

MAINE STATE LEGISLATURE

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Chapter 42.

State Library.

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State Library. Duties.

Sec. 1. State librarian; salary; deputy.—The Maine state library shall be under the management and supervision of a state librarian, as heretofore appointed, 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, subject to the provisions of the personnel law, a deputy state librarian, and such assistants as the business of the office may require. (R. S. c. 38, § 1. 1947, c. 128, § 1.)

See c. 10, § 4, re papers in office of secretary of senate; c. 131, § 23, re injury to books and pictures.

Sec. 2. Contents; exchange.—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, manufacturers, shipbuilding 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 far 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. (R. S. c. 38, § 2.)

See c. 10, § 4, re filing of certain legislative papers; c. 80, § 4, re filing of examinations for accountants.

Sec. 3. Library hours.—The librarian shall keep the library open from 9 in the morning until 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. (R. S. c. 38, § 3. 1949, c. 153, § 1.)

Sec. 4. Books lent.—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. (R. S. c. 38, § 4.)

Sec. 5. Traveling libraries.—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. (R. S. c. 38, § 5.)

Sec. 6. Responsibility for books borrowed.—Any person or organization receiving the loan of any books, documents or other material 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, documents or other material 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 thereof. 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. (R. S. c. 38, § 6. 1953, c. 5, § 1.)

See c. 131, § 23, re injury to books and pictures.

Sec. 7. Historical research.—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. (R. S. c. 38, § 7.)

Sec. 8. Legislative reference.—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. (R. S. c. 38, § 8.)

Sec. 9. Library extension.—The librarian shall maintain a section of library extension which shall carry on such activities as are enumerated in sections 5 and 11. (R. S. c. 38, § 9.)

Sec. 10. Index section.—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. (R. S. c. 38, § 10.)

Sec. 11. Advice to local libraries; gifts; schools of library instruction.—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 library service as it may consider for the best interests of the citizens of the state. (R. S. c. 38, § 11. 1947, c. 128, § 2.)

Sec. 12. Public library services.—The state librarian, with the approval of the governor and council, may also make any regulations necessary to enable the state to comply with the provisions of any law of the United States, heretofore or hereafter enacted, intended to promote public library services. The

treasurer of state shall be custodian of any money that may be allotted by the federal government for general public library services. (1949, c. 153, § 2.)

Sec. 13. Bookmobile service.—In furtherance of, and in addition to, the powers given in section 11, the state librarian is authorized and empowered to provide bookmobile service for residents of the state, especially to rural schools and farm homes. (1953, c. 413, § 1.)

Sec. 14. Biennial report.—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. (R. S. c. 38, § 12.)

Municipal and County Reports Filed.

Sec. 15. Municipal and county reports filed.—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. (R. S. c. 38, § 13.)

Cited in *Stanley v. Prince*, 118 Me. 360,
108 A. 328.

Printing of Laws. Distribution of Public Documents and Laws.

Sec. 16. Public documents distributed.—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. (R. S. c. 38, § 14.)

Sec. 17. Reports of departments; publication and distribution; copies.—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. (R. S. c. 38, § 15.)

Sec. 18. Public documents turned over to successors in office.—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. (R. S. c. 38, § 16.)

Sec. 19. Public documents plainly marked.—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: "Property of the State of Maine, not to be sold". (R. S. c. 38, § 17.)

Sec. 20. Maine reports.—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 104, 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 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. (R. S. c. 38, § 18. 1953, c. 308, § 73.)

Sec. 21. Printing of laws.—When the director of legislative research shall have prepared material for a revision of the statutes or for a volume containing the laws passed at a session of the legislature with accompanying material, he shall deliver the same prepared for printing to the state purchasing agent who shall contract for the printing, binding and delivery to the state of a sufficient number of volumes to meet the needs of the state and for sale as hereinafter provided. (1945, c. 7. 1949, c. 349, § 85.)

Sec. 22. Distribution and sale.—All printed copies of such revised statutes and session laws shall be delivered by the printer to the state librarian for distribution, in accordance with the provisions of section 25; and for sale as hereinafter provided. (1943, c. 361, § 1. 1945, c. 7; c. 378, § 49.)

Sec. 23. Price.—The state librarian, subject to the approval of the governor and council, shall fix the price at which such printed volumes may be sold at wholesale, and shall thereafter make sales to bookstores at the price so fixed. (1943, c. 361, § 2. 1945, c. 7.)

Sec. 24. Disposition of proceeds.—All proceeds from such sales shall be deposited to the credit of the general fund of the state. (1943, c. 361, § 3. 1945, c. 7.)

Sec. 25. Statutes and laws distributed.—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, and, on an exchange basis, 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, trial justice, 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 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. (R. S. c. 38, § 19. 1947, c. 128, § 3. 1953, c. 308, § 74.)

Sec. 26. Reports distributed.—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. (R. S. c. 38, § 20.)

Sec. 27. Published records of vital statistics purchased.—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 150 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 1 year. (R. S. c. 38, § 21. 1949, c. 153, § 3. 1951, c. 125, § 1.)

Sec. 28. Records of vital statistics distributed.—The records of vital statistics purchased as aforesaid shall be distributed by the librarian as follows: To each registry of deeds in the state, and to such libraries and historical societies as may wish to receive them. The remainder shall be kept by the librarian for exchange and library use. (R. S. c. 38, § 22. 1951, c. 125, § 2.)

Free Public Libraries.

Sec. 29. Free public libraries established in towns.—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 ap-

propriation 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. (R. S. c. 38, § 23.)

Sec. 30. Free public libraries established in village corporations.—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 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. (R. S. c. 38, § 24.)

Sec. 31. Free use of library in adjoining town authorized.—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 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. (R. S. c. 38, § 25. 1953, c. 308, § 75.)

Sec. 32. Towns unite for libraries.—Two or more 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. (R. S. c. 38, § 26. 1949, c. 153, § 4.)

Sec. 33. State aid for municipalities maintaining free public libraries.—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. (R. S. c. 38, § 27.)

See § 35, re books purchased with state stipend to be reported.

Sec. 34. Libraries controlled by associations assisted by towns.—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. (R. S. c. 38, § 28.)

Sec. 35. Custody of public documents; list of books purchased with state stipend.—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 20 and 25, 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. The aid from the state, provided by section 33, shall be withheld from any city, town or village corporation until the report herein required to be made 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 by the state are kept in said library as required by this section. (R. S. c. 38, § 29. 1949, c. 153, § 6.)

Sec. 36. Donation of books and gifts for foundation of library.—Whenever a municipality shall purchase books to aid in the establishment of a free public library, the librarian of the Maine state library shall make a gift of money or new books to such library; the gift to equal 50% of the value of the books purchased by said municipality for said purpose, and in no instance to exceed \$100. (R. S. c. 38, § 30. 1949, c. 153, § 6.)

Sec. 37. Gifts and devises to towns.—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. (R. S. c. 38, § 31.)

History of section.—See *Manufacturers Nat. Bank v. Woodward*, 138 Me. 70, 21 A. (2d) 705. **Applied in** *Buzzell v. Belfast*, 131 Me. 185, 160 A. 21.