

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

ed by Committee Amendment A (L. D. 1673)

(On motion by Mr. Sinclair of Somerset, tabled pending consideration of the report.)

Mr. Martin from the Committee on Legal Affairs on Bill, "An Act Amending the Charter of the City of Biddeford." (S. P. 649) (L. D. 1663) reported that the same OUGHT TO PASS as amended by Committee Amendment A

Mr. Farley from the Committee on Towns and Counties on Bill, "An Act Relating to Loans by Franklin County." (S. P. 652) (L. D. 1668) reported that the same OUGHT TO PASS as amended by Committee Amendment A

Which reports were severally read and accepted and the bills read once. Committee Amendments A were read and adopted, and under suspension of the rules, were read a second time and passed to be engrossed. Sent down for concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table bill, "An Act Creating a Planning and Zoning Board for the City of Lewiston" (S. P. 651) (L. D. 1665) tabled by that Senator earlier in today's session pending consideration of the committee report.

Mr. BOUCHER of Androscoggin: Mr. President, a compromise bill, or a redraft of this bill and a similar bill in the House was consented to by both parties, so I am willing to accept this report.

On motion by Mr. Boucher of Androscoggin, the "Ought not to pass as covered by other legislation" report of the committee was accepted. Sent down for concurrence.

On motion by Mr. Lessard of Androscoggin, the Senate voted to take from the table bill, "An Act Relating to Directional Signs at the Falmouth Spur" (S. P. 654) (L. D. 1658) tabled by that Senator earlier in today's session pending consideration of the committee report (that the same be referred to the next legislature.)

On motion by Mr. Boucher of Androscoggin, the bill was retabled pending consideration of the committee report and was especially as-

signed for later in today's session.

The PRESIDENT: The Chair would note that the answers to the questions requested in the advisory opinion relating to the Sinclair Bill arrived up here about 9:15 and are now in the process of reproduction. The Chair suggests that before the bill is taken from the table the Senate may wish briefly to see that before acting on the first tabled and unassigned matter.

On motion by Mr. Low of Knox, recessed to the sound of the gong.

After Recess

The Senate was called to order by the President.

On motion by Mr. Sinclair of Somerset, the Senate voted to take from the table 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) tabled by that Senator earlier in today's session pending consideration of the report.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate, I am sure you all have on your desks the opinion of the justices of the Supreme Judicial Court, and I hope you have had an opportunity to read the decision over.

As you will see from the report, the bill as presented, L. D. 1637, does not violate any of the principles of the Constitution.

I would like to take this opportunity to point out that the special joint committee made some changes in the bill. I think you are familiar with those changes. The bill in its present form is much more operative than the original bill was, the bill that was accepted by the legislature and signed by the Governor at the last session. There are a few things that have been changed and I would like to point out one or two of them.

In the matter of community school districts, a group of communities can combine together to form a community school district. There are seven in all in the State of Maine, one is primarily a community school district, the others include secondary school districts.

This group of school districts felt that they were entitled to some consideration inasmuch as they took what they thought was a forward step when they created the community school district. Some of them can not qualify under the original bill inasmuch as they could not get the 300 secondary school pupils. It was the feeling of the joint committee studying this bill that they were entitled to consideration, and in this bill it does give the commission the authority to approve a community school district as an administrative district provided they meet all the other qualifications.

The principal changes in the bill involve the setting up of machinery and the mechanics for the creation of the larger administrative districts.

I am not a lawyer, but I worked very closely with Roger Putnam of the Attorney General's Department, who spent a great deal of time on this matter. He felt that the provisions and the form for creating the district conformed to the general statutes, municipal law and so forth. We have also had the opinion from the Court.

Mr. President, I move that the report of the committee be accepted.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair, that the Senate accept the ought to pass if amended report of the committee.

Mrs. SILSBY of Hancock: Mr. President and members of the Senate, I am not in opposition to this bill in some parts. As a matter of fact I support some parts of this bill. I have every consideration for the teachers, and the boys and girls who attend the schools. There isn't anyone who has any more respect for the teacher and the pupil than I have. My only purpose in discussing this bill at this time is because maybe I am thinking wrong but maybe I have some suggestions that might be helpful to the legislature in making this bill more equitable, more applicable to the circumstances and the geographical setup of this state.

I would have liked very much to have gone down before the Committee on Education yesterday and made my discourse there but either

fortunately or unfortunately for the committee and for other citizens of the state, I had a lot of work that I felt demanded my attention in the Judiciary Committee. I felt it is only fair to the people of the state whom I represent, that I give you my feelings before this bill is accepted, to the end that maybe some amendments could be added.

