

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

SECOND SPECIAL SESSION

NINETY - FIRST LEGISLATURE

Legislative Document

No. 920

S. P. 512

In Senate, September 18, 1944.  
ROYDEN V. BROWN, Secretary.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FORTY-FOUR

REPORT OF THE COMMITTEE ON REVISION OF STATUTES

The seven previous Revisions of the Public Laws of the State have been under the supervision of a Commissioner appointed by the Governor. The eighth Revision is the first in which a Revisor of Statutes has prepared the ground work and taken an active part.

The original provision contemplating and concerning any future revision, since the adoption of the 7th Revised Statutes in 1930, was initiated by Chapter 210 of the Public Laws of 1931, whereby the office of Revisor of Statutes was established as a permanent and continuing office. It was therein provided that the Revisor should:

1. During each session of the Legislature assist the Legislators in the drafting of bills, also to revise all legislation so far as may be practicable, so that it would be in conformity with and properly inserted in the Revised Statutes under the direction of the Senate and House of Representatives;
2. After each session of the Legislature, distinguish and prepare all public and private laws and keep cumulative tables showing what statutes had been affected for purpose of reference, and make an index of such laws passed since the last revision of statutes;
3. Cause the public laws passed at each session to be printed within 30 days after the close thereof;
4. Prepare a report inserting in their proper places in the revised statutes all public laws enacted since the last revision, and file his report with the Secretary of State, and after each session of the Legislature

prepare and file a report supplementing any report theretofore filed, so that such reports and supplements thereto shall form the basis of the next revision of the statutes;

5. After each session of the Legislature prepare a report to the Legislature recommending legislation that will keep the statutes continuously revised, and to file this report with the Secretary of State on or before the first day of June immediately preceding each biennial session of the Legislature;
6. Perform the duties previously required by the Secretary of State in regard to the publication of the laws;
7. Perform such other duties of legal nature or connected with the revision of statutes as the Governor or Legislature, or either branch thereof may direct.

Unquestionably the real purpose of the Legislature, in creating this office, was to provide for a continuous revision of the Statutes, so that upon command, through the supervision of some joint select committee, duly appointed and approved by the Governor, the Revisor, in the faithful performance of his duties, would have had all the required material before him for an immediate and speedy completion of a new revision.

In furtherance of the preparation and completion of the 8th revision of the general and public laws, the 90th Legislature, by Chapter 140 of the Resolves of 1941, passed a resolve whereby a joint select committee, consisting of three members on the part of the Senate and seven members on the part of the House of Representatives, was appointed by the President of the Senate and Speaker of the House, respectively, which resolve was approved by the Governor on April 25th, 1941. Under authority of said resolve, the committee met at the State House, on May 9th, 1941, and organized for the purpose of proceeding with the work as outlined therein. The committee, at the end of their term of office, frankly reported in plain and understandable language the status and condition of the work that had been performed by the Revisor during the years of his services, and of the various obstacles with which they were confronted upon taking up the work of preparing and completing a new revision. This is evidenced by Legislative Document No. 1, submitted on the opening day of the 1943 Legislative Session.

The entire text of Legislative Document No. 1, may well be read and incorporated as a part of this report. Special attention, however, is called to a part thereof concerning that which the former committee found had been done by the former Revisor through his many years of service, and of the amount of work which had to be done by the committee members, in preparing the Revision, as follows:

“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.”

By legislative resolve, Chapter 38 of the Public Laws of 1943, approved by the Governor on March 30, 1943, another joint select committee of the Legislature was selected, consisting of two members of the Senate appointed by the President of the Senate and three members of the House of Representatives appointed by the Speaker of the House, to carry out the work of completing the eighth Revision of the public laws. The President of the Senate appointed Senators Joseph E. Harvey and Robert B. Dow, and the Speaker of the House appointed Representatives George R. Grua, James B. Perkins and Leonard F. Williams, at the close of the regular session of the 91st Legislature.

With the exception of a proviso by which the Governor and Council were to fix the retail price of the statutes when published, and a proviso for carrying over the unexpended balance appropriated for said work by the 90th Legislature, and appropriating an additional \$10,000 for said purpose, all other provisions in this resolve were the same as found in Chapter 140 of the Public Laws of 1941.

