

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

*Special Sessions*

OF THE

*Ninety-Eighth Legislature*

OF THE

STATE OF MAINE

October 28, 1957

January 13, 1958

May 6, 1958

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**SENATE**

---

Monday, January 13, 1958.

In compliance with a Proclamation of His Excellency, Governor Edmund S. Muskie, the Senators convened in the Senate Chamber at four o'clock in the afternoon, Eastern Standard Time, and were called to order by the President.

Prayer by the Reverend Harvey F. Ammerman of Augusta.

The Secretary read the Proclamation:

**STATE OF MAINE  
PROCLAMATION  
BY THE GOVERNOR**

WHEREAS, it appears advisable that the Legislature of this State should meet in special session for the following purposes:

To consider an Act Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units, otherwise known as the "Sinclair Bill".

To consider any other legislation to promote the general welfare of the State.

NOW, THEREFORE, I, EDMUND S. MUSKIE, Governor of the State of Maine, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol at Augusta on Monday, the thirtieth day of January, 1958 at four o'clock in the afternoon in order to receive such communication as may then be made to them and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

Given at the office of the Governor at Augusta and sealed with the Great Seal of the State of Maine, this thirtieth day of December (Seal) in the year of our Lord One Thousand Nine Hundred and Fifty-seven, and of the Independence of the United States of America, the One Hundred and Eighty-second.

By the Governor:

EDMUND S. MUSKIE

(Signed) PAUL A. MacDONALD  
Deputy Secretary of State

Which was read and ordered placed on file.

The roll being called, the following Senators responded to their names:

Bailey, Boucher, Briggs, Brown, Butler, Carpenter, Charles, Cole, Curtis, Davis, Dow, Dunn, Farley, Ferguson, Fournier, Hall, Haskell, Hillman, Hurley, Lessard, Lord, Low, Martin, Parker, Pike, Reed, Rogerson, Silsby, Sinclair, St. Pierre, Willey, Woodcock, Wyman.

33 Senators having answered to the roll call, the President declared that a quorum was present.

On motion by Mr. Sinclair of Somerset,

ORDERED, that a message be conveyed to the House of Representatives informing that body that a quorum of Senators is present for the consideration of such business as may come before the Senate.

Which was read and passed.

Mr. Sinclair of Somerset conveyed the message.

On motion by Farley of York,

ORDERED, that a message be sent to His Excellency, the Governor, informing him that in obedience to his Proclamation a quorum of Senators is assembled in the Senate Chamber for the consideration of such business as may come before the Senate.

Which was read and passed.

The President appointed to convey the message:

Senators:

FARLEY of York

LOW of Knox

BOUCHER of Androscoggin

The Committee retired and subsequently reported that they had delivered the message with which they were charged.

Subsequently, a message was received from the House of Representatives, through Mr. Brown of Bangor informing the Senate that a quorum of the Representatives is present for the consideration of such business as may come before that body.

On motion by MR. SILSBY of Hancock

ORDERED, that a message be sent to the House of Representa-

tives proposing a Joint Convention to be held forthwith in the Hall of the House for the purpose of extending an invitation to the Governor to attend the Convention and present such communication as he may be pleased to make.

The Secretary conveyed the message.

Subsequently, a message was received from the House of Representatives through MR. PEASE, its Clerk, concurring in the foregoing proposition for a Joint Convention.

The Senate then proceeded to the House of Representatives where a Convention was formed.

(For proceedings of Joint Convention see House Report.)

**Reference of Bills  
Appropriations and Financial  
Affairs**

MR. LESSARD of Androscoggin presented

Bill, "An Act Relating to Cost of Relocating Utility Services of Towns." (S. P. 657) (L. D. 1656)

Which was referred to the Committee on Appropriations and Financial Affairs and ordered printed.

Sent down for concurrence.

**Education**

MR. SINCLAIR of Somerset presented

Bill, "An Act Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units." (S. P. 658) (L. D. 1637)

Which was referred to the Committee on Education and 3000 copies ordered printed.

Sent down for concurrence.

**Highways**

MR. BOUCHER of Androscoggin presented

Bill, "An Act Relating to Directional Signs at the Falmouth Spur, So Called." (S. P. 654) (L. D. 1658)

Which was referred to the Committee on Highways and ordered printed.

Sent down for concurrence.

