

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Special Session

OF THE

*One Hundred and Second
Legislature*

OF THE

STATE OF MAINE

1966

DAILY KENNEBEC JOURNAL
AUGUSTA, MAINE

SENATE

Friday, January 21, 1966

Senate called to order by the President.

Prayer by the Rev. John Donovan of Winthrop.

On motion by Mr. Cahill of Somerset, the Journal of yesterday was read and approved.

On motion by Mr. Harding of Aroostook, out of order and under suspension of the rules,

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Monday, January 24th, at ten o'clock in the morning. (S. P. 709)

Which was read and passed and sent forthwith to the House for concurrence.

On motion by Mr. Duquette of York, out of order and under suspension of the rules,

ORDERED, the House concurring, that there be paid to the members of the Senate and House, on a weekly basis during the Special Session, such compensation established by Statute, according to lists certified to the State Controller by the Secretary of the Senate and Clerk of the House respectively, and that the final payrolls bear the approval of the Joint Standing Committee on Appropriations and Financial Affairs. (S. P. 710)

Which was read and passed and sent forthwith to the House for concurrence.

Committee Reports**House****Ought to Pass**

The Committee on State Government on Bill, "An Act Relating to Location of Legislative Conference Prior to the Convening of the 103rd Legislature." (H. P. 1214) (L. D. 1682) reported that the same Ought to pass.

Comes from the House Indefinitely Postponed.

The Committee on Business Legislation on Bill, "An Act Relating

to Loan Limitations of Industrial Banks." (H. P. 1217) (L. D. 1685) reported that the same Ought to pass.

The Committee on Education on Bill, "An Act Amending the Mount Desert Island Regional School District." (H. P. 1227) (L. D. 1708) reported that the same Ought to pass.

The Committee on Health and Institutional Services on Bill, "An Act Relative to Issuance and Revocation of Nursing Home Licenses." (H. P. 1231) (L. D. 1726) reported that the same Ought to pass.

The Committee on Judiciary on Bill, "An Act Clarifying the Rights of Non-profit Hospital or Medical Service Organizations." (H. P. 1213) (L. D. 1681) reported that the same Ought to pass.

The Committee on Labor on Bill, "An Act to Correct Certain Errors in the Employment Security Law." (H. P. 1211) (L. D. 1679) reported that the same Ought to pass.

The Committee on Legal Affairs on Bill, "An Act Relating to Residence Requirements for Candidates for City Council of City of Portland." (H. P. 1188) (L. D. 1656) reported that the same Ought to pass.

The same Committee on Bill, "An Act Changing Name of State Association of Retarded Children to Maine Association for Retarded Children." (H. P. 1269) (L. D. 1764) reported that the same Ought to pass.

The Committee on State Government on Bill, "An Act Relating to the Salary of the Commissioner of Education." (H. P. 1199) (L. D. 1667) reported that the same Ought to pass.

The Committee on Veterans and Military Affairs on Bill, "An Act to Extend the Maine Civil War Centennial Commission." (H. P. 1239) (L. D. 1734) reported that the same Ought to pass.

Come from the House Read and Accepted, and the Bills Passed to be Engrossed.

Which reports were Read and Accepted in concurrence, and the Bills Read Once. Under suspension of the rules the Bills were

given a Second Reading and Passed to be Engrossed in concurrence.

Ought to Pass — As Amended

The Committee on Appropriations and Financial Affairs on Bill, "An Act Appropriating Funds for Education of the Deaf." (H. P. 1187) (L. D. 1655) reported that the same Ought to pass as Amended by Committee Amendment "A" (H-435)

The same Committee on Bill, "An Act Appropriating Money for the Education of Indian Children." (H. P. 1189) (L. D. 1657) reported that the same Ought to pass as Amended by Committee Amendment "A" (H-434)

The same Committee on Bill, "An Act Appropriating Money to Match Federal Funds Provided Under Title III of the National Defense Education Act and Under the Vocational Education Act of 1963." (H. P. 1210) (L. D. 1678) reported that the same Ought to pass as Amended by Committee Amendment "A" (H-432)

The same Committee on Bill, "An Act to Provide Funds for the Maine State Guard." (H. P. 1221) (L. D. 1689) reported that the same Ought to pass as Amended by Committee Amendment "A" (H-433)

The Committee on Education on Bill, "An Act Relating to Secondary School Attendance of Children Committed to Stevens Training Center." (H. P. 1223) (L. D. 1691) reported that the same Ought to pass as Amended by Committee Amendment "A" (H-436)

Come from the House Passed to be Engrossed as Amended.