The Committee met and organized on April 28, 1943, at which time a report was requested of the Revisor as to the status of the work on this new revision. All that was reported by the Revisor was that the work was progressing. To what stage it had progressed, your Committee was unable to find out. Due to the fact that the Revisor's Office was then occupied in preparing for publication the public and private laws passed for the year 1943, the Committee necessarily refrained from pressing the point, at that time. Your Committee did learn that most of the Chapters had been set up in galley proof, so called, to be used for final draft. Because the laws passed in 1943 were required to be properly allocated and inserted in the new revision, considerable work performed by the previous Committee had to be repeated by the present Committee.

Members of the Committee were appointed into sub-committees for the purpose of revising and regrouping, compiling and consolidating the 1943

laws into the present revision. This work was performed by the Committee members between meetings, and progress of the work would be reported at the next meeting; then, after careful study and consideration, was adopted or accepted by the full committee. It was also found that a large number of the public acts passed between 1931 and 1941, inclusive, had not been considered, allocated or inserted in the new revision by the Revisor, and it became necessary for the committee to put in very many hours of extra work for that purpose.

Although the members of the Committee were not Commissioners appointed by the Governor to supervise the completion of the Revision in name, their work, duties, obligations and responsibilities, as in the case of the previous Committee, resulted in their being such, in fact.

Your Committee has avoided changing established notations, also old and well settled modes of expression. Where sections of the old revision had been construed by the courts in order to clarify the Legislative intent, such construction has been closely followed. It has also studied the decisions of the court with deliberation and care before determining whether a public act should be repealed as unconstitutional, in part or in whole. Not having been attended to by the former Revisor, it has prepared added references of all decisions interpreting the statutes since the last revision which appear in the Maine Reports. All notes, annotations, citations of all the chapters and acts, as well as notes and references of new sections, have been carefully checked and prepared. An effort has been made to simplify antiquated language and to arrange sections in an orderly fashion.

The present revision will consist of two volumes; the first volume to be composed of the Constitutions of the United States and State of Maine; and the first 98 chapters; the second volume to include the remaining 76 chapters together with a cross reference table, and the index. Due to the passage of such a large number of new acts and laws since the 1930 revision, there will be found approximately 426 more pages of text and 250 pages of cross reference tables and additional index. Users of the 1930 volume fully appreciate the impossibility of adding another 650 pages thereto. A book of such a size is unquestionably impracticable to handle and impossible to sufficiently bind to keep it intact. The copyright to the new volumes as well as the title to the annotations and the index will become the property of the State.

Having been authorized by the resolve creating the Committee to omit chapter 84 of the 1930 Revised Statutes entitled "The Insolvent Law" and chapter 38 of the 1930 Revised Statutes entitled "Inland Fisheries and Game", your committee has, in its discretion, deemed it wise not to print

said chapters except by titles, and is retaining them in full force and effect, by exception from the operation of the repealing act. As is well known Chapter 38 of the Revised Statutes of 1930, aforementioned, is by chapter 104 of the Public Laws of 1931 subject to a biennial revision. In view of the ever changing circumstances and conditions pertaining to the Inland Fisheries and Game Laws, your committee recommends that these laws be biennially revised.

It will be noted that in the repealing act to all acts consolidated in the new revision, many provisions in the 1930 Revised Statutes as well as in the session laws of 1931-1943, inclusive, are preserved by exception from repeal, and will not be found printed in the revision.

Take for example, the various sections of Chapter 11, R. S. 1930, which are exempted and retained, but will not be printed. They are provisions of law that deal with and relate to the subject matter of "Inland Fisheries and Game" and, in the first instance, should have been incorporated in the biennial revision treating this subject. However, inasmuch as they never were allocated or consolidated therein, they are now being retained in full force and effect and not printed, but will be inserted in the next biennial revision of the "Inland Fisheries and Game" chapter, where they rightfully belong.

There will also be found many provisions of law that, at the time of passage, contained time element provisions and various saving clauses relating to a general subject matter. The time element therein will shortly expire and the law will become obsolete, and for that reason, it was thought best not to print the provisions in the Revision, but to save them, in the interim, by exemption from repeal.

In many instances, former Legislatures passed public acts pertaining to some particular place or thing which should have originally been passed as a Private and Special Law. In such cases, it was deemed best not to print them as public acts in the revision, but to keep them in full force and effect by exemption from the Repealing Act.

