

MAINE STATE LEGISLATURE

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EIGHTH REVISION

THE
REVISED STATUTES

OF THE
STATE OF MAINE

PASSED SEPTEMBER 20, 1944, AND TAKING EFFECT
DECEMBER 30, 1944

VOLUME I



By the Authority of the Legislature

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the result of actuarial experience hereunder; but such change shall not be effective as to teachers becoming members of the retirement association before the same shall have been made, unless assented to by such members.

Sec. 239. Books and accounts to be examined and audited annually. R. S. c. 19, § 246. The accounts of the retirement board and the books and accounts of the treasurer of state as custodian of the funds of the retirement system, and the cash and securities in his hands representing such funds, shall be examined and audited annually at the time and in the manner prescribed for the annual audit of the accounts of the trustees of the permanent school fund and the accounts of the treasurer of state in connection therewith.

Sec. 240. Rules and regulations subject to change; benefits to be enjoyed so long as member meets requirements and complies with rules. R. S. c. 19, § 247. The rules and regulations prescribed for the administration of the retirement system shall be subject to change by the retirement board whenever deemed to be for the best interests of the entire body of teachers in the service of the state; but no changes affecting existing members of the association shall be made without their approval. The benefits of the retirement system shall be enjoyed by each member of the retirement association so long as he meets all the requirements of sections 221 to 241, inclusive, and complies with all the rules and regulations of the retirement board.

Sec. 241. Teachers may elect between the retirement system and teachers' pensions; not eligible to both; teachers entering service after July 1, 1924, eligible to the retirement system only. R. S. c. 19, § 248. Any teacher in service previous to July 1, 1924 may elect between the provisions of sections 221 to 241, inclusive, and the provisions of sections 212 to 219, inclusive, but shall not in any case be eligible to benefits under both. No teacher entering into service after July 1, 1924 shall be eligible to any benefits under sections 212 to 219, but shall be eligible to the benefits of sections 221 to 241 only.

See c. 60, § 1 et seq., re state employees' retirement system.

CHAPTER 38.

STATE LIBRARY.

- Sections 1-12 State Library.
 Section 13 Filing of Reports of Towns, Cities, and Counties.
 Sections 14-22 Distribution of Public Documents.
 Sections 23-31 Free Public Libraries.

State Library

Sec. 1. Management and supervision of state library; appointment of librarian; salary; employees. R. S. c. 4, §§ 1, 2. 1931, c. 216, Art. I, § 4; Art. VII, § 7. 1937, c. 221. 1939, c. 305, §§ 2, 3. 1943, cc. 320, 333. The Maine state library shall be under the management and supervision of a state librarian, who shall make such rules and regulations as are necessary for the proper management of the library and the safety of its contents. The governor, with the advice

and consent of the council, shall appoint such librarian who shall serve for a term of 4 years, and until his successor is duly appointed and qualified. The librarian shall receive such salary as shall be set by the governor and council.

The librarian may employ such assistants and employees as may be necessary, subject to the provisions of the personnel law.

See c. 37, § 124, re records of extinct educational institutions; c. 118, § 23, re injury to books and pictures.

Sec. 2. Enumerating some of the works which shall be kept in state library. R. S. c. 4, § 3. 1943, c. 333. There shall be procured and kept in the library digests, law reports and public laws of the United States and of the several states; English and Canadian law reports, digests and laws; general works of law and practice; histories of all countries, including those of this state, its counties and towns; family histories; works on the arts and sciences with special reference to agriculture, forestry, fishing, manufactures, ship building, and road making; maps, charts, plans, and manuscripts, statistical and other publications relating to the financial, social, religious, and educational condition of the world and more especially to this state, as fast as means are furnished by the state therefor; full and complete sets of all the documents printed by the state; and full and complete sets of the reports of the towns, cities, and counties of this state. For the purpose of carrying out the provisions of this section the library may conduct a system of exchanges with other libraries and institutions of learning.

See § 15.

See c. 9, § 4, re filing of certain legislative papers; c. 73, § 4, re filing of examinations for accountants.

Sec. 3. Admission to library. R. S. c. 4, § 4. 1943, c. 333. The librarian shall keep the library open from 9 in the morning until 12 noon on every day except Sundays and public holidays, and from 1.30 to 4 in the afternoon on every day except Saturdays, Sundays, and public holidays; and the superintendent of public buildings and his assistants shall see that no one is admitted to the library rooms out of library hours or that any book is taken therefrom without the consent of the librarian.

