

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Fourth
Legislature*

OF THE

STATE OF MAINE

Volume II

May 9, 1969 to June 17, 1969

KENNEBEC JOURNAL
AUGUSTA, MAINE

Passed to Be Enacted

An Act Permitting Acceptance of Personal Recognizances by Allagash Wilderness Waterway Rangers (S. P. 68) (L. D. 191)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

Enactor

Tabled and Assigned

An Act relating to Discrimination on Account of Race or Religion (S. P. 397) (L. D. 1349)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Kennebunk, Mr. Crosby.

Mr. CROSBY: Mr. Speaker, I move that this item be indefinitely postponed and would speak briefly to my motion.

The SPEAKER: The gentleman from Kennebunk, Mr. Crosby, moves that item three, L. D. 1349, be indefinitely postponed. The gentleman may proceed.

Mr. CROSBY: Mr. Speaker and Members of the House: The time this bill first appeared before us there was a question in my mind which I wanted clarified. Today I am in receipt of a letter from the Attorney General's office which I would like to read to you.

"Dear Representative Crosby:

At your request, we have reviewed L. D. 1349, together with Committee Amendment "A" thereto.

L. D. 1349 provides in general that the license or corporate franchise of a person, firm or corporation may be revoked by the Administrative Hearing Commissioner if the person, firm or corporation withholds membership, its facilities or services, to any person on account of race, religion or national origin.

The first question we raise as to the legislation is whether the State of Maine may properly revoke a license or corporate charter, both of which are valuable property, where its only interest in an entity was that the business held some sort of a State license or was

in the case of a corporation chartered by the State.

In order for the State to revoke a license or charter for any reason, the appropriate legal procedures, in order to assure due process of law, must be set up. The proposed sections, even with the amendment added, appear to lack the necessary substantive provisions which would provide the procedure for the revocation of a license or franchise. The intention of the amendment is that the procedures under the Administrative Hearing Code could be used and a general adoption of those procedures is made. However, we believe it better to clearly spell out, in specific form, the jurisdiction of the Administrative Hearing Commissioner in the respects contemplated by the bill.

I note that the Administrative Hearing Commissioner does not now have jurisdiction to revoke all licenses or to revoke corporate charters. This authority should be clearly given and not given, as under the amendment, by indirection.

I also suggest, without deciding, that the proposed legislation may be so vague in its operation as to deprive persons of their property without due process of law.

In short, Section 1301-A suggested as legislation by L. D. 1349, from a legal viewpoint is only the idea on which to base a great number of statutory modifications and changes. We believe that additional statutory provisions will be necessary to achieve the desired results."

Signed by Jon Doyle of the Attorney General's Department. Thank you.

Whereupon, on motion of Mr. Brennan of Portland, tabled pending the motion of Mr. Crosby of Kennebunk to indefinitely postpone and specifically assigned for tomorrow.

An Act relating to Bids for Construction of State Highways (S. P. 428) (L. D. 1427)

An Act Increasing Mileage Allowance for State Employees on State Business (H. P. 308) (L. D. 395)