Many war measures were passed by the 90th and 91st Legislatures, such as: the Sabotage Prevention Act; Civilian Defense Act; Standard Time during the Emergency; laws relating to the control of motor vehicles transporting for hire petroleum products during the Emergency; laws relating to the packing of fish; salaries of certain County Officers during the Emergency; school provisions; certain motor vehicle licenses; clerk hire; co-operative acts with the Federal Government; and many other provisions too numerous to mention, and which because of their limited existence will become obsolete, and with an earnest desire to keep the print-

ing cost to a minimum, it was deemed advisable not to incorporate them in the final draft.

A definite innovation with respect to the present revision is that all subject matter will be found in its proper chapter. The idea and general plan can be credited to the Hon. L. Smith Dunnack, who, through his years of service as Revisor, his experience with the past several Legislatures, his attention to the drafting of bills, his preparing of the session laws, was enabled to develop and create the idea and plan of subject matter arrangement, and the present revision has been prepared accordingly. This phase of the work cannot be too highly commended.

Every law pertaining to any particular subject matter will be found under that heading. Under this arrangement, the committee believes that the users of the new revision will or should not have any difficulty in finding the law to help solve their problem. Sectional titles have been, in many instances, rewritten and changed to conform with the text of the law. Sections of the statutes and acts pertaining to the subject matter have been shuffled and rearranged in an endeavor to have the subject matter in logical order. Many new and additional cross-references have been inserted, calling attention that other subject matter may be of interest to a given problem and with the idea of not only expediting the work of the searcher, but to help the user in the solution of a problem. All fines and punishments will be found printed in figures instead of letters.

The previous committee, as well as the present, has constantly kept in mind that the present revision should not be a mere compilation of the laws, but should, in reality, be an actual revision, the basis of which will facilitate the work of Revisors of Statutes in carrying out their work, and expediting the publication of a new revision in the years to come, with a minimum of time, expense, and inconvenience to the public.

A topical title index, in substance in the following form, was submitted to the Committee by Hon. L. Smith Dunnack, former Revisor of Statutes, and adopted, as the foundation upon which the revision should be based.

## TITLE ONE

### **The State: Its Sovereignty and Jurisdiction. Citizenship Voting. Legislative and Executive Departments. Military Law. State Police.**

- Chap. 1. Sovereignty and Jurisdiction  
2. Aliens  
3. Citizenship

4. Nomination of Candidates for Office
5. Elections
6. Absent Voting
7. Petition for People's Veto and Direct Initiative
8. Corrupt Practice
9. Legislature
10. Revisor of Statutes
11. Executive Department
12. The Military Law
13. State Police

## TITLE TWO

**Finance, Treasury, and Audit. Attorney-General. Secretary of State. Motor Vehicles. Highways. Aviation.**

- Chap. 14. Department of Finance
15. Treasurer of State
  16. Department of Audit
  17. Attorney-General
  18. Secretary of State
  19. Motor Vehicles
  20. State Highway Department
  21. Aviation

## TITLE THREE

**Health and Welfare. Institutions. Labor: Unemployment and Accident.**

- Chap. 22. Department of Health and Welfare
23. Department of Institutional Service
  24. Unemployment Compensation Law
  25. Department of Labor and Industry
  26. Industrial Accidents

## TITLE FOUR

**Agriculture: Milk Control, Soil Conservation, Farm Lands, and Cooperative Marketing. Forestry. Fishing. Sea and Shore. Maine Development. Mining.**

- Chap. 27. Department of Agriculture
28. Milk Control
  29. Soil Conservation Districts
  30. Farm Lands Loan Act
  31. Cooperative Marketing Act
  32. Forestry
  33. Department of Inland Fisheries and Game
  34. Department of Sea and Shore Fisheries
  35. Maine Development Commission
  36. Maine Mining Bureau



## TITLE FIVE

**Education. Library. Historian.**

- Chap. 37. Department of Education  
 38. State Library  
 39. State Historian

## TITLE SIX

**Public Utilities. Corporations.**

- Chap. 40. Public Utilities Commission  
 41. Organization and Construction of Steam Railroads  
 42. Management and Operation of Steam Railroads  
 43. Street Railroads  
 44. Operation of Motor Vehicles for Profit  
 45. Corporations for Navigation by Steam  
 46. Telegraph and Telephone Companies. Gas Companies.  
     Electric Light and Power Companies  
 47. Rural Electrification Cooperatives  
 48. Aqueducts and Water Companies. Right of Eminent  
     Domain  
 49. Corporations  
 50. Corporations Without Capital Stock  
 51. Credit Unions  
 52. Consumer's Cooperative Act  
 53. Parishes and Religious Societies. Ministerial and School  
     Lands and Funds  
 54. Burying-Grounds. Public Cemeteries. Mausoleums and  
     Vaults