Sec. 4. Books may be lent to responsible residents of state. R. S. c. 4, § 5. 1939, c. 305, § 4. 1943, c. 333. Under such rules and regulations as the librarian may prescribe, books and documents may be lent to any responsible resident of the state. Such rules and regulations may include the charge for lending traveling libraries and for overdue books and documents.

Sec. 5. Traveling libraries. R. S. c. 4, § 6. 1943, c. 333. When the officers of any library or association or any individual shall apply to the librarian, he may, from books purchased and kept for the purpose, lend to such library, association, or individual one or more traveling libraries. Books so lent are to be, in turn, lent free of charge to the patrons of such library or to the citizens of the towns where such library, or association, or individual is located.

Sec. 6. Persons or organizations responsible for books borrowed. R. S. c. 4, § 7. 1943, c. 333. Any person or organization receiving the loan of any books or documents from the Maine state library shall be responsible for the full value thereof to the librarian, and in case of the loss of or damage to a volume belonging to a set, shall procure a new volume or be responsible for the value of

the set. If any person or organization shall neglect or fail to return any books or documents lent to them, or shall return the same in an injured or mutilated condition, after due demand and notice, the librarian may maintain an action at law against such person or organization for the full value of such books or documents. Actions to enforce the liability mentioned in this section may be brought by the librarian in his own name in behalf of the state, and in case of his death or removal, the action shall be prosecuted by his successor.

See c. 118, § 23, re injury to books and pictures.

Sec. 7. Historical research. R. S. c. 4, § 8. 1943, c. 333. As a part of the general duties of his office, the librarian shall maintain a section of historical research which shall have charge of all Maine historical work in the library and carry on research work relating to the history of the state.

Sec. 8. Legislative reference. R. S. c. 4, § 11. 1943, c. 333. The librarian shall also maintain in the library a legislative reference section which shall collect, arrange, and place on file books, pamphlets, and other material relating to legislation, shall prepare abstracts of laws in other states, and present such other information as may be useful and necessary to the legislature in the performance of its legislative duties.

Sec. 9. Library extension. R. S. c. 4, § 12. 1943, c. 333. The librarian shall maintain a section of library extension which shall carry on such activities as are enumerated in sections 5 and 11.

Sec. 10. Index section. R. S. c. 4, § 14. 1943, c. 333. The librarian shall also establish and maintain an index section. This section shall have charge of all indexing in connection with the work of the library and such other indexing as the legislature and the governor and council may direct.

Sec. 11. To give advice to local libraries; to receive gifts in trust; to conduct schools of library instruction. R. S. c. 4, § 13. 1943, c. 333. The Maine state library shall give advice to all school, state, institutional, free, and public libraries, and to all communities in the state which may propose to establish libraries, as to the best means of establishing and administering them, selecting and cataloging books, and other details of library management, and may send its employees to aid in organizing such libraries or assist in the improvement of those already established. It may also receive gifts of money, books, or other property which may be used or held in trust for the purpose or purposes given. It may publish lists and circulars of information and may cooperate with the libraries and commissions of other states in the publication of documents in order to secure the most economical administration of its work. It may conduct courses or schools of library instruction and hold librarians' institutes in various parts of the state, and cooperate with others in such schools or institutes. It shall perform such other service in behalf of the public libraries as it may consider for the best interests of the state.

Sec. 12. Biennial report to legislature. R. S. c. 4, § 15. 1943, c. 333. The librarian shall report to the legislature biennially the receipts and expenditures on account of the library, the number of books, maps, and charts acquired during the 2 preceding years, specifying those obtained by purchase, donation, and exchange and shall make in such report suggestions in relation to the improvement of the library.

Filing of Reports of Towns, Cities, and Counties

Sec. 13. Municipal and county reports to be filed with librarian. R. S. c. 4, § 16. Town clerks of the several towns, city clerks of the several cities, and treasurers of the several counties shall promptly transmit to the librarian of the Maine state library copies of all printed reports of said towns, cities, and counties, including all printed exhibits of town, city, and county expenditures.