Which reports were Read and Accepted in concurrence and the Bills Read Once. Committee Amendments were Read and Adopted in concurrence.

Under suspension of the rules, the Bills as amended were given their second reading, and passed to be engrossed in concurrence.

Senate Reports

Ought Not to Pass

Mr. Boisvert from the Committee on Public Utilities on Bill,

"An Act Relating to Permits by Highway Commission for Trucks in Construction Areas." (S. P. 686) (L. D. 1769) reported that the same Ought not to pass.

Which was Read and Accepted.

Sent down for concurrence.

Ought to Pass

Mrs. Chisholm from the Committee on Retirements and Pensions on Bill, "An Act Relating to Contributions of State Police to State Retirement System." (S. P. 608) (L. D. 1618) reported that the same Ought to pass.

Which was Read and Accepted, and the Bill Read Once. Under suspension of the rules the Bill was Read a Second Time, Passed to be Engrossed and sent down for concurrence.

Ought to Pass as Amended

Mr. Casey from the Committee on Highways on Bill, "An Act to Provide for the Reconstruction or Enlargement of the International Bridge at Calais Known as the Milltown Bridge." (S. P. 678) (L. D. 1716) reported that the same Ought to pass as Amended by Committee Amendment "A" (S-361)

Mrs. Sproul from the Committee on Retirements and Pensions on Bill, "An Act to Liberalize Credit for Out-of-State Service for Teachers Under State Retirement Law." (S. P. 609) (L. D. 1611) reported that the same Ought to pass as Amended by Committee Amendment "A" (S-362)

Which reports were Read and Accepted and the Bills Read Once. Committee Amendments "A" were Read and Adopted, and under suspension of the rules the Bills, as Amended, were Read a Second Time and Passed to be Engrossed.

Sent down for concurrence.

ORDERS OF THE DAY

The PRESIDENT: Does the Chair hear objection to taking up Supplemental Journals No. 1 and No. 2? The Chair hears no objection, and the Secretary will read the Journals.

Mr. Harding of Aroostook presented:

JOINT RESOLUTION

In the Year of Our Lord One Thousand Nine Hundred and Sixty-Six.

Ratification of Amendment to the Constitution of the United States relating to Presidential Succession and Inability.

Whereas, the Eighty-ninth Congress of the United States of America, at the First Session begun and held at the City of Washington, on Wednesday, the sixth day of January, one thousand nine hundred and sixty-five, by a constitutional two-thirds vote in both Houses adopted a Joint Resolution proposing an amendment to the Constitution of the United States, to wit:

Joint Resolution

Proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice Presidency and to cases where the President is unable to discharge the powers and duties of his office.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein). That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years from the date of its submission by the Congress:

"Article —

"Section 1. In case of the removal of the President from office or of his death or resignation, the Vice President shall become President.

"Sec. 2. Whenever there is a vacancy in the office of the Vice President, the President shall nominate a Vice President who shall take office upon confirmation by a majority vote of both Houses of Congress.

"Sec. 3. Whenever the President transmits to the President pro

tempore of the Senate and the Speaker of the House of Representatives his written declaration that he is unable to discharge the powers and duties of his office, and until he transmits to them a written declaration to the contrary, such powers and duties shall be discharged by the Vice President as Acting President.

"Sec. 4. Whenever the Vice President and a majority of either the principal officers of the executive departments or of such other body as Congress may by law provide, transmit to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office, the Vice President shall immediately assume the powers and duties of the office as Acting President.

"Thereafter, when the President transmits to the President pro tempore of the Senate and the Speaker of the House of Representatives his written declaration that no inability exists, he shall resume the powers and duties of his office unless the Vice President and a majority of either the principal officers of the executive department or of such other body as Congress may by law provide, transmit within four days to the President pro tempore of the Senate and the Speaker of the House of Representatives their written declaration that the President is unable to discharge the powers and duties of his office. Thereupon Congress shall decide the issue, assembling within forty-eight hours for that purpose if not in session. If the Congress within twenty-one days after receipt of the latter written declaration, or, if Congress is not in session, within twenty-one days after Congress is required to assemble, determines by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President; otherwise, the President shall resume the powers and duties of his office."

