

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-eighth and Eighty-ninth
Legislatures

OF THE

STATE OF MAINE

From April 24, 1937 to April 21, 1939

AND

MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
Resolves of the Legislature approved June 28, 1820,
March 18, 1840, March 16, 1842 and Acts approved
August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1939

MISCELLANEOUS
COMMUNICATIONS

VETO MESSAGES

Dallas Plantation
STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta

April 21, 1939.

To the Honorable Senate and House of Representatives:

I return herewith, without my signature, Legislative Document 372, An Act to Repeal the Organization of the Plantation of Dallas.

I have conferred with the State Tax Assessor and the Commissioner of Education and we are entirely in accord in the belief that this Act would, in effect, establish a new policy for the State of Maine.

Heretofore, the Legislature has approved the de-organization of towns or plantations when conclusively shown to be in financial distress. I am advised that the average of rates in Maine is 57 mills plus and the tax rate of Dallas is 44 mills, substantially under the average of rates in this State.

I would regard as questionable the establishment of the policy of thus affording relief to towns apparently not in financial or economical difficulties.

Respectfully submitted,

LEWIS O. BARROWS,
Governor.

New Trials
STATE OF MAINE
OFFICE OF THE GOVERNOR
Augusta

April 21, 1939.

To the Honorable Senate and House of Representatives:

I return herewith without approval Legislative Document 1158, An Act in Regard to New Trials on the Ground of Newly Discovered Evidence.

It impresses me that this Act would establish a decidedly dangerous precedent. Under its provisions it would be difficult to determine the point which might be designated as "final judgment."

I am advised on what I regard as most substantial authority that a writ of error can be entertained by our Courts under existing statutes and I sincerely question the wisdom of departing from our long established procedure.

Respectfully submitted,

LEWIS O. BARROWS,
Governor.

Tax Exemption for Town of Chelsea
STATE OF MAINE
EXECUTIVE DEPARTMENT
Augusta

April 21, 1939.

To the Honorable Senate and House of Representatives:

I return herewith without my approval Legislative Document 837 as amended.

It would appear from legislative records that the bill which is before me has never been advertised for a public hearing. It has the appearance of being highly discriminatory inasmuch as it exempts one town among the five hundred eight organized places in Maine from the general laws of tax exemption.

Undoubtedly had this bill been advertised for public hearing, numerous other municipalities in the State would have asked the privilege of a similar exemption. The principle of taxation, being generally recognized as one of equality, should be closely guarded by those of us who have the administration of the laws of Maine.

If the exemptions provided in Chapter 13, Section 6, Subdivision 9 as amended, are not desirable, such amendments as may be proposed should be so framed that the element of injustice will be eliminated. No town, city or plantation should be given special privileges and this bill gives great preference to one of our political subdivisions. The public should be given ample opportunity to be heard on any proposed measures which have a tendency to break down our present general statutory exemptions. Special legislation of this type is undesirable and probably would not meet with the general approval of the citizens of the State.

Respectfully submitted,

LEWIS O. BARROWS,
Governor.

STATE OF MAINE
EXECUTIVE DEPARTMENT

Augusta

January 19, 1939.

*To the President of the Senate and the Speaker of the House of
Representatives:*

I have the honor to transmit to the Eighty-ninth Legislature a communication addressed to me and to your honorable bodies, accompanied by an Act of acceptance of 12,000 acres to be added to the Baxter State Park, by the donor, Honorable Percival P. Baxter.

I respectfully call to your attention the fact that by the action of former Governor Baxter the State of Maine is acquiring a large area of wild forest land to forever be held in trust by the State for state park purposes. In addition to the 12,000 acres herein presented to the State, the State already has accepted 6,000 acres from the same donor. These areas are accepted under the terms of a definite, unbreakable trust, providing that it be forever held by the State as trustee for the benefit of the People of the State of Maine for state forest, public park and public recreational purposes.

A state trust of this character is a solemn obligation and I am confident that the word of the Sovereign State of Maine, once given, will never be broken. I am informed that in the near future 20,000 acres additional to the present gift will be presented to the State of Maine, making a total area for state park purposes of 38,000 acres.

This gift from a distinguished former Governor of Maine is a most commendable one because it will preserve for all time an extensive area of virgin wild land for all our people. The people of Maine should be deeply obligated to former Governor Baxter for his continued interest in the development of this great natural resource of the State and I am confident that present and future generations of Maine people will approve your action in accepting this memorable gift.

Respectfully submitted,

LEWIS O. BARROWS,
Governor.

To Honorable Lewis O. Barrows, Governor, and the Honorable Senate and House of Representatives of the Eighty-ninth Legislature:

On the 2nd of February, 1933, I donated and conveyed to the State of Maine as Trustee in Trust an area of about 6,000 acres (Mt. Katahdin) in Township 3 Range 9 W. E. L. S. Piscataquis County and this gift was accepted by the eighty-sixth Legislative Private and Special Laws of Maine 1933 Chapter 3 approved by the Governor February 9, 1933, and the donated area later was named by the said Legislature "BAXTER STATE PARK."