118 Me. 366.

Distribution of Public Documents

Sec. 14. Public documents distributed to municipalities, remain property of state. R. S. c. 4, § 17. 1943, c. 333. All Maine reports, digests, statutes, codes, and laws, printed or purchased by the state and hereafter distributed by law to the several towns and plantations within the state, shall be and remain the property of the state and shall be held in trust by such towns or plantations for the sole use of the inhabitants thereof.

Sec. 15. Reports of departments; publication and distribution; copies; other publications. R. S. c. 3, §§ 7, 8. 1943, c. 221. The reports of all state departments, commissions, and institutions may be printed and bound, but the number and styles in which the same shall be so printed and bound at the expense of the state shall be determined from time to time by the governor and council. The reports shall be printed biennially covering the 2 fiscal years next preceding each legislative year and shall be ready for distribution upon the convening of the legislature at its regular biennial sessions. Such reports may be printed and distributed annually as are deemed advisable by the governor and council, or directed by the legislature. At least 175 copies of these reports shall be delivered to the librarian of the Maine state library, immediately upon receipt by the superintendent of public printing, for exchange, library use, and general distribution; and the balance of the number of each report shall be delivered by said superintendent to the head of the department or institution where it originated and where it was prepared for publication. At least 10 copies of all other publications, including periodicals, bulletins, pamphlets, leaflets, and special reports, issued by any department, commission, or institution of the state, or by any legislative committee, shall be delivered to the state librarian.

136 Me. 4.

Sec. 16. Public documents to be turned over to successors in office. R. S. c. 4, § 18. 1943, c. 333. All Maine reports, digests, statutes, codes, and laws, printed or purchased by the state, which may hereafter be furnished by law to any state, county, or town officer, shall be and remain the property of the state and shall be held in trust by said officer for the sole use of his office; and at the expiration of his term of office or on his removal therefrom by death, resignation, or other cause, such officer, or if he be dead, his legal representatives, shall turn over to his successor in office all of said books and publications. If there be no successor to his office such officer, or his legal representatives, shall return all of said books and publications to the Maine state library.

Sec. 17. Public documents to be plainly marked. R. S. c. 4, § 19. 1943, c. 333. All Maine reports, digests, statutes, codes, and laws distributed by the state library to the several towns and public officers in the state, with the exception of

the justices of the supreme judicial and superior courts, shall be plainly marked upon the cover and upon the title page with the following words: "The Property of the State of Maine, not to be sold".

Sec. 18. Maine reports. R. S. c. 4, § 20. 1943, c. 333. The printed decisions of the supreme judicial court, commonly called Maine reports, which are purchased by the state in accordance with the provisions of section 2 of chapter 92, shall be distributed by the librarian of the Maine state library as follows: copies shall be sent to each free public library, county law library, college library, and town or city in which there is no free public library, unless a library or town or city states in writing to the librarian that it does not wish to receive the same; copies shall also be sent to the Library of Congress, to each state or territorial library in the United States and to the Supreme Court Library of Canada; 1 copy shall also be sent to each county attorney, judge of probate, register of probate, clerk of courts, municipal court, ex-governor, councilor, senator, and representative from Maine in the congress of the United States, judge of the supreme judicial court, judge of the superior court, ex-judge of the supreme judicial court or superior court; and 1 copy shall be sent to the judge of the United States District Court for Maine, United States District Attorney for Maine, clerk of the United States District Court for Maine, judge of the United States Circuit Court of Appeals for this state, Maine Historical Society and Maine State Bar Association.

Upon request of administrative officers thereof copies shall be placed in each state department or institution. One copy shall also be sent to each town or city in which there is a free public library if so requested by the municipal officers thereof.

Sec. 19. Statutes and laws, distribution of. R. S. c. 4, § 21. 1943, c. 333. All future compilations or revisions of the statutes and the laws passed by each legislature, which are printed and bound by the state, shall be distributed by the librarian of the Maine state library as follows: copies shall be sent to each free public library, county law library, college library, and municipality, unless a library or municipality states in writing to the librarian that it does not wish to receive the same; copies shall also be sent to the Library of Congress, to each state or territorial library in the United States, and to the Supreme Court Library of Canada; 1 copy shall be sent to each county attorney, clerk of courts, county commissioners' court, sheriff, county treasurer, register of deeds, register of probate, judge of probate, judge of the supreme judicial court, judge of the superior court, ex-judge of the supreme judicial court or superior court, municipal court, ex-governor, councilor, senator and representative from Maine in the congress of the United States; 1 copy shall be sent to the governor of the state, the reporter of decisions, judge of the United States District Court for Maine, United States District Attorney for Maine, clerk of the United States District Court for Maine, judge of the United States Circuit Court of Appeals for this state, Maine Historical Society, and Maine State Bar Association. One copy of the laws passed by each session of the legislature shall be sent to each member and officer thereof.