THEREFORE, be it

RESOLVED, that the Legislature of the State of Maine hereby ratifies and adopts this proposed Amendment to the Constitution of the United States.

RESOLVED, that the Secretary of State of the State of Maine notify the President of the United States, the Secretary of State of the United States, the President pro tempore of the Senate of the United States, the Administrator of General Services of the United States, and each Senator and Representative from Maine in the Congress of the United States of this action of the Legislature by forwarding to each of them a certified copy of this Resolution.

Resolution read and adopted.
Sent down for concurrence.

Senate Committee Reports

Ought Not to Pass

Mr. Harding from the Committee on Appropriations and Financial Affairs on Resolve Providing Funds for Urban Planning. (S. P. 685) (L. D. 1723) reported that the same Ought not to pass. "Ought Not to Pass" Report of the Committee was accepted.

Bill Tabled

Ought to Pass

Mr. Snow from the Committee on Education on Bill, "An Act Authorizing the Municipalities of Bremen, Bristol, Damariscotta, Jefferson, Newcastle, Nobleboro and South Bristol to Form a School Administrative District." (S. P. 665) (L. D. 1698) reported that the same Ought to pass.

On motion of Mrs. Sproul of Lincoln the Bill was tabled until Monday next pending acceptance of the Committee Report.

Mr. Violette from the Committee on Judiciary on Bill, "An Act to Clarify Clerical Assistance for Justices of the Superior Court." (S. P. 657) (L. D. 1644) reported that the same Ought to pass.

Mr. Willey from the Committee on State Government on Resolve Proposing an Amendment to the

Constitution Affecting the Apportionment of the State Senate. (S. P. 624) (L. D. 1630) reported that the same Ought to pass.

"Ought to Pass Report" of the Committees were read and accepted.

The Bill was given its first reading.

On motion of Mr. O'Leary of Oxford the Bill was tabled until Monday next, pending second reading.

Bill Tabled

Mr. Stern from the same Committee on Bill, "An Act Establishing a State Commission on the Arts and the Humanities." (S. P. 667) (L. D. 1700) reported that the same Ought to pass.

Ought to Pass — As Amended

Mr. Stern from the same Committee on Bill, "An Act to Revise the Maine Industrial Building Authority Law." (S. P. 632) (L. D. 1607) reported that the same Ought to pass as Amended by Committee Amendment "A" (S-364)

The same Senator from the same Committee on Bill, "An Act Increasing Salary of State Auditor." (S. P. 611) (L. D. 1635) reported that the same Ought to pass as Amended by Committee Amendment "A" (S-365)

Mr. Maxwell from the same Committee on Bill, "An Act for Licensing Private Detectives and Watch, Guard and Patrol Agencies." (S. P. 675) (L. D. 1713) reported that the same Ought to pass as Amended by Committee Amendment "A" (S-366)

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: I hate to bring up old chestnuts but this is an old chestnut from the last session, and, as you all know, the Governor vetoed this particular bill, with one little exception which I think most of you gentlemen know. I think most of you gentlemen know by now that I am a licensed detective. I took the trade up a few years ago, and when I was in New York City I attended the New York School of Criminology. I thought that this bill would cor-

rect the objection I had against the bill and that we would be covered by the grandfather clause, but the only thing it does is cover me until the next time I apply for my license and then I would have to pay like everybody else and get my bond and get my insurance. As a matter of fact I have to have a fifty thousand dollar policy, but they have changed this and made it now so I have to carry a thousand dollar bond and then I would have to have insurance. But the thing that gets me is that the license is ten dollars for four years at the present time.

Now the State doesn't do anything for you; all it does is hold up your bond in the case that you do anything in the performance of your duty, then this bond would come into effect.

Now they are asking five hundred per cent more for your license; they are asking \$25 a year. Now the only reason they are doing this is that there is some agency in the State that was involved not too long ago in a court case, and that agency wants this bill to go through because they want to control the licensed detectives in our State. I do not intend to let them do that.

Now the committee naturally were all told that this was a good bill. It was so good that the Governor vetoed it at the last session. I hope it is not political, that they are trying to make the Governor look bad on this particular bill, but it certainly seems that way to me. If this particular bill goes into effect I would hope that the Governor would veto it again, and I would not be a bit surprised if he did. I am not here talking for the Governor, but a lot of them are talking for the Governor and they have said the Governor would not veto it because the objections he had against the bill are eliminated. I do not believe that they are.