On November 9, 1938, I donated and conveyed to the State as Trustee in Trust a second area of about 6,000 acres being the Northwest one-quarter of Township 5 Range 9 W. E. L. S. Piscataquis County north of Katahdin, and Honorable Waldo N. Seavey, State Forest Commissioner, accepted this gift in the name and in behalf of the State of Maine with the approval of Hon. Lewis O. Barrows, Governor, the Executive Councilors and Hon. Franz U. Burkett, Attorney General, all acting under the provisions of Chapter eleven Sections 15 and 16 Revised Statutes of 1930.

I now desire to donate and convey to the State in Trust a third area of about 6,000 acres being the Southeast one-quarter of said Township 5 Range 9 which if accepted by the State will give the State 18,000 acres of wild forest land to be forever held in Trust for State forest, public park and public recreational purposes.

In order that my gifts to the State all shall be accepted by the Senate and House of Representatives as the direct representatives of the People of Maine and that said acceptance shall be approved by the Governor, I have prepared an Act of Acceptance of the two conveyances of the land in Township 5 Range 9 that total 12,000 acres and I request your Excellency and your Honorable Bodies to approve and accept this gift and conveyance to the State as Trustee in Trust for the People of Maine.

It long has been my major public interest to acquire and donate to the State a large area of wild forest land to be forever held in Trust by the State for the benefit of the people of Maine. Including the land already conveyed to the State by me I have acquired a total of 38,000 acres all of which will be conveyed and donated to the State from time to time as I arrange my personal affairs. Moreover I now am negotiating for other areas of nearby wild forest land which will be added to the acreage already acquired for this Park if I succeed in securing them. Should I die before my plans are completed provision has been made that they be carried out strictly in accordance with my wishes as herein expressed.

In conveying these lands to the State of Maine a definite Trust is created and I have the utmost confidence that the word of this Sovereign State as given by the Chief Executive and by the representatives of the people never

will be broken and that this State never will violate the Trust provisions in the Deeds it accepts from me. I have faith in the integrity of my fellow citizens and ask them to have faith in me. I now submit this Act of Acceptance to your Excellency and to your Honorable Bodies and ask for its passage and approval.

Respectfully,

(Signed) PERCIVAL P. BAXTER.

Order

On motion by Mr. Spear of Cumberland, it was

ORDERED, the House concurring, that in order that the Records of the Gift by PERCIVAL PROCTOR BAXTER to the STATE OF MAINE as Trustee in Trust of Twelve thousand (12,000) acres in Township five Range nine, Piscataquis County (BAXTER STATE PARK) be complete and in enduring form, the communication dated January 17, 1939 addressed by said Baxter to Honorable Lewis O. Barrows, Governor, and to the Honorable Senate and House of Representatives together with the message of Governor Barrows transmitting the said communication to the Legislature be printed in the Laws of Maine for 1939. (S. P. 103).

Sent down for concurrence.

STATE OF MAINE
EXECUTIVE CHAMBER

Augusta, Maine

January 4, 1939.

To the Honorable Senate and House of Representatives:

In compliance with the Constitution of the State I herewith communicate to the Legislature each case of reprieve, remission of penalty, commutation or pardon granted during the years, 1937 and 1938, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation of sentence, and the condition, if any, upon which the same was granted.

LEWIS O. BARROWS,
Governor.

State Prison

John J. O'Donnell of Portland. Convicted of the crime of felonious assault and armed robbery, at the January term, 1932, of the Superior Court at Portland, and sentenced to imprisonment, at hard labor, for not less than fifteen years, and not more than thirty years, in the State Prison at Thomaston. Motion for new trial filed. Motion denied and appeal taken to next Law term of Supreme Judicial Court. Appeal allowed and case marked "LAW." Continued to await decision of Law Court and the following decision was received at the May term, in vacation, to wit, July 28, 1932, "Appeals dismissed Motions denied. Judgment for the State." Warrant of Commitment issued July 28, 1932. Sentence commuted April 13, 1937, to a term of not less than eight years and not more than fifteen years.

Edward Ashford of Bangor. Convicted of the crime of assault and robbery at the April term, 1936, of the Superior Court at Bangor, and sentenced to imprisonment at hard labor for not less than three years and not more than five years in the State Prison at Thomaston. Warrant of Commitment issued April 30, 1936. Sentence commuted August 4, 1937, to a term of not less than two years and not more than four years. Released on parole December 17, 1937.

Ernest C. True of Auburn. Convicted of the crime of perjury, at the January term, 1936. Case continued to the March term, 1936, and indictment nol prossed as to the first count only. Before sentence, motion filed for new trial. Motion denied. Appeal taken and allowed. Exceptions filed and allowed. Sentenced to imprisonment at hard labor for not less than two years and not more than three years in the State Prison at Thomaston. Released from term to term until Mandate received from Law Court, in the sum of \$2,500. February 10, 1937, the following mandate from Law Court was received, "Appeal dismissed, Exceptions overruled." Warrant of Commitment issued February 13, 1937. Sentence commuted August 4, 1937 to a term of not less than six months and not more than one year. Released August 5, 1937.