Upon request of administrative officers thereof copies of any future compilation or revision of the statutes or of the laws passed by any legislature shall be placed in any state department or institution.

The remaining copies of the statutes and laws shall be held in the library for exchange or library use, except as otherwise provided for by law.

Sec. 20. Distribution of reports of departments and institutions. R. S. c. 4, § 22. 1943, c. 333. The librarian shall distribute reports of the departments and institutions of the state and other books and documents published or purchased by the state in such manner as the law may direct. He may transmit 1 copy of each published report of each department of the state government to each library in the state and to the libraries of other states and territories, and make such other and further distribution as in his judgment seems proper. He shall maintain a document room, in which shall be stored all department reports and other publications of the state intended for distribution, and shall keep an accurate account of all books and documents received.

Sec. 21. Published records of vital statistics to be purchased. R. S. c. 4, § 9. 1937, c. 213. 1941, c. 279. 1943, c. 333. Whenever the record of the births, marriages, and deaths of any town in the state, previous to the year 1892, beginning at the very earliest date, shall be collected from church records, church registers, records of clergymen, family Bibles, public records, and other available sources, and shall be printed and verified in the manner required by the standing committee of the Maine Historical Society, under the editorship of some person selected by said committee, whose services shall be rendered free and without any compensation, and the work shall appear to them to have been prepared with accuracy, the librarian of the state library shall purchase 250 copies of such record at a price not exceeding 2c per page; provided that the written copies of the town records shall become the property of the state, and shall be deposited in the office of the registrar of vital statistics; and provided further, that not more than \$3,000 shall be expended by authority of this section in any one year, and provided further, that on and after August 1, 1937, all projects to be undertaken within the provisions of this section shall first be listed with and approved in writing by the state librarian and the state historian.

Sec. 22. Records of vital statistics, distribution. R. S. c. 4, § 10. 1943, c. 333. The records of vital statistics purchased as aforesaid shall be distributed by the librarian as follows: to such libraries and historical societies in this state as may wish to receive them; to the Library of Congress and each Maine college library, and to each registry of deeds. The remainder shall be placed in the library for exchange or library use.

Free Public Libraries

Sec. 23. Authorizing towns to establish and maintain free public libraries. R. S. c. 4, § 23. 1943, c. 333. Any town may establish a free public library therein for the use of its inhabitants and provide suitable rooms therefor under such regulation for its government as the inhabitants from time to time prescribe; and may levy and assess a tax and make appropriation therefrom for the foundation and commencement of such library and for its maintenance and increase annually. Any town in which there is a public library may establish and maintain under the same general management and control such branches of the same as the convenience and wants of its citizens seem to demand.

Sec. 24. Authorizing village corporations to establish free public libraries. R. S. c. 4, § 24. 1943, c. 333. Any village corporation located in a town where no free library exists may establish a library within its limits for the free use of all its inhabitants and may levy and assess a corporate tax and make appropriation therefrom for its maintenance and increase annually. Village libraries es-

established under the provisions of this section shall be subject to all the duties and entitled to all the privileges prescribed by the laws relating to free public libraries in towns.

Sec. 25. Authorizing municipalities to raise money to secure free use of library in an adjoining municipality. R. S. c. 4, § 25. 1941, c. 106, § 1. 1943, c. 333. Any municipality may raise and appropriate annually a sum of money for the purpose of securing to its inhabitants free use of a library located in an adjoining municipality; and the officers thereof shall annually, on or before the 1st day of May, certify to the state librarian the amount of money appropriated and expended during the preceding year for this purpose. Upon certification the state librarian shall approve for payment a sum based on the following enumerated percentages:

To municipalities appropriating and expanding \$475 or less, 10%;

To municipalities appropriating and expending \$476 to \$1,900, 7%;

To municipalities appropriating and expending \$1,901 to \$5,000, 4%.