I am not going to stand here all day, Mr. President and members of the Senate, and tell you what a detective does do and doesn't do. I think the State is operating correctly at this time, we have had no trouble, we have

had no court cases with our local detectives in our State. Right now we have fifty and I do not think the extra revenue they are asking for now will do any good to the coffers of the State. Believe me, I could find many other ways that we could save money.

At this time I would like to move for the indefinite postponement of this bill, Mr. President.

Mr. MANUEL of Aroostook: Mr. President, may I comment briefly on this bill?

The PRESIDENT: The Senator may.

Mr. MANUEL: Mr. President and ladies and gentlemen of the Senate: If you will notice, I am the sponsor of this bill. I actually became involved in this in a more or less indirect manner. I was applying for a private detective's license for a certain individual in Aroostook County. Upon applying for a private detective's license for this individual I immediately became aware that there has been a waiting list of applications for private detective of anywhere from fifty to a hundred. Why this original limit was set up I don't know. I really do not know why there should be a monopoly on this sort of thing. However, I decided then that something should be done about it.

Now last year we passed L. D. 1545. This was passed in the House and was passed in the Senate. However, when it reached the Governor's desk he vetoed it. If you will look at your bill, L. D. 1713 I will go through this bill. It won't be too lengthy, but I would like to take this opportunity to point out to you the differences between the two bills.

Now in Section 3801 on the first page of the new bill, you will notice I have in the first line, "The Governor, with the advice and consent of the council." Now on the bill we passed last year it had, "the Secretary of State." Of course what this other bill would have done would be to take the authority away from the Governor. My bill places it back with the Governor. This, I was told, on very definite authority, was one of the reasons, not all of

the reasons but one of the reasons why this bill was vetoed.

The next difference is where it says, in the fourth line, "The license year shall commence on July 1." The Attorney General's office suggested that I put this in here because it would be more convenient to renew these licenses every year at one time rather than to have them come in any time during the twelve months.

The next difference would be in Section 3083 over on Page 3 in the line before the last one, where it says, "referred by the Chief of the State Police by the Secretary of State for an investigation and report to the Governor and Council." The language referred to is new. "Investigation and report" is new. On the old one it said, "approved by the State Police." In other words, this bill is asking for a report and not "approved by the State Police." This is a considerable difference.

The next difference is in Section 3804 in the first line. The bill passed last year called for a fee of fifty dollars per year. I have reduced this to twenty-five dollars a year. The existing law on the statutes calls for ten dollars for every four years. Now why the twenty-five dollars per year? When a man applies for a private detective's license it is referred to the State Police and they continue a certain amount of investigation which is rather costly to the State, and this twenty-five dollars a year was thought necessary to cover this cost. As I say, it is reduced twenty-five dollars from the bill we passed last year.

The next change in the bill is in Section 3804 in the last paragraph. The first line is exactly the same as it was on the statutes. The last line is different, and that is this: "Watch, guard or patrol agency bonds shall be conditioned as above and to answer for any neglect or misdoings of its employees. The bonds shall be filed with the Treasurer of State." Now this was inserted at the suggestion of the Attorney General's office, and this language is verbatim, the

language comes from the sheriff department bonds, which has been on the books for years and years.

The next change is in Section 3808, and that is this: "The Governor, with the advice and consent of the Council" — that is changed from "the Secretary of State may license 100 detectives for the purpose contained in this chapter." The law now has a limit of fifty, so what I am asking for is an increase of fifty private detectives. It is my opinion that we certainly need this increase. Actually there are many people who think there should not even be a limit on it, but in order to eliminate the situation that we presently have, I think that an increase of fifty would adequately take care of it for a year or two.

I would like to point out again that I have worked very closely between the Governor's office and the Attorney General's office trying to cover everything possible on this bill, and I really feel that I have. And I would say this: I have every reason to believe that if this bill is passed in this form and as amended by the Committee it will be signed by the Governor. When the vote is taken I ask for a division.