Gregory Griffin of Portland. Convicted of the crime of assault with a dangerous weapon, and robbery, at the January term, 1932, of the Superior Court at Portland, and sentenced to imprisonment, at hard labor, for not less than fifteen years, and not more than thirty years, in the State Prison at Thomaston. Motion for new trial filed. Motion denied and appeal taken to next Law term of Supreme Judicial Court. Appeal allowed and case marked "LAW." Continued to await decision of Law Court and the following decision was received at May term, in vacation, to wit, July 28, 1932, "Appeals dismissed Motions denied. Judgment for the State." Warrant

of commitment issued July 28, 1932. Sentence commuted December 1, 1937 to a term of not less than eight years, and not more than sixteen years.

Leon R. Burke of Portland. Convicted of the crime of robbery, at the January term, 1932, of the Superior Court at Portland, and sentenced to imprisonment, at hard labor, for not less than twelve years, and not more than twenty-four years, in the State Prison at Thomaston. Warrant of Commitment issued January 18, 1932. Sentence commuted December 1, 1937 to a term of not less than seven and one-half years and not more than fifteen years.

Warren E. Parker of Portland. Convicted of the crime of robbery, at the January term, 1932, of the Superior Court at Portland, and sentenced to imprisonment, at hard labor, for not less than twelve years, and not more than twenty-four years, in the State Prison at Thomaston. Warrant of Commitment issued January 18, 1932. Sentence commuted December 1, 1937 to a term of not less than seven and one-half years and not more than fifteen years.

Albert Maillet, alias Albert Maillett, of Rumford. Convicted of the crime of arson at the November term, 1932, of the Superior Court at Paris, and sentenced to imprisonment at hard labor for not less than one year and not more than two years in the State Prison at Thomaston. Committed November 15, 1932. Paroled after serving about ten and one-half months of sentence. Full and free pardon granted December 15, 1937 (to prevent deportation as an alien to Canada).

Charles Bernard MacIninch of Baileyville. Convicted of the crime of statutory embezzlement at the June term, 1938, of the Superior Court at Machias, and sentenced to imprisonment for one to two years in the State Prison at Thomaston. Mittimus issued June 21, 1938. Sentence commuted December 8, 1938 to a term of six months to two years.

County Jails

William C. Hilton of Freeport. Convicted of the crime of fishing illegally at a hearing at Freeport, April 27, 1936, before Paul L. Powers, Trial Justice, and sentenced to imprisonment in the County Jail at Portland for the term of 30 days, or forfeit and pay to and for the use of the State the sum of \$100.00 and costs of prosecution, taxed at \$7.45. Sentence suspended, upon payment of costs, for six months. Costs paid. Full and free pardon granted March 26, 1937.

Austin Gilley of Benton. Convicted of the crime of assault and battery at the Waterville Municipal Court, June 1, 1937, and sentenced to nine

months at hard labor in the Kennebec County Jail at Augusta. Committed June 1, 1937. Sentence commuted October 13, 1937 to a term of six months.

Mrs. Arthur Pelletier of Madawaska. Convicted of the crime of single sale at a hearing at Madawaska, October 6, 1936, before John R. Sedgely, Trial Justice, and sentenced to pay a fine of \$200.00 and costs taxed at \$10.40 and to be imprisoned in the County Jail at Houlton for the term of three months, and in default of payment of fine and costs to be imprisoned in said jail for the term of six months additional. Appealed to the November term of the Superior Court at Houlton. Judgment of Lower Court affirmed. Mittimus issued November 20, 1936. Full and free pardon granted October 13, 1937.

Fonnie Devlin of Bangor. Convicted of the crime of permitting a place to be used for the purpose of prostitution, at the September term of the Superior Court at Bangor, and sentenced to imprisonment in the County Jail at Bangor for a term of eleven months. Warrant issued October 11, 1937. Sentence commuted May 4, 1938 to a term of six months.

Albert Maillet of Rumford. Convicted of the crime of larceny at the Rumford Falls Municipal Court, June 23, 1932. Sentence suspended on payment of costs, \$11.05, and placed on probation for one year. Costs paid. Full and free pardon granted April 21, 1938 (to prevent deportation as an alien to Canada).

Address of Governor Lewis O. Barrows to the Eighty-eighth Legislature in
Special Session

October 26, 1937.

Mr. President and Members of the Eighty-eighth Legislature:

I bid you welcome as you assemble in your respective chambers today to consider measures designed to promote the welfare of the State. The convening of the Legislature is always a solemn occasion, but this session is generally conceded to be one of greatest importance for many reasons.

We face a condition today that is a fact and not a theory. We meet at a time when concerted effort and prompt action is expected of us all. Furthermore we meet again after an absence of six months and we find that we are confronted with almost parallel conditions.

For instance, on January 7, 1937 we began our labors faced with the largest deficiency from the preceding four years ever presented to a Maine