## TITLE SEVEN

**Banking. Insurance.**

- Chap. 55. Banks and Banking  
 56. Insurance and Insurance Companies

## TITLE EIGHT

**Liquor.**

- Chap. 57. Laws Relating to Liquor

## TITLE NINE

**Public Buildings. State Personnel and Retirement. Boards and Commissions.**

- Chap. 58. Superintendent of Public Buildings  
 59. Laws Relating to State Personnel

60. State Employees' Retirement System
61. Board of Registration in Medicine. Promotion of Medical Education
62. Board of Commissioners of Pharmacy. Regulation of Drugs, Poisons, and Narcotics
63. Registration of Nurses
64. Registration of Osteopaths
65. Registration of Chiropractors
66. Board of Dental Examiners. Dentists. Dental Hygienists
67. Examiners of Podiatrists
68. Practice of any Healing Art or Science
69. Registration in Optometry
70. Registration of Veterinary Surgeons
71. Board of Sanitation, Licensing, and Inspection
72. Sanitary Water Board
73. Maine Board of Accountancy
74. Board of Registration for Professional Engineers
75. Maine Real Estate Commission
76. Art Commission
77. State Racing Commission
78. Maine State Boxing Commission

## TITLE TEN

### Laws Relating to Counties and Towns.

- |       |  |
|-------|--|
| Chap. | 79. County Officers  |
|       | 80. General Provisions Relating to Towns                                 |
|       | 81. Taxation Laws Relating to Towns                                      |
|       | 82. Pauper Laws  |
|       | 83. Workhouses and Houses of Correction                                  |
|       | 84. Forests. Parks. Ways. Sewers and Drains. Fences                      |
|       | 85. Fire Departments and Fire Prevention                                 |
|       | 86. Harbor Masters. Wharves and Fish Weirs                               |
|       | 87. Pilots. Ship Owners. Port Wardens. Lighters and Harbors              |
|       | 88. Miscellaneous Provisions Relating to Towns                           |
|       | 89. Plantations  |
|       | 90. Emergency Municipal Finance Board. Deorganized Towns and Plantations |

## TITLE ELEVEN

### Powers and Duties of Supreme Judicial Court, Superior Court, Municipal Court, and Trial Justices.

- |       |  |
|-------|--|
| Chap. | 91. Supreme Judicial Court                   |
|       | 92. Reporter of Decisions                    |
|       | 93. Board of Bar Examiners. Attorneys at Law |
|       | 94. Superior Court                           |

- 95. Concurrent Jurisdiction of Supreme and Superior Courts
- 96. Municipal Courts
- 97. Trial Justices. Justices of the Peace. Notaries Public
- 98. Miscellaneous Provisions Relating to Courts

## TITLE TWELVE

### Civil Rights and Remedies.

- Chap. 99. Commencement of Civil Actions
- 100. Proceedings in Court in Civil Actions
- 101. Trustee Process
- 102. Bail in Civil Actions
- 103. Selection and Service of Jurors
- 104. Depositions
- 105. Levy of Executions on Personal Property
- 106. Prevention of Frauds and Perjuries in Contracts, and  
Actions Founded Thereon
- 107. Relief of Poor Debtors
- 108. Reference of Disputes by Consent of Parties
- 109. Forcible Entry and Detainer. Tenancies
- 110. Petitions and Actions of Review
- 111. Waste and Trespass on Real Estate
- 112. Replevin of Beasts and Goods
- 113. Habeas Corpus
- 114. Writ of Audita Querela
- 115. Writ for Replevying a Person
- 116. Writs of Error, Certiorari, Mandamus, and Quo Warranto

## TITLE THIRTEEN

### Crimes and Offenses. Proceedings and Punishments in Criminal Cases.

- Chap. 117. Crimes Against the Person
- 118. Crimes Against Habitations, Buildings, and Property
- 119. Larceny, Embezzlement, and Receiving Stolen Goods
- 120. Forgery, Counterfeiting, False Pretences, and Frauds
- 121. Crimes Against Chastity, Morality, and Decency
- 122. Crimes Against Public Justice and Official Duty
- 123. Crimes Against Public Peace and Tranquillity
- 124. Crimes Against Public Health, Safety, and Policy
- 125. Crimes Against Marital or Family Status and Children
- 126. Gambling. Bucket-shops
- 127. Cruelty to Animals
- 128. Nuisances
- 129. Timber Upon Rivers, Streams, and Adjacent Lands
- 130. Crimes Against the Sovereignty of the State
- 131. Prevention of Crime
- 132. General Provisions Relating to Crimes
- 133. Magistrates in Criminal Cases

