suggestions of members of the Supreme, Judicial

and Superior Courts, the judges and recorders of Probate and Municipal Courts of the State and also members of the Bar of Maine who have been specializing on different branches of the law contained in the particular chapters upon which the Committee was working. The judges of the various courts and the recorders thereof and the members of the Bar of Maine have been very cooperative and have rendered valuable suggestions, many of which the Committee has adopted.

The Committee in its deliberations has avoided changing established institutions and old and settled modes of expression and where sections of the old revision have been construed by the courts in order to clarify the Legislative intent such construction has been closely followed by the Revision Committee and the Revisor of Statutes.

The Committee begs leave to report that its work up to date has been printed on galley sheets for proof to be used for the final draft and it suggests that all the public laws and amendments of the 1943 Legislature be incorporated in the new revision and that the Revisor of Statutes be directed by resolve of the Ninety-first Legislature to complete the revision including the new laws of the Ninety-first Legislature and make cross-notes, references, annotations and renumber the chapters and sections for the new volume under the supervision of a new Committee consisting of 2 on the part of the Senate and 3 on the part of the House and that the Governor call a special session of the Legislature for the purpose of adopting the new revision and repeal all of the public laws passed at each session of the Legislature since the 1930 Revision, that the Governor and Council be authorized to fix the retail price at which the Statutes when completed shall be sold, and revenue from said sales to be deposited to the credit of the general funds of the State of Maine, that the Secretary of State be directed to secure the copyright of said volume or volumes for the use of the State and also that the title to the annotations and the index of said volume be the property of the State.

Respectfully submitted,

REVISION OF STATUTES COMMITTEE

RALPH W. FARRIS  
JOSEPH E. HARVEY  
HARRY C. LIBBY  
GEORGE R. GRUA  
LEO G. SHESONG  
SAMUEL H. SLOSBERG  
GERARD S. WILLIAMS  
WARREN E. BELANGER