Now there are certain principles of law and these principles have come down through the ages and they are principles and rules of law that have been applied in many circumstances and I think that I ought to call your attention to some of these principles and rules of the law to the end that perhaps we could make this bill more workable. There are also certain Constitutional rights that we have as citizens and I think perhaps I might mention some of those also. This bill contains, or the original bill contained, — and I think the number of the original bill was 1478 — fifty two pages. The amendments to this bill that we have before us contains thirty pages. I say to each and every one of you that I have had great difficulty in my humble capacity to put the bill together. I can't do it. I can't read into the bill 1478, the amendments to the bill we have before us which is 1637. I don't understand it. I can't apply it. I have asked some questions and some of my questions have been answered by some authority and my answer that I have received was this: "The point is well taken, but we have got to start." Why should we start. We are here in session. Why should we detour these matters that we know are not applicable to the geographic setup of the state. Aren't we here for this purpose, to work out the very best bill that we can possibly work out with all of us thinking together, each and everyone of us offering or making some contribution. I for one, with my experiences in life find that in complicated matters there are always some who can make contributions and with the benefit of contributions, I try to rearrange things accordingly and that is the reason I am standing here on my feet laying the foundation for what

I expect to say and if I can make some contribution then my efforts have not been in vain. I do not want to leave this legislature, even though it may take a few more days than we want, to go back home and say to my constituents, "Yes, your point is well taken but we did not have time to work it out." So much for that.

The constitutional aspects of this bill have been taken care of and I have no quarrel with that. I am glad that we have the opinion of the Supreme Judicial Court. That is a step in the right direction but the Supreme Judicial Court has not passed upon the legal aspects. They have passed only upon the constitutional aspects. They cannot adjudicate the conflicts of law until such time as some municipality or the district in itself has gone ahead on the assumption that they have interpreted the bill correctly and then they are told they might not be legally bound because of lack of authority, and the Court through the proper mechanics has the right to adjudicate the legal question.

Now, since the conception or the organization of this state, it is a rule of law that municipalities can do nothing more than what the constitution and the law of the state says they may do. That cannot be denied. You and I as citizens can do anything that the statutes and the Constitution do not say we cannot do. Now, applying that for just a moment, isn't it important to the municipalities of this state and to the citizens of this state and to the taxpayers of this state and to the children attending the schools that the municipalities have the authority to do what we want this bill to do? I say to you, from my examination of this bill, it does not give them that authority. It is not there. I am not criticising. I think that the persons who put together the intent and objectives of this bill have done a splendid job and I concur, and I think the person who had the legal aspects of this has done a good job for the time he had to do it in. I know from experience as I have worked with my undertakings in my profession, it is easy for me to overlook some little minor principle because I was

thinking too deeply and if I had had the opportunity or privilege of working on this bill, I will admit that no doubt I would have seen the obvious and I would welcome anyone in this Senate to stand up and point out to me some of the points I had missed. So much for that.

In regard to delegating authority that cannot be delegated. There is an exception. We can in some instances delegate authority with certain limitations, and I am speaking of municipal law. There is another principle we are all very well aware of that in order to delegate authority with limitations you must have authorization and you must have appropriation. If you have got authorization without appropriation you have no authority. If anyone of you people give me a particular matter to perform for you, that demands the dollar and you do not give me the appropriation, I cannot do it, and by the same token, if you give me the appropriation and not the authorization I cannot do it. And in this bill there are places where we have authorization without appropriation and vice versa.

Now with those matters in mind and with those principles let's examine the bill just briefly. I am not going to tire you out, you have listened to me too many years and too many times. I will speak briefly.

I just want to call your attention to just a few facts and hope I might excite your enthusiasm to consider them. Again in municipal law and in our mercantile corporation law we as individuals are entitled to our day in court. We are entitled to the opportunity to be heard especially when our property and our dollar is involved. Whether it is a tax dollar or not is immaterial. We have a right to be heard. I could not sue any one of you unless I gave you a proper summons, a proper notice so that you would have the opportunity to be heard. Those are elementary principles and must be considered.