MR. PARKER of Piscataquis presented

Bill, "An Act Allocating Eight Hundred and Fifty Thousand Dollars from the Highway Bond Issue Proceeds to Highway Construction

for the Fiscal Year 1958-1959." (S. P. 656) (L. D. 1657)

Which was referred to the Committee on Highways and 1000 copies ordered printed.

**Inland Fisheries and Game**

MR. CARPENTER of Somerset presented

Bill, "An Act Regulating Fishing in Reclaimed Waters." (S. P. 655) (L. D. 1659)

The same Senator presented Bill, "An Act Relating to Rules and Regulations of Department of Inland Fisheries and Game." (S. P. 659) (L. D. 1669)

Which were referred to the Committee on Inland Fisheries and Game and ordered printed.

Sent down for concurrence.

**Judiciary**

Mr. Butler of Franklin presented Bill, "An Act Relating to Liberation of Convicts Unable to Pay Fine or Costs." (S. P. 645) (L. D. 1660)

Mr. Ferguson of Oxford presented Bill, "An Act Relating to Municipal Borrowing in Anticipation of Taxes." (S. P. 653) (L. D. 1661)

Which were referred to the Committee on Judiciary and ordered printed.

Sent down for concurrence.

**Legal Affairs**

Mr. Boucher of Androscoggin presented Bill, "An Act Creating a Planning and Zoning Board for the City of Lewiston." (S. P. 651) (L. D. 1665)

Which was referred to the Committee on Legal Affairs and 1000 copies ordered printed.

Sent down for concurrence.

Mr. Farley of York presented Bill, "An Act Amending the Charter of the City of Biddeford." (S. P. 649) (L. D. 1663)

Mr. Reed of Aroostook presented Bill, "An Act Relating to Castle Hill Chapman-Mapleton Community School District." (S. P. 648) (L. D. 1662)

Mr. Willey of Hancock presented Bill, "An Act to Ratify and Make Valid the Incorporation of the Winter Harbor School District." (S. P. 650) (L. D. 1664)

Which were severally referred to the Committee on Legal Affairs and ordered printed.

Sent down for concurrence.

#### Natural Resources

Mr. Carpenter of Somerset presented Bill, "An Act Relating to Wesserunnett Lake." (S. P. 647) (L. D. 1666)

Which was referred to the Committee on Natural Resources and ordered printed.

Sent down for concurrence.

#### Retirements and Pensions

Mr. Davis of Cumberland presented Bill, "An Act Relating to Survivor Benefits for Local Participating Districts under Retirement Law." (S. P. 646) (L. D. 1667)

Which was referred to the Committee on Retirements and Pensions and ordered printed.

Sent down for concurrence.

#### Towns and Counties

Mr. Butler of Franklin presented Bill, "An Act Relating to Loans by Franklin County." (S. P. 652) (L. D. 1668)

Which was referred to the Committee on Towns and Counties and ordered printed.

Sent down for concurrence.

#### Orders

Mr. Sinclair of Somerset presented the following Order:

WHEREAS, a bill entitled "An Act Relating to Educational Aid and to Clarify the Procedure of Reorganization of School Administrative Units", Legislative Document 1637 has been introduced into the Senate and is now pending before that body and it is important that the Legislature be informed as to the constitutionality of the proposed bill; and

WHEREAS, it appears to the members of the Senate of the Ninety-Eighth Legislature that certain provisions of the bill present important question of law, and the occasion is a solemn one;

NOW THEREFORE, BE IT ORDERED, that in accordance with the provisions of the Constitution of the State, the Justices of the Supreme Judicial Court are hereby respect-

fully requested to give this Legislature their opinion on the following questions:

#### I.

Do any of the provisions of Sections 1 and 2 of Legislative Document 1637 delegate legislative power to the State Board of Education and the School District Commission in violation of Section 1 of Part First of Article IV of the Constitution of Maine?

#### II.

Must every city or town that is a participating municipality in a school administrative district, consisting of two or more municipalities to be created under the provisions of Section 2 of Legislative Document 1637, take into account its proportionate part of the indebtedness incurred by such district in computing the extent of its ability to create debt or liability under the provisions of amended Section 15 of Article IX of the Constitution of Maine?

#### III

Would a school administrative district, consisting of two or more municipalities to be created under the provisions of Section 2 of Legislative Document 1637, be subject in any manner to the provisions of amended Section 15 of Article IX of the Constitution of Maine limiting the amount of debt or liability that may be incurred by cities and towns.