Mr. JACQUES of Androscoggin: Mr. President, during the past year I have been sitting on the Committee on Intergovernmental Relations; this is the Interstate Cooperation Commission. We have been attending conferences all over the country, and at most of the conferences we have had we have enacted compact laws, which means having each of the states cooperating together and trying to have laws the same as other states would have. Under this bill here it will cost a non-resident three to five hundred dollars to get a private detective's license. I can go to New York and practice as a detective because I have a license and it doesn't cost me extra, I pay the same as the residents over there. I am just showing, Mr. President, that this legislature here is trying to enact legislation to stop others from working.

There is only one agency or two, one agency really, that is trying to stop some of these people from earning a livelihood in this State. This is exactly what they are trying to do, to have control of it themselves. I hope that the Senate does see this. Now if somebody wants to amend it it is all right with me, but I can see where they want control of it and they are going to control it.

Now they say, "We tried to hire licensed detectives but we can't get them." Mr. President, I know they were trying to hire some but they were going to be paid \$1.50 or \$1.25 an hour, and I do not know of any detective who can go out and take chances and work for that price. He tells me, "We even offered them up to five dollars an hour."

Mr. President, I hope the Senate does go along with me. The last time they sold me a bill of goods. The grandfather clause was in it but it was restricted to a certain year only, but I did buy it and the committee did buy it, I know, because I sat on that committee that listened to this bill, but this year they were not men enough to send it to the committee that heard it last year, the Legal Affairs Committee. It has nothing to do with State Government whatsoever, but they were sold a bill of goods and it was sent to State Government and was heard by State Government. I do not think it has anything to do with State Government. Thank you.

Mr. STERN of Penobscot: Mr. President, I feel constrained to say, in answer to my good friend, the Senator from Androscoggin, that the only reason they referred it to the State Government Committee is that they are the most intelligent committee in the Senate.

Mr. MANUEL of Aroostook: Mr. President and ladies and gentlemen of the Senate: There are two other points I should bring out that I neglected to. One point is that of the fifty licenses that are presently allowed it is estimated that approximately thirty of those

are inactive, consequently this leaves twenty active licensees in the State. Another point is that we are requiring for a non-resident detective's license a \$300 fee. Various states have various systems. If a man should go down to Massachusetts it would cost him \$500. There is a great variation on it.

Mr. CAHILL of Somerset: Mr. President, I would like to ask a question of anyone who would care to answer it. This twenty-five dollar fee that has been mentioned compared to ten dollars every four years, the cost of this fee is presumably to investigate the individual before he is granted a license — I can understand perhaps the twenty-five dollars the first time, but do they investigate him every year under the same rigid rules that I would assume they would investigate him the first year. I would just like to know the answer to that.

The PRESIDENT: The Senator from Somerset, Senator Cahill, directs a question through the Chair to any member, who may answer it if he so chooses.

Mr. JACQUES of Androscoggin: Mr. President and members of the Senate: That is something on which the State Police appeared before the Committee on Legal Affairs and they did not approve of the bill at the last session of the legislature. This time I do not know whether they were asked to appear before the Committee on State Government. For this fee they investigate him one time, and I do not know about the second time on their second renewal. At the present time the State Police have been doing it and their report has been referred to the Governor and Council for their approval.

Mr. Manuel referred a little while ago to the caliber of men that are active at this present time. I do not believe that any members of the State Police or the agency that is trying to put this bill through can tell if the other members are active or not. Naturally he would have to go through the files of Internal Revenue to see if they are active

or not. There are only thirty active, but we have four in Lewiston and they are very active. I think there are fourteen in Cumberland, and they are picked, a certain percentage from each county, and this is why we have fifty of them. I don't mind if there is a hundred of them. They won't take any business away from me because I only represent the insurance agencies.

Mr. SMITH of Cumberland: Mr. President, this session is supposed to be for emergency legislation. This bill is not emergency legislation and I move the indefinite postponement of this L. D.

(On motion by Mr. O'Leary of Oxford, the bill was tabled until Monday next pending the motion of Senator Jacques of Androscoggin that the bill be indefinitely postponed.)

Communication

STATE OF MAINE
House of Representatives
Augusta

January 21, 1966

To the Honorable Senate
Special Session
102nd Legislature

Pursuant to a Joint Order, H. P. 1157, I am pleased to transmit herewith a report by the Joint Interim Committee created by the regular session of the 102nd Legislature to make recommendations for the creation of a State Museum.

Respectfully,

W. RUSSELL EDWARDS, Jr.
Chairman

The adjournment order having been received from the House

Adjourned until ten o'clock Monday next.