- 134. Proceedings in Criminal Cases
- 135. Proceedings in Court in Criminal Cases
- 136. Sentence. Liberation of Poor Convicts. Probation Officers.  
Parole. Pardons. Fugitives from Justice
- 137. Collection and Disposal of Fines and Costs in Criminal  
Cases
- 138. Uniform Act on Fresh Pursuit
- 139. Uniform Criminal Extradition Act

## TITLE FOURTEEN

**Powers and Duties of Courts of Probate. Domestic Relations.**

- Chap. 140. Courts of Probate
- 141. Executors and Administrators
- 142. Inheritance, Succession, and Estate Taxes
- 143. Partition of Real Estate by Courts of Probate. Allowances.  
Distribution of Personal Estate
- 144. Insolvent Estates
- 145. Guardians. Adoption of Children. Change of Name
- 146. Uniform Veterans' Guardianship Act
- 147. Testamentary Trustees and Voluntary Trusts
- 148. Estates of Deceased Partners
- 149. The Insolvent Law
- 150. Sales of Real Estate by License of Court
- 151. Probate Bonds and Remedies Thereon
- 152. Actions By or Against Executors and Administrators
- 153. Domestic Relations

## TITLE FIFTEEN

**Titles to Property. Real Action. Mortgages.**

- Chap. 154. Conveyances by Deed. Form and Construction. Trusts
- 155. Wills
- 156. Title by Descent
- 157. Title to Real Estate by Levy of Execution
- 158. Real Actions. Proceedings to Quiet Title
- 159. Inquest of Office and Information for Intrusion
- 160. Limitations of Real Actions and Rights of Entry
- 161. Actions of Dower
- 162. Partition of Real Estate
- 163. Mortgages of Real Estate
- 164. Mortgages of Personal Property. Liens. Pledges
- 165. Personal Property Forfeited. Lost Goods. Stray Beasts
- 166. Mills and Dams

## TITLE SIXTEEN

**Principals. Agents. Partnerships. Trade-Marks.**

- Chap. 167. Principals. Agents. Factors. Partnerships
- 168. Trade-Marks and Trade Names

## TITLE SEVENTEEN

**Uniform Laws.**

- Chap. 169. Fair Trade Act
- 170. Unfair Sales Act
- 171. Uniform Sales Act
- 172. Uniform Bills of Lading Act
- 173. Uniform Warehouse Receipts Act
- 174. Uniform Negotiable Instruments Act

Your committee sincerely hopes that the foregoing plan will be acceptable and enduring, and form the basis for future revisions.

**CROSS-REFERENCE TABLE INDEX**

The Revisor of Statutes was directed in the resolve to prepare a cross-reference table showing the disposal of every section and paragraph of the 1930 revision and laws amendatory thereof where they appear in the new revision. Until the general text of the new revision was printed in final form, work thereon was inadvisable. It is now being prepared and will be complete in time for print before the effective date of the revision.

This cross-reference table will not be a new feature as far as former revisions are concerned because a similar treatment was prepared and printed in the 4th revision of 1883. It is a valuable addition to our Statutes and we recommend its adoption in future revisions, especially in view of the existence of the office of Revisor of Statutes. Given ample time and opportunity between sessions of the Legislature, your Revisor should be able to give this Index table such care, deliberation and attention that utmost accuracy would be insured.

**INDEX**

Having knowledge that the previous revision committee had correspondence with several publishing houses for the purpose of supplementing the final draft with a suitable index, but without success, due to the fact that the publishers would not compile and print the index unless they could do the complete work of the revision and secure the copyright of the Statutes, the Committee, on June 28th, 1943, contracted with Richard H. Armstrong, Esq., of Biddeford, Maine, an attorney and indexer who had compiled the index of the 1930 revision, and who, since that time, has continuously practiced his profession in the State of Maine, to prepare a suitable index. Altho the work of indexing is not yet complete, knowledge of the amount of work already performed assures its completion and printing by the time that the revision takes effect as law. In fairness to the indexer, he has been

given ample time to study thoroughly his work and to methodically prepare the index. His experience in preparing the last index, his opportunity of working with it and the 1930 statutes, his knowledge of the requirements and desires of its users, in the opinion of the Committee, unquestionably qualifies him as the best equipped person to fulfill this important task.