Now I turn to Page 15 of document 1637 and down about half way in Section 111 L "also before March 1st of each year the school directors shall hold a district bud-

get meeting." Now I call your attention to that particular sentence. Some time before March first, the district is going to have a budget meeting and you and I as taxpayers, what kind of a notice are we going to receive? Who is going to give us any information? I go back to the principle again. This district meeting has attached to it a tax dollar. It has our property involved. Now Section 111 S. Let's turn to the bottom of Page 18, Section 111 S. "District Budget Meetings." Now notice the language. "When it is necessary to hold a district meeting to approve the operating school budget the school directors shall be authorized to call such meeting as follows". That is not the budget meeting. That is a special meeting and they spell out the terms. The obvious is sometimes overlooked but if this bill had had after the words on page 15, Section 111 L "also before March 1st of each year the school directors shall hold a district budget meeting with notices hereinafter provided", I would have no quarrel but I do quarrel with that point and I would have liked to have gone down with my good friend Senator Seth Low yesterday and voiced my objections as I said before.

Now again, as you read the bill you will find, there are certain things you will find, that they can do by special meeting but they cannot do it at an annual meeting because the bill does not say so and this is a quasi municipal corporation which means that it is partly private and partly sovereign. It seems to me that those inconsistencies should be taken care of so that we, if you please, will not be criticized for not performing and taking care of the obvious.

Now there are other parts of the bill that indicate very strongly certain inequities. Well, if we know of these inequities, at least we can anticipate the challenge and make an effort to correct them. But I simply say there is nothing I can do about it. I admit it, I am not going to do anything about it. I am not going to play that kind of baseball; I can't do it.

Now there are certain penalties, and there are many other matters. I will cite you a few in particular.

I think you will find in the bill — I do not find the place at the moment but I am sure it is there—that after the administrative district is formed that certain conveyances will be made by the municipality to the district. How is the municipality going to convey and give legal title to any of its real property without a vote of the inhabitants? That has been the law since kingdom come. It has been specifically spelled out and any lawyer that practices law or has had opportunity to advise municipalities is just as familiar with Munson vs Tripp as I am. It is the rule that prevails. They must have authority, because we as citizens have never delegated it — and thank God we never can. We have the right to be heard and say whether the officials of our municipality can sell our property which we have a vested right in as citizens of our town. Find that in this bill! Shouldn't it be there? I ask you. What is a bonding house going to say when they are presented with this bill and money has got to be borrowed? There is no question in my mind that certain monies have got to be borrowed. There is no question in my mind but what there have got to be certain obligations and bond issues. That is our job and no one else's. It is up to us.

Now I could go on. I am not happy with my position. I have been called a wrecker. I am not trying to wreck, I am trying to construct and give our boys and girls and our teachers the money. The money that is available I want them to have, every dollar of it, but I want to be sure they can get it.

One thing more and I will sit down. We have had numerous hearings. My good friend, the Senator from Knox, Senator Low and I have had a great many heated arguments over my defense of rural areas. I was born and reared in one, I am proud to say. Can you blame me for defending them? Someone has got to fight for them, and there has to be some rule in this bill somewhere for them, because they are strictly victims of circumstances.

We all know, each and everyone of us, we cannot deny it, we know

that we have got certain areas that cannot benefit under this bill. We know that they are not so financially situated as to be able to raise the necessary money. We know that we have towns with such a valuation and with a small group of children that they are going to be in the 18 per cent bracket. That is a technical matter in the bill. But we also know practically that they are the most needy of all. What have we done about it?

We have said, "You can have your bite of this additional subsidy money for the first year but you cannot have it the second year unless you can meet the foundation program, and we know they cannot meet it. Is that fair? Is that equitable? I say to you, "No, it is not," and that it is up to us to make it equitable. It is our duty to do so. It is a very solemn duty. The rich can always look out for themselves as to dollar value but the poor cannot; and it is the unfortunate that we have to hold our hand out to.

Now that can be corrected. I have a limited education, but I am sure that I could work that out. I know it will be said that there is a price tag on it. There is. There is a price tag on the whole bill. But they are taxpayers, they are citizens, they have a right to their part and they should not be penalized above all for not being able to meet it; and the penalty is, as I read the bill, that in your second year you can only have half of your increase. It does not seem to me that it would be very difficult to say in substance, "Qualify the circumstances," and permit them to carry on. We cannot forget them and we must not. They are few, but they are victims of circumstances, persons that you and I every day of our life, every morning practically when we open our mail, we find demands for contributions, and yet they are victims of circumstances. We have got some municipalities in each and every one of our sixteen counties that are in the same circumstances. We say to them, "It is a special session, we haven't got time to look at it.