#### IV.

Do the provisions of Section 2 of Legislative Document 1637 which allow two or more municipalities to join together to form a new municipality known as a School Administrative District, which district after its formation owns, operates, and controls all the public schools within the district, violate any of the provisions of Article VIII of the Constitution of Maine?

#### V.

Do any of the prohibitions against the passage of emergency legislation found in Section 16 of Part Third of Article IV of the Constitution of Maine, prevent the passage of Legislative Document 1637 as an emergency measure to become effective upon approval by the Governor?

## VI.

Does Section III-L of Legislative Document 1637 which provides for the financing of the operations of any School Administrative District to be created under this act violate Section 8 of Article IX of the Constitution of Maine?

Which was read by Mr. Sinclair of Somerset.

Which order received a passage

On motion by Mr. Charles of Cumberland

ORDERED, the House concurring, that three hundred fifty copies of the Legislative Record for this Special Session convened on January 13, 1958, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the Departments, under the direction of the Document Clerk. (S. P. 660)

Which was read and passed.

Sent down for concurrence.

Subsequently, the foregoing Order was returned from the House, having been read and passed in concurrence.

On motion by Mr. Hurley of Kennebec,

ORDERED, that one thousand copies of the Governor's Message be printed.

Which was read and passed.

On motion by Mr. Wyman of Washington,

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the number of fifteen calls of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified by the Secretary of the Senate and the Clerk of the House, respectively; the cost of this service to be paid to the New England Telephone

and Telegraph Company at regular tariff rates; and be it further

ORDERED, that free telegraph service be provided to the number of five messages of reasonable length, from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified by the Secretary of the Senate and Clerk of the House; the cost of this service to be paid to Western Union Telegraph Company at regular tariff rates. (S. P. 661)

Which was read and passed.

Sent down for concurrence.

On motion by Mr. Woodcock of Penobscot,

ORDERED, the House concurring, that the Secretary of the Senate and the Clerk of the House be directed to furnish to each member and officer of the Senate and House, a copy of the State newspaper each morning during the present Special Session of the Legislature. (S. P. 662) Which was read and passed.

Sent down for concurrence.

On motion by Mr. Silsby of Hancock,

ORDERED, the House concurring, that the Director of Legislative Research be and hereby is directed to have printed 1,500 copies of a bill titled, "Uniform Commercial Code", draft of which is in his possession. He is furthermore directed to deliver to the Maine State Bar Association and such other State organizations as may be interested in giving State-wide distribution to a draft of this bill preparatory to consideration at the next regular session. The expense of such printing shall be charged to Legislative expense (S. P. 663)

Which was read and passed.

Sent down for concurrence.

On motion by Mr. Willey of Hancock,

ORDERED, the House concurring, that Joint Rule 1 be amended by deleting therefrom the words, "on correctional institutions" and adding thereto the words, "on election laws". This amendment shall be effective January 1, 1959. (S. P. 664)

Which was read and passed.

Sent down for concurrence.

ORDERED, the Senate concurring, that the only bills and resolves to be considered at this special session shall be those designated L. D. 1637 to L. D. 1669 inclusive.

This order shall not apply to such bills and resolves as are intended only to facilitate the business of this special session.

The PRESIDENT: The Chair would note that this is the cloture order.

Thereupon, the order received a passage in concurrence.

The PRESIDENT: The Chair would note that without the specific authority which is normally reserved to the Chairmen of the respective joint standing committees a schedule of public hearings will, unless there is objection to the procedure, be given to the press, with the hope that there will be reasonably good statewide coverage in tomorrow morning's daily journals of those ten or eleven public hearings for tomorrow afternoon. If there is no objection to that presumption on the part of those who have prepared that schedule, the schedule will be delivered to the press with the further request that

it be given as good publicity as is possible.

In that connection, the Chair would also note that, if it is at all possible, the session will be very substantially expedited if the committees having the public hearings tomorrow can reasonably make their committee reports sometime before seven o'clock tomorrow night, so that those reports may be transmitted to the branch from which the bills originated, permitting consideration by the respective branches of the committee reports on each of the bills that have been pre-printed and upon which hearings will be held tomorrow.

It is certainly not the intent of the Chair to suggest to these committees that where more deliberate committee consideration should be given on any or all of the committee reports there is not any compulsion on the committee reports being in tomorrow night, but such a procedure would permit consideration and debate on the third legislative day of this special session.

On motion by Mr. Low of Knox,

Adjourned until 10:00 A. M. tomorrow.