No printed work is so frequently attacked as an index. Rarely, in fact almost never, is such criticism constructive. The work of improving an index is most difficult and rests heavily with the indexer. In addition to being scientific for the orderly student, the index must more frequently anticipate the careless and undisciplined searcher. It is the hope of the committee that the additional time granted the Indexer will allow for increased reflective arrangement of titles, references, and treatment.

In this revision, an innovation in the form of a topical index preceding the descriptive word index will be found. It is intended by this to give an overall picture of the statute book, like a table of contents. The use thereof should be limited, however, to getting into a particular chapter or subject and should not be relied upon as a substitute for the descriptive word index. It will be of great assistance in finding a particular chapter. For example, altho the duties of the Secretary of State extend throughout the entire statute book, it is not a substitute for discovering his duties in some particular. The descriptive word index will be necessary, for only a small part of the law regarding the Secretary is under the chapter relating to his office. However, a topical index, like a table of contents, is a valuable aid in becoming familiar with Statutes, if rightfully used. Its constant use will acquaint one with the logical arrangement of the law of the State, making searches easier. Another change that will be found in the present index is the omission of boldface type in sub-headings. By changing to lighter face, the main headings will show up better. The great majority of States apparently agree on this. It was not done in the last revision because it was not felt best to leave too suddenly the type of index in use in Maine for so many years. Catch-words under sub-headings will be capitalized in this edition to bring them out more noticeably. A dash mark will be added in the citation between page and section number in order to make the reference more easily read.

No such things are mentioned in the statutes as Drunken-Driving, Hit and Run, Building and Loan Associations, and many other subjects commonly referred to in conversation. Yet, there will be introduced in the new index many such common phrases because of their universal and common use.

Cross-reference, for some unexplainable reason is often resented, altho

it is the greatest single aid to the searcher. Few will deny that it is unnecessary to repeat all the law pertaining to Executors and Administrators under both the titles Executors and also Administrators, then again under Estates, then again under Probate, etc. By such a method, the index becomes larger than the book. It makes little difference whether the subject is treated under Administrators and Executors or vice versa and referred to by reference to allied topics, so long as the treatment is complete wherever found.

Much Statutory Law appears referring to Public Utilities. Many of the provisions are equally applicable to railroads, railways, street railways, telephone and telegraph companies, etc. Assuming the searcher is interested in a statutory question relating to Public Utilities generally, but his approach is through railroads because he is searching for the general provision with relation to its application to railroads, without reasoning in this manner. He only thinks: "There is such a law applicable to railroads." He goes to railroads as a subject and is referred to Public Utilities. Resentment immediately follows because he believes that the law should be under the topic first thought of. This is, of course, impossible as well as impractical. Another searcher for the same provision may first go to Steam Railroads, another to Carriers, another to Common Carriers, etc. Again resentment follows. Throughout our Statutes, there are many laws having general provisions covering many similar features, yet, to index every phase of the law under the various catch-words would lead to considerable duplication and render the index impractical. The Maine Statutes are already more heavily indexed than those of most States. For every five pages of text in our Statutes, there is one page of Index.

The general index will include more references and an improved arrangement without the substitution of a radically new system. Whenever possible, the section and page number will be added to a cross-referred subject matter providing the treatment thereof is confined to a specific section or paragraph in the Statutes.

### **COST AND DISTRIBUTION**

The total amount appropriated by the 90th and 91st Legislatures for the complete work of the revision was \$80,000; \$70,000 and \$10,000, respectively.

On the first day of January, 1943, there was an unexpended balance of \$37,619.17 carried forward from the 1941 appropriation. With the \$10,000 appropriated by the 91st Legislature, it makes a total of \$46,619.17 which your committee had to carry out the unfinished work.