I hope that in my remarks I have not demonstrated too high a degree of ignorance, that I won't be labeled a sentimentalist. There are many

things more I would like to say but I have troubled you long enough. I haven't any motion to make, I haven't any amendment to offer. I hope that perhaps some of the points and the objections I have raised may be worthy of consideration to the extent that perhaps certain amendments can be made to the bill. There are others. Time is not of the essence. If I have made any contribution I am thankful; if I have made none, I am sincere.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair, that the Senate accept the "Ought to pass if amended" report of the committee.

Mr. BUTLER of Franklin: Mr. President and members of the Senate; It was my pleasant fortune to serve on the committee which attempted to redraft this bill. At the hearings which we held I do not feel that the committee itself had the opportunity — I know I did not — of bringing out certain things to which we objected. If those things were objected to they were still overruled.

I call to your attention one point which is introducing a new philosophy into our way of life, and that is at the top of Page 16 where we are coming into a budget. At the present time if the town does not approve the school budget the voters work out something, and yet in this bill the school district authority are presenting a budget and if the people in that district do not want the budget as presented and are unable to agree upon a budget it is then provided, automatically and against anything we have ever had before in our form of government, that the budget which has been presented and drawn up by the school district authority shall be the budget. That is definitely introducing a philosophy different from what we have ever had before. It could be stated that it was expedient, that it was necessary to have a budget for the schools to continue to operate, and yet since 1820 we have gone along. Here we in this legislature are saying that the budget that is drawn up, the budget that is presented to us is the budget; we are telling the people that is so. This is a philosophy which I think

is leading us further down the road to socialism and to a point further than we have heretofore trod.

When we come to the mechanics of calling our meetings, I feel too that there is ambiguity. There is reference to other sections of the law which must be adhered to in order to comply; there are phases which indicate that certain things must be done regardless of whether it is the law or is not the law, and that is introducing a new philosophy. And so, while the intent is good, I do feel that there are hidden things which in themselves will cause trouble and which will necessitate clarification before this bill is in working form.

I thank you for your attention. I too have no amendment to offer, but I am disturbed by the bill in its present form.

Mr. SINCLAIR of Somerset: Mr. President and members of the Senate: I rise merely for clarification and discussion of some of the things that have been said.

I have a great deal of respect for the position taken by the Senator from Hancock, Senator Silsby, and also the Senator from Franklin, Senator Butler. There are one or two things I think should be said at this time because later on I may forget them or they may be last.

The Senator from Franklin, Senator Butler, spoke about the meetings that the joint committee had. I will be the first to agree with him when I say there was a great deal of work to be done at these committee meetings. We had a tremendous job in going over the rules and regulations for setting up the administrative district and having it in good operating order. Of course objections were raised, and they were overruled, as the good Senator has said. We had a very good group and I thought we discussed things very thoroughly. They definitely did leave with me as Chairman of the Committee the authority to work out with Mr. Putnam of the Attorney General's Department certain details. I will take the responsibility for that.

As I said before, I am not a lawyer and I may be at a disadvantage here in trying to answer the eminent lawyers from Hancock County and

Franklin County, but I will say that every detail in this bill I have gone over with Roger Putnam. The committee gave me that authority rather than having another meeting. The issue seemed to be of a minor detail which involved the law and working out various details of setting up the district to conform to the municipal law and so forth. I did work those out with the Attorney General's Department.

In reference to the budget that the Senator from Franklin, Senator Butler, has referred to, beginning on the bottom of Page 16, I would like to read about the middle of the paragraph, Page 15, Section III-L, which says, "Also before March 1st of each year, the school directors shall hold a district budget meeting. At this meeting the budget shall be thoroughly explained and the voters of the district shall be given an opportunity to be heard. A budget must be approved by the voters of the district at the district budget meeting."

I would like to stop there and say we gave considerable thought to that so as to forego any opportunity that someone might have of tabling the budget that was presented and, by devious means, continue the tabling of the proposed budget to a point beyond April 1st or beyond the point where assessments could be made by the various communities. So we put that statement in there: "A budget must be approved by the voters of the district at the district budget meeting." It did not say the budget had to be approved. You do the same thing with your school committees today. The school committee presents a budget to the town meeting; the inhabitants of the town have the right to raise, lower or accept that particular budget. The same thing would apply here, but we felt the budget must be approved.

We go on further and say; "At the district budget meeting, only those items dealing with the expenses necessary to operate the School Administrative District shall be subject to change by the voters. If a budget for the operation of the Administrative School District is not approved prior to April 1st in any given year, the budget as submitted by the school directors for opera-

tional expenses shall be automatically considered the budget approved for operational expenses in the ensuing year."

