

MAINE STATE LEGISLATURE

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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

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.