

MAINE STATE LEGISLATURE

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NINTH REVISION

REVISED STATUTES

OF THE

STATE OF MAINE

1954

FIRST ANNOTATED REVISION

IN FIVE VOLUMES

VOLUME 3



THE MICHIE COMPANY
CHARLOTTESVILLE, VIRGINIA

Chapter 104.

Reporter of Decisions.

Sec. 1. Reporter; appointment and tenure of office; salary. — The governor with the advice and consent of the council shall, in case of a vacancy, appoint a person learned in the law to be reporter of the decisions of the law court, who shall hold his office during the pleasure of the executive. He shall receive an annual salary of \$2,500. (R. S. c. 92, § 1. 1953, c. 376, § 1.)

Reporter removable only by governor and council.—The reporter does not hold his office at the will and pleasure of the governor alone, under this section, and is not removable by him. He is removable only by the governor by and with the advice and consent of the council. Opinion of the Justices, 72 Me. 542.

The words "the executive" embrace, in one general term, both the governor and council, and indicate the executive author-

ity by which the appointment is made. Opinion of the Justices, 72 Me. 542.

The phrase "who shall hold his office during the pleasure of the executive," contemplates the same mode of executive action and procedure in effecting a removal, as in making an appointment, and no intention can be inferred to divide the removing from the appointing power. Opinion of the Justices, 72 Me. 542.

Sec. 2. Duties.—The reporter of decisions shall prepare correct reports of all legal questions argued and decided, reporting cases more or less at large according to his judgment of their importance. He shall publish at least 1 volume yearly, provided he has material enough to make a volume of the size required by this section, and furnish the usual number of current copies to the state and to the public at a price to be fixed by the governor and council. Each volume shall be of the average size of Maine Reports, and be equal thereto in paper, printing, general finish and quantity of printed matter. The reporter may, from time to time as he sees fit, make a written contract in his own name with any person, firm or corporation for the printing, publishing and binding of said reports and shall require such person, firm or corporation to give a good and sufficient bond with good and sufficient sureties, conditioned for the faithful performance of all the terms and conditions of such contract by the person, firm or corporation with whom the reporter makes such contract. In case of a breach of any or all of the conditions of such bond, the reporter may maintain an action on such bond in his own name. In the exercise of any discretionary powers vested in him by this section or by section 15 of chapter 103, the reporter of decisions shall act in accordance with such instructions or advice as may be given to him by the chief justice of the supreme judicial court. (R. S. c. 92, § 2. 1951, c. 57, § 1.)

See c. 103, § 15, re law court cases.

Sec. 3. Copyright of reports.—Each volume of said reports shall be entered by the secretary of state with the librarian of congress and copyrighted in the name of the state of Maine, and the manuscript and copyright thereof shall belong to the state. All profits arising from the publication and sale of said reports and advanced sheets thereof received by said reporter, except as hereinafter provided, shall be accounted for and paid over by him to the treasurer of state on the 1st Monday in December in each year. The reporter may retain out of said profits received by him the sum of \$500 on account of each volume of reports published by him for clerk hire, stationery, postage, expressage and incidental expenses. At the expiration of his term of office, all the official duties of the reporter shall cease, and he shall turn over and deliver to his successor all unpublished cases in his hands, and shall also assign and transfer to his successor any contract and bond he then may have relating to a volume not then completed or commenced. Such successor's rights in and under such contract and bond shall be the same as though he had originally made the contract and taken the bond. (R. S. c. 92, § 3. 1951, c. 57, § 2.)

Sec. 4. Advance sheets free to all justices.—The reporter shall furnish, free of charge, the justices of the supreme judicial court and superior court with 1 copy each of advance sheets; he shall also be entitled to 25 copies, free of expense, for current exchanges with the reporters of other states, law school libraries, the attorney general and heads of departments. (R. S. c. 92, § 4.)

Sec. 5. Reimbursement for expenses. — The reporter shall be reimbursed by the state for charges actually and reasonably incurred by him for clerk hire, stationery, postage, expressage and incidental expenses, to the extent that such charges exceed the amounts he is entitled to retain out of profits to pay the same pursuant to the provisions of section 3, but such reimbursement by the state shall not exceed \$1,500 in any 1 year. (1951, c. 400.)