

# MAINE STATE LEGISLATURE

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## NINETY - NINTH LEGISLATURE

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**Legislative Document**

**No. 935**

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H. P. 644

House of Representatives, February 25, 1959

Referred to the Committee on Judiciary, sent up for concurrence and 750 copies ordered printed.

HARVEY R. PEASE, Clerk

Presented by Mr. Emmons of Kennebunk.

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### STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
FIFTY-NINE

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#### **AN ACT to Create a Law Revision Commission.**

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**Preamble.** Whereas, there is no established format for the layout and organization of the statutes of the State of Maine; and

Whereas, there are no established rules to guide legislators in drafting legislation; and

Whereas, the statutes have never actually been revised in form and substance; and

Whereas, for the above reasons there now exist in the statutes archaic and inconsistent provisions; a lack of uniformity in use of language; long sentences incapable of intelligent interpretation; a lack of organization in subject matter; incorrect punctuation; unnecessary repetition; and unworkable provisions; and

Whereas, the condition of the statutes has made it extremely difficult for legislators to properly draft and organize new legislation, for laymen to know their rights, for attorneys to advise their clients, and for courts to interpret the law; and

Whereas, there is an increasing demand on the part of various organizations, public officials and the general public for revising various segments of the statutes; and

Whereas, the statutes are now being revised on a piecemeal basis rather than on a comprehensive basis, which may result in a confusion of drafting styles and organizations; and

Whereas, it is impossible for the Director of Legislative Research to resolve these difficulties because of his limited staff and powers; now therefore,

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

**Sec. 1. R. S., c. 10, §§ 40 - 48, additional.** Chapter 10 of the Revised Statutes is amended by adding 9 new sections, to be numbered 40 to 48, to read as follows:

**'Law Revision Commission.**

**Sec. 40. Law Revision Commission created.** There is created a Law Revision Commission consisting of 7 members.

**I. Membership.** The Attorney General and the Director of Legislative Research are ex officio members of the commission. The President of the Senate and the Speaker of the House shall each appoint one member who is an attorney from his respective branch of the Legislature. The Governor shall appoint 2 members nominated by the Executive Committee of the Maine State Bar Association. The Governor shall appoint one member from the general public.

**II. Term of office.** The members appointed by the President of the Senate and the Speaker of the House shall serve from the date of appointment until the final adjournment of the next regular session of the Legislature following their appointment. Each other member shall serve for 2 years from July 1st of the year of his appointment.

**III. Chairman.** The Director of Legislative Research is ex officio chairman of the commission.

**IV. Compensation.** The members of the commission appointed by the Governor, the President of the Senate and the Speaker of the House shall be paid \$25 per day and necessary expenses for attendance at each meeting. The other members shall be paid necessary expenses for attendance at meetings.

**V. Vacancy.** When a vacancy occurs in the membership, the official charged with the original appointment shall appoint a qualified person for the remainder of the term in the same manner as provided in subsection I.

**Sec. 41. Meetings.** The commission shall meet at the State House once each month and at other times when necessary on the call of the chairman. The Superintendent of Public Buildings shall provide a meeting place for the commission.

**I. Quorum.** Any 4 members constitute a quorum for the transaction of the business of the commission.

**II. Records of meetings.** The Director of Legislative Research shall keep adequate records of the meetings of the commission.

**Sec. 42. Format.** The commission shall establish a format for the layout and organization of the statutes including the method by which the law is divided, the method of numbering the divisions and the method of grouping divisions.

**Sec. 43. Handbook.** The commission shall compile a handbook containing the rules to be used in drafting or revising a statute.

**I. Content.** The handbook must contain the modern rules for punctuation, capitalization and the English usage for statutory drafting.

**Sec. 44. Complete revision of statutes.** The commission shall outline a 10-year program for the complete revision of the statutes and put the program into effect.

**I. Technical and clerical assistance.** It shall obtain the necessary technical and clerical assistance to accomplish the revision using the established format and handbook.

**II. Advisory committees.** It may appoint and pay the expenses of advisory committees from time to time to review the revision of each segment of the law.

**III. Office equipment and supplies.** It may obtain office equipment and supplies necessary for performing its duties.

**IV. Biennial report.** It shall make a biennial report to the Legislature on or before the first of February containing its recommendations for the enactment of revised legislation and shall prepare the legislative bills necessary to effect them. When substantive changes are made, they shall be specifically noted in the report.

**Sec. 45. Purpose of revision.** The purpose of the revision is to eliminate obsolete provisions, to revise conflicting or unworkable provisions, to restate archaic language, to clarify confusing terminology, and to present the law in a clear, accurate, workable and comprehensive manner.

**I. Commission to enforce purpose.** The commission shall observe this purpose in performing its duties.

**II. Substantive changes restricted.** The revision shall be drafted with only those substantive changes which are necessary to the proper operation of the law.

**Sec. 46. Commission a repository of information.** The commission is a repository for information concerning changes in the law necessary to effect harmony with modern conditions.

**I. Suggestion for modernizing the law.** It shall accept and consider suggestions for modernizing the law from the American Law Institute, the Commissioners for the Promotion of Uniformity of Legislation in the United States, the Council of State Governments and other similar organizations.

**II. Suggestions for correcting defects in the law.** It shall accept and consider suggestions for correcting defects in the law from judges, lawyers, bar associations and the general public.

**III. Commission to recommend legislation.** After careful deliberation on the suggestions received, it shall recommend to the Legislature those which have merit and shall prepare the legislative bills necessary to effect them.

**Sec. 47. Delegation of duties.** The commission may delegate as many of its duties as necessary to the Director of Legislative Research.

**Sec. 48. Duties restricted.** The duties of the commission are restricted to those provided in sections 41 to 46.'

**Sec. 2. Appropriation.** There is hereby appropriated from the General Fund of the State the sum of \$25,000 for the fiscal year ending June 30, 1960 and the sum of \$25,000 for the fiscal year ending June 30, 1961.