Now the schools must be operated, and if the inhabitants can not approve a budget then the budget as presented becomes the accepted budget. Now there is forewarning given. I cannot visualize any group of responsible citizens or representatives not approving a budget for the operation of the schools.

Now in regard to the setting-up of the district, I will grant that it may be confusing to many of us because of the number of meetings that have to be called, but we must think in terms of an administrative district which does involve a number of communities. We do not want to take away the right of the individual, or the right of those communities in any shape or manner, but it is necessary to call certain meetings, town meetings, district meetings, meetings of the school directors, superintending school committees and so forth, in making this transition. And here again I will plead guilty, because I felt I had faith in the member of the Attorney General's Department who was drawing up these forms for the creation of the district, that he knew the references in regard to municipal law and so forth; I felt that he was adequately trained, and I am sure that he gave a great deal of work and thought to it.

I respect very much the remarks that were made by the Senator from Hancock, Senator Silsby. I discussed this bill with him at times and I can appreciate his position. I do feel, however, that we come back to this legislature year after year—we are back in special session—and I notice many amendments are offered for clarification of bills that were previously passed. The same thing can happen here. I am just as sure as can be that this particular document is not going to solve everybody's problems. It is impossible to even list or consider the number of situations that are going to arise throughout the State. But there is nothing in this bill that is making it bad for those communities that are in a position or could very quickly be in a posi-

tion to form an administrative district. If there is some reason why a group of communities can not form a district as of this particular minute, I see no reason why amendments can not be made later. Believe me, I do not want to rush this thing through and prevent anyone from having the opportunity of thoroughly understanding it or offering amendments and so forth. But there are many communities in certain areas that are ready to go now, and it will be a great advantage to them, I am sure, because they have already indicated their interest in creating this district. There are some communities that cannot qualify and there are groups of communities that cannot qualify now, but perhaps they can qualify later. I think it is too early to say it is impossible to create a district in a particular area. It may take some education, it may take some further understanding, but this cannot be done overnight. I do not think it is possible to write a bill where you can stop here and start the next morning with a completely new system. It is going to take time.

I think there are many, many advantages for the poorer communities in this bill.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Somerset, Senator Sinclair, that the Senate accept the "Ought to pass if amended" report of the committee.

Mr. SILSBY of Hancock: Mr. President, may I make a parliamentary inquiry?

The PRESIDENT: The Senator may.

Mr. SILSBY: Mr. President, would a motion to recommit have precedence over the motion to accept the committee report?

The PRESIDENT: The Chair would note as a personal opinion that the Senator from Somerset, Senator Sinclair, would extend to the Senator from Hancock, Senator Silsby, the courtesy of asking consent to withdraw his motion. Is there objection to the Senator's request? The Senator from Somerset, Senator Sinclair, has withdrawn his motion and a motion to recommit is in order.

Mr. SILSBY: Mr. President and members of the Senate: I feel it only fair to myself and perhaps to the committee. I have no purpose of delay, but if through my remarks I have made any helpful suggestions, which I admit should have been made yesterday, it could be that some of the objections could be ironed out in committee, and thereby we would accept our challenge to do the job that we are here to do.

Mr. President, I move that the matter be recommitted to the Committee on Education.

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that the bill and accompanying papers be recommitted to the Committee on Education. The Chair will note that the motion is debatable.

Mr. FARLEY of York: Mr. President and members of the Senate: I am going to vote against the motion of the Senator from Hancock, Senator Silsby.

After listening to the Senator from Hancock, Senator Silsby and the Senator from Franklin, Senator Butler, you may realize that this bill has created a lot of trouble in the last few months in York County, but none of the questions which have been brought up by both Senators have been raised in the York County delegation, who are opposing some portions of the bill. Previously everybody seemed to be for the Sinclair Bill — "but." I didn't get much of an opportunity to find out what the "but" really was.

I want to say to this Senate that I do not know of anybody from the Governor down to the President of the Senate, Senator Low and Senator Sinclair—when I had occasion all last winter to be a member of the "hush-hush" committee, as we were called—but who gave of their honesty and sincerity to help the educational system of the State of Maine. I was proud of them. Being a graduate of the public schools, I wish to say that it was one of the best educations I ever received in my life, as I only went as far as the ninth grade. These men should be commended for what they are attempting to do.