Expenses and disbursements by both Committees on Revision of Statutes between July 1, 1941 and August 1, 1944 are \$50,076.73, as follows:

	July 1, 1941 Dec. 31, 1942 18 Mos.	Total 1/1/43- 7/31/44 19 Mos.	Grand Total July 1, 1941 To Aug. 1, 1944
Appropriation .....	70,000.00	10,000.00	80,000.00
Balance Forward .....	—	37,619.17	—
<b>Total Available .....</b>	<b>70,000.00</b>	<b>47,619.17</b>	<b>80,000.00</b>
Personal Services			
Salaries of Committee members	17,000.00	4,000.00	21,000.00
Clerical assistance .....	6,522.71	5,120.70	11,643.41
Legal Service			
Attorneys' Fees .....	1,173.33	—	1,173.33
Indexing .....	—	7,250.00	7,250.00
Travel .....	1,266.43	1,074.29	2,340.72
Telephone and Telegrams .....	34.23	110.55	144.78
Postage .....	135.00	18.11	153.11
Printing material .....	5,799.61	53.00	5,852.61
Supplies .....	5.29	67.50	72.79
Equipment .....	444.23	—	444.23
Periodical subscription .....	—	1.75	1.75
<b>Total Expenditures .....</b>	<b>32,380.83</b>	<b>17,695.90</b>	<b>50,076.73</b>
Balance forwarded .....	37,619.17	29,923.27	29,923.27

Clerk hire, salaries and incidental expenses from Aug. 1, 1944 to final completion will be approximately \$6,292.00. The complete printing, binding and publishing cost will be approximately \$37,028. This exceeds by \$12,000 the amount which the former Committee originally estimated. The contract entered into with the Gannett Publishing Company, Inc., called for printing and binding 5500 copies of 2260 pages, more or less, at the price of \$11.26 a page or approximately \$25,447.60, plus 200 extra copies, bound in paper covers, at \$1.75 per book or \$350 for the extra 200 volumes.

The difference between the original estimate of \$25,447.60 and the recently quoted figure of \$37,028 is brought about because the finished work will have at least 33% more pages than was first anticipated. Furthermore, it will be a two-volume edition instead of one. There will be 426 more pages of text than in the 1930 revision, also approximately 250 to 275 more pages of cross-reference table and index. The cross-reference table and index not being a part of the law itself but merely supplemental thereto, because of the impossibility to have them both prepared until after the acceptance



of the text of the law itself, it becomes necessary for the Committee to quote approximate figures as to these two phases from the best estimates given by those charged with the responsibility of their completion.

Due consideration must be given to the fact that because of the large number of extra pages, the Committee had no alternative than to create a revision of two volumes. It necessarily follows that there will be an additional expense for extra material, labor and work.

Inasmuch as the cost of the Revision will exceed the amounts appropriated, it is hereby recommended that a resolve be submitted to this Legislature appropriating an additional \$15,000.00 for carrying out the provisions of the Revision, and that it be therein provided that any unexpended balance left remaining upon final completion shall lapse and revert to the general fund.

The resolve of 1943, relating to the Revision, calls for the printing of 5500 copies, the retail price of which shall be fixed by the Governor and Council at not less than \$15.00 per set, and that the revenue shall be deposited to the credit of the general fund of the State. There is, however, no provision in said resolve as to the Agency of the State which will stand responsible for the handling, selling, and collecting for them. The Legislature should make immediate provision for this contingency.

Although 5500 copies of the Statutes will be printed, nevertheless, it will not mean that this number will be sold. The State Librarian, by virtue of P. L. 1943, Ch. 333, Sec. 7, will receive, gratis, 1200 copies for the purpose of distribution, as follows:

LIBRARY DISTRIBUTION LIST  
FOR REVISED STATUTES  
(P. L. 1943, Ch. 333, Sec. 17)

Free Public Libraries	186
County Law Libraries	19
College libraries (Maine)	4
Municipalities	510
Library of Congress	7
State libraries and Canadian	48
County attorneys	16
Clerks of Courts	16
County Commissioners	16
Sheriffs	16
County Treasurers	16
Registers of Deeds	18

Registers of Probate	16
Judges of Probate	16
Judges of Supreme Judicial Court	6
Judges of Superior Court	7
Ex-Judges	6
Municipal Courts	46
Ex-Governors	4
Governor	1
Councillors	7
U. S. Senators	2
U. S. Representatives	3
Reporter of Decisions	1
U. S. Dist. Ct. Judge	1
U. S. Dist. Attorney	1
U. S. Dist. Ct. Clerk	1
U. S. Circuit Ct. Judge	1
Maine Historical Society	1
Maine State Bar Association	1
State Departments and Institutions	100
Library	
7 for public and staff use	
5 in safe	
35 on reserve	47
Legislative Committees and Officers	
lent and returned each session	50
Exchange (Special)	
Distinguished from other state libraries	
which are our regular exchanges, e. g.	
Yale Law School from which we receive	
in exchange Yale Law Journal	10