No municipality shall receive annually more than \$200. The stipend shall be used for the purchase of books to be placed in said library.

Sec. 26. Adjacent towns may unite in establishment and maintenance of libraries; entitled to same benefits as single towns. R. S. c. 4, § 26. 1943, c. 333. Two or more adjacent towns may unite in establishing and maintaining a free public library with branches thereof in each town for the free use of all the inhabitants of said towns and may each raise and make appropriation for that purpose annually, and such towns shall be subject to all duties and entitled to all the benefits prescribed by the laws relating to free libraries.

Sec. 27. Procedure for obtaining state aid for municipalities maintaining free public libraries. R. S. c. 4, § 27. 1939, c. 305, § 5. 1941, c. 106, § 2. 1943, c. 333. The officers of any municipality where a free public library is established shall annually, on or before the 1st day of May, certify to the state librarian the amount of money appropriated and expended by said municipality during the preceding year for the purchase of books and for library maintenance. Stipend payment shall be based on such certification. The state librarian may certify as to grade and quality of service performed by the library, and shall approve for payment a sum based on the following enumerated percentages:

To municipalities appropriating and expending \$475 or less, 10%;

To municipalities appropriating and expending \$476 to \$1,900, 7%;

To municipalities appropriating and expending \$1,901 to \$5,000, 4%.

No municipality shall receive annually more than \$200. The stipend shall be used for the purchase of books to be placed in said library.

Sec. 28. Towns may assist libraries controlled by associations provided such association grants free use of books to residents. R. S. c. 4, § 28. 1943, c. 333. Any town or city in which there is a library owned or controlled by a corporation or association or by trustees may levy and assess a tax and make appropriation therefrom annually to procure from such library the free use of its books for all the inhabitants of the town or city, under such restrictions and regulations as shall insure the safety and good usage of the books; and such library shall then be considered a free public library within the meaning of this chapter and said town or city shall be entitled to the benefits of the preceding section, provided that any books and documents purchased with said stipend, and all books and

documents donated by the state, shall be and remain the property of said municipality.

Sec. 29. Duty to keep custody of public documents furnished by state librarian; duty to report list of books purchased with state stipend. R. S. c. 4, § 29. 1943, c. 333. In every town and city where a free public library exists, the librarian of the state library shall transmit to such library all laws, Maine reports, and other documents which the town or city is by law entitled to receive from the state, except as provided in sections 18 and 19, and the same shall be constantly kept in such library for the use and benefit of all the citizens; and the officers of said library, on or before the 1st day of May of each year, shall send to the librarian of the state library a report containing a list of all books and documents purchased with the state stipend for the preceding year and of all books and documents received from the state in said library. The aid from the state, provided by section 27, shall be withheld from any city, town, or village corporation until the report herein required to be made on or before the 1st day of May of each year shall have been received by the librarian of the state library; and the same shall also be withheld unless said report shall show that the laws, Maine reports, and other documents furnished to said town or city by the state are kept in said library as required by this section.

Sec. 30. Books may be donated to towns to assist in foundation of library. R. S. c. 4, § 30. 1939, c. 305, § 6. 1943, c. 333. The Maine state library shall donate to any town having no free public library owned or controlled by the town books purchased for that purpose not exceeding 50% in value of the books and documents purchased by said town for the purpose of founding a free public library therein; said donation in no case to exceed \$100 unless, in the judgment of the librarian, it would be to the advantage of the library to receive the amount in some other form.

Sec. 31. Towns may accept gifts and devises for library purposes. R. S. c. 4, § 31. Any town, as such, may receive, hold, and manage devises, bequests, or gifts for the establishment, increase, or maintenance of a public library therein; and may accept by vote of the legal voters thereof any land or land and buildings thereon, to be used as a public library or art gallery, or both combined. When any plantation is incorporated into a town such gifts and the proceeds thereof fully vest in such town.

131 Me. 185; 138 Me. 70.

CHAPTER 39.

STATE HISTORIAN.

See c. 38, § 21, re records of vital statistics.

Sec. 1. State historian, appointment; duties. R. S. c. 3, § 1. The governor, with the advice and consent of the council, shall appoint a state historian, who shall be a member of the Maine Historical Society and whose duty it shall be to compile historical data of the state and encourage the teaching of the history of the state in the public schools. He shall also encourage the compiling and