

MAINE STATE LEGISLATURE

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Acts and Resolves

As Passed by the

Seventy-Eighth Legislature

OF THE

STATE OF MAINE

1917

Including Acts and Resolves of the Special Session of the
Seventy-Seventh Legislature held in 1916.

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GOVERNOR CURTIS' ADDRESS

Gentlemen of the 77th Legislature:

Under Article 5, Part 1, Section 13, of the Constitution, the Governor is authorized to convene the Legislature on extraordinary occasions and therefore you are assembled in accordance with the call as expressed in the Governor's proclamation issued, Sept. 13, 1916.

A most extraordinary occasion has arisen in connection with the revision of the statutes as required by law because no similar condition appertaining to the revision has heretofore existed.

Formerly on such occasions it has been possible and in fact it has been the custom to adjourn the Legislature to a day certain and secure the required results, but seemingly this process cannot now obtain as the way appears to be obscured by the amendment to Article 4 of the Constitution of the State of Maine establishing a people's veto through the optional referendum.

It seems that in no reasonable manner can the revision of the statutes be accomplished except in a special session.

Doubtless it would be superfluous to go into the details of the act establishing the optional referendum but some reason should be given to the citizens of the State why this special session is called—at more or less expense and inconvenience—and why if allowed to go over to the next Legislature the matter might entail still greater expense and confusion.

The constitutional amendment provides that no act or joint resolution of the Legislature shall take effect until 90 days after the recess of the Legislature—with certain exceptions in an emergency clause.

It seems to be accepted that the recess of the legislature is the time intervening between the final adjournment of one legislature to the time of convening the next.

If you had adjourned to this date none of the acts or resolves passed at your regular session would have become effective until 90 days after the final adjournment except those passed with the emergency clause, consequently the final adjournment would not have been accomplished in time to have made your appropriations available until the closing days of the present year.

The work attending the revision of the statutes is increasing continually and it is doubtful if it could be completed at any time until the middle or last of the year succeeding the session of the legislature authorizing the revision.

It does not seem possible that the act of final revision of the statutes can be passed under the emergency clause of the referendum act, because it appears to be a repeal of all the acts and resolves in the previous revision and a re-enactment of practically all of them—and a portion of them apparently are not allowed in the exceptions of the emergency clause either in the repeal or the re-enactment.

Again, if the matter was allowed to go over to the next legislature the revision would not be complete without the laws of 1917; and also, even without the laws of 1917, untold confusion would result, as the legislators in attempting to amend laws would be obliged to refer to the old statutes while the new statutes were ready at hand but not operative until after the expiration of the 90 days period and could not be amended until in force.

The effect of amending the old statutes by the next legislature while the revision of the new statutes was pending might be to create some confusion in the courts because the old statutes would automatically be repealed by the act of revision when it became effective and the validity of the amendment might be questioned.

These are questions which should be decided by the courts, to establish directions for the future.

Possibly it may not be important in any material sense what the decision may be so long as it is made clear and specific on a definite basis—but this does not assist us in the present instance.

To include the 1917 laws would entail additional and heavy expense in the rearrangement of the entire work.

I had hoped that a special session would not be necessary, but in the present circumstances it appears to me that by calling this special session serious complications will be avoided.

If the work went over to next year the delay might be serious, and even then it might be necessary to have a special session or at least an adjourned meeting, which would again delay the legislature of 1917.

It almost seems to me like an endless chain affair, as it does not appear that there can be any period at which the statutes can be brought up to date by any reasonable means without a special session. Perhaps the courts may devise some means for future guidance—to avoid the calling of an extra session—which would save some expense to the State.

It seemed to be well understood by the legislature at its regular session that the call would be necessary, and consequently no further explanation is deemed expedient.

Primarily the call for this session is to complete the revision of the statutes—otherwise the session would not have been called.

Your attention, however, is called to the cash in the Land Reserve School Fund required under Chapter 7, Section 16, which reads as follows:

“The treasurer shall keep a separate account with the Reserved Land in each such township, in which account he shall enter all sums by him received and paid on account thereof; and the balance shall remain in the treasury until such township or tract is by law authorized to receive it and thereupon it shall be paid to the proper officers thereof.”

This seems to say that the money unexpended in this fund shall remain in the treasury—although this provision has not always been observed.

On December 31, 1915, there was of actual cash in this fund \$433,132.99 and that is the figure at which the fund stood on the books on that date. This amount will be increased by the receipts of this year.

In many instances the money may not be needed for a hundred years and possibly some of it may never be demanded. The fund is constantly increasing.

Possibly you will consider the advisability of amending the law to make this money available for the uses of the State or promote legislation for some investment to be made with the fund. It does not seem to me expedient that this money shall lie idle in the treasury and furthermore consideration might be given to the question of whether or not in its present state it is a menace.

A full report of this account will be submitted by the Treasurer of State.

By urgent request a petition for the creation of a new Harbor Commission for the City of Portland and South Portland and authorizing extension of the present harbor lines of Portland is herewith submitted and it speaks for itself.

The urgency of the request is the only reason for its being presented to you at this time. In view of the short time intervening between this and the next regular session of the Legislature, no recommendation for any legislation seems necessary.

ACTS AND RESOLVES OF SPECIAL SESSION

Augusta, Maine, Sept. 30, 1916.

To the President of the Senate and Speaker of the House of Representatives:

I herewith transmit a list of Acts and Resolves passed during the present Session of the Legislature and approved by me, numbering four Acts and two Resolves.

I have no further communication to make.

(Signed) OAKLEY C. CURTIS,

Governor.

NOTE: The above includes the revision of the Statutes and the repealing act.