1200

The members and officers of the 91st Legislature, by virtue of P. L. 1943, Chap. 38, will each receive one set of the new revised statutes. Should former practices be adhered to, at least 600 copies should be set aside for distribution amongst new members of incoming Legislatures. From the foregoing, it is self-evident that at least 2000 volumes are immediately accounted for, leaving 3500 copies to be actually sold at a retail price to be fixed by the Governor and Council at not less than \$15.00 per set.

### RECOMMENDATION

The duties of the Office of Revisor are numerous, important and exacting, as can readily be observed by a careful study of the act creating it, as outlined in the second paragraph of this report. We would be greatly remiss in our trust, if, after what we have learned in the performance of our duties, a proper recommendation was not submitted to the Legislature, respecting this office. The real purpose of the 1931 Legislature in creating

the office was to provide for a permanent and continuous revision of our laws, and in order that instant or immediate information concerning the status of any statute, through this process and source, would be available.

In the opinion of the Committee this office is an essential part of one of the important branches of Government. The office calls for some person learned in the law, trained and experienced in Legislative work who can give his entire time and effort thereto, and who thru the years, will become increasingly valuable to the State in this special and unique type of work. Compensation commensurate with the importance of the work and the services rendered should be provided for, thereby assuring the selection of the most able and capable person obtainable. By so doing it would tend towards better and more efficient legislation; the elimination of unnecessary duplications of law; abolishment of obsolete laws; condensation and clarification of the language, sentences, paragraphs and sections of our statutes; safe-guarding passage of unconstitutional provisions, in whole or in part; and make for better arrangement of chapters and sections in order that relative subject matter will be logically set up and contiguous as far as possible; and to repeat, to give assurance of being always ready and prepared for the printing and publishing of an immediate and inexpensive Revision upon demand.

### CONCLUSION

Your committee wishes to express its appreciation to the Justices of our Courts, Heads of Departments of State, members of Boards and Commissions, and many learned members of the Bar for all help and assistance so graciously and willingly given by those consulted and conferred with, on the various phases of the revision work, and especially to the Hon. Lauren M. Sanborn for his very thorough and able services rendered on the Constitutions and Election Laws. You will find in the revision a new and outstanding feature with respect to the codification of the Constitution of the United States which was prepared by Mr. Sanborn and a treatment thereof that will unquestionably prove most helpful and pleasing to the user.

Your Committee was indeed fortunate to have the capable and efficient services of the employees in the Revisor's Office, and of the persons employed at various times by the Committee. Their patience, loyalty, faithfulness, willingness to work until late hours, to overcome ever appearing obstacles and complicating problems; their keen and able concept of the work required and their constant desire to give of their best efforts proved most valuable.

The personal interest of His Excellency, Governor Sewall, and his earnest desire to co-operate, in every way, during the course of the work,

proved itself of inestimable value and very deserving of note and commendation.

The speed with which your present Revisor, Hon. Samuel Slosberg, grasped the intricacies and magnitude of the work at hand upon his appointment in February last, his learning and adaptability for revision work; his uncanny ability to analyze difficult and complex problems and iron them out; his enthusiasm towards progress and success; all tended to inculcate confidence and courage in those working with him, and hastened the completion of the work, and your Committee feels that he is deserving not only of its sincere gratitude and appreciation, but that of the 91st Legislature and the people of the State, as well.

To conclude, without words of favorable comment towards Hon. Joseph P. Grenier, Superintendent of Public Printing, for his able knowledge and understanding of necessary requirements, his patience, tact and diplomacy, his ability to enforce progress between Revisor's Office and printer; also the excellent co-operation on the part of the Gannett Publishing Company, Inc., in the face of such trying times and despite the loss of so many of their valuable employees who have been called to the service of their country during the past two years, and of the excellent work they have performed to date, would cause this report to be incomplete.

It is the hope of the Committee that the 8th Revision, both in substance and in form, will meet with universal favor and approval, and be worthy of the State.

Respectfully Submitted,

REVISION OF STATUTES COMMITTEE

JOSEPH E. HARVEY

ROBERT B. DOW

GEORGE R. GRUA

JAMES B. PERKINS

LEONARD F. WILLIAMS