There is no law that you can make perfect, and there are a great

many laws some people like to wink at and pass by. These men should be given credit. Everybody in the State of Maine seems to be behind the Sinclair bill, but I think we are getting away from one part of it. Senator Sinclair simply fostered a bill without the appropriation of \$25,000 to survey the school system of the State of Maine under the Jacobs' report, and he took the bill from there and he has carried the ball. He has been called a Communist, and the Lord knows what he has not been called. I think he has done a wonderful job and I know he has given a lot of time and energy in trying to do something for education in the State of Maine.

Now to get back to York County. A situation arises in the town of Sanford where they do not like the high quota of 700 and they want to drop it down. They do not have 700 resident students in the town of Sanford but they have over 700 transients, from Waterboro and so forth; but they do not want to come in on the 200 non-resident students. They want to get into the category where they can get a bonus to build a school. As I understand the Sinclair bill, it is not going to change the whole educational set-up of the State of Maine but I think it is a start. I do not think they are right in the town of Sanford in attempting to secure a bonus when it really should go to the small towns. If you are going to give them a bonus where are you going to get the money? We had the courage of our convictions to vote to increase the sales tax by one cent, and I feel that we should have that same leadership.

In Saco we have the same situation. The City of Saco does not have a high school but it has Thornton Academy, a fine school, and the community pays for the pupils out of their appropriation, for each child that goes to that school. We have another one, I was told day before yesterday, in South Berwick, Berwick Academy, where they find themselves in the position of paying. If Sanford really wanted to, they could tie up with Alfred or Waterboro or some other place, but they really do not want to do it.

As I said, loyalty may be the price you have to pay, but none of these questions have been brought up here by Senator Butler or Senator Silsby. At no time have they appeared on the surface in York County except in their trying to get away from that high figure of 700 so they can get a bonus for building a school.

On the motion to recommit, I am going to vote against the Senator from Hancock, Senator Silsby.

Mr. HILLMAN of Penobscot: Mr. President and members of the Senate: It has been very interesting for me this morning to sit here and listen to this discussion. When the bill was introduced last winter it was a revolutionary measure, one which required much study, which study was given to it, and we are here in special session to do just that. I do not think we have amendments that can be attached to the bill to improve it and do a better job. I think we had better take a few hours if necessary and give it further study. I will support the motion made by the Senator from Hancock, Senator Silsby, because I think we should give that consideration to improve the bill.

On motion by Mr. Low of Knox, recessed until 1:30 P. M.

After Recess

The PRESIDENT: The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby, that Legislative Document 1637 Bill, An Act Relating to Educational Aid and to Clarify the Procedure of the Reorganization of School Administrative Units, be re-committed to the Committee on Education.

Mr. LOW of Knox: Mr. President and members of the Senate: In order to sell any bonds, whether they be State, municipal or even corporate bonds, it is necessary to have an opinion, a legal opinion, stating that those bonds were legally issued, and there has grown up a group of firms who specialize in writing such opinions. Naturally they have to be extremely careful that their opinions are correct.

The whole of the present Sinclair Bill was referred to a firm called Mitchell, Pershing in New York City, who are specialists in that work, and we have received from them an absolute clear light to go ahead and sell bonds under that bill. They are counsel for the School Building Authority and they have done a great deal of that kind of work. I think this bill can be improved sometime, but I think it is going to be very difficult to improve it at the present time. I believe that we can improve it only as we use the law and find out from experience what should be done. I believe that referring this bill back to the Education Committee will result in confusion and very little good. I therefore move, Mr. President, that the motion to recommit the bill be indefinitely postponed.

The PRESIDENT: The Senator from Knox, Senator Low, asks the permission of the Senate to withdraw his motion. The question before the Senate is on the motion of the Senator from Hancock, Senator Silsby that the bill be re-committed. The Senator from Knox, Senator Low, may wish to state his position on that motion.

Thereupon, a division of the Senate was had.

Six having voted in the affirmative and 23 opposed, the motion to recommit the bill did not prevail.

The PRESIDENT: The question now before the Senate is on the motion of the Senator from Somerset, Senator Sinclair that the ought to pass if amended report of the committee be accepted.

A viva voce vote being doubted by the Chair

A division of the Senate was had.

26 having voted in the affirmative and 3 opposed, the motion prevailed, the ought to pass as amended report was accepted and the bill read once; Committee Amendment A was read and adopted, and under suspension of the rules, the bill was given a second reading and passed to be engrossed.

Sent down for concurrence.