

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninetieth Legislature

OF THE

STATE OF MAINE



1941

KENNEBEC JOURNAL COMPANY

AUGUSTA, MAINE

HOUSEPortland, Maine
January 8, 1941

Thursday, January 9, 1941.

The House met according to adjournment and was called to order by the Speaker.

Prayer by the Rev. Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

From the Senate:

The following Communication: (S. P. 33)

State of Maine
Executive Department
Augusta

January 8, 1941

The Honorable President of the Senate

The Honorable Speaker of the House of Representatives, 90th Legislature

Dear Sir:

I am very happy to transmit herewith a letter along with accompanying act from the Honorable Percival P. Baxter of Portland in which he generously offers another substantial gift of land for park purposes.

Baxter State Park, including Mt. Katahdin, now comprises 23,000 acres. With the acceptance of this latest donation, if the 90th legislature votes this action, the total area of the park will be 35,000 acres. Additional land already acquired and to be conveyed to the State at a later time will increase the size of this park to approximately 100,000 acres.

The thoughtfulness, vision and action through which Mr. Baxter has undertaken to make this vast area forever available to us and to our children commands deep appreciation and gratitude. It will long be remembered by the people of Maine.

I recommend the acceptance of this gift.

Respectfully submitted,
(Signed) **SUMNER SEWALL,**
Governor.

To:

Honorable Sumner Sewall, Governor, and
Honorable Senate and House of Representatives of the Ninetieth Legislature:

In furtherance of my ambition to create an extensive State Park in the forest regions of Maine for the benefit of the people of Maine of today and tomorrow, I have acquired and still am acquiring, certain areas of wild forest land in the mountainous region of Katahdin.

From time to time I have deeded and conveyed to the State of Maine as Trustee in Trust, certain of these areas and I now desire to donate and convey to the state twelve thousand (12,000) acres more or less in township 4 range 9, Piscataquis County. This township is called Traveler Town for within its boundaries is located Traveler Mountain 4,000 feet in height, together with several other peaks of lesser altitude. Moreover in the heart of this township is located a complete set of camps available for tourists and mountain climbers. Probably there is no section of Maine where there is a larger population of moose and bear than in this Traveler Town; it is one of the wildest portions of our State. I am informed that in this township there are sections on the slopes of Traveler Mountain that never have been touched by the axe of Man.

This gift if accepted and added to the areas already conveyed gives the State approximately 35,000 acres of wild forest land including Mount Katahdin. Other land, 64,000 acres in extent, already acquired by me make a total area of 99,255 acres for this park and this later will be donated to the state. In case of my decease provision has been made to carry out my plan to complete this park project. In order that certain lines may be straightened out and certain gaps filled I am endeavoring to acquire still other land in this interesting region later to be added to the 99,255 acres herein referred to.

In offering to you this conveyance and deed of gift. I am confident that if you accept it in Trust for the People of Maine that the Trust therein created never will be violated by the People of the Sovereign State of Maine. Therefore I now

present to you an Act of Acceptance and 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.

Respectfully,

(Signed)

PERCIVAL PROCTOR BAXTER.

Came from the Senate, read and ordered placed on file.

In the House, the communications were read, and on motion by Mr. Pratt of Turner, were ordered placed on file in concurrence.

From the Senate: Bill "An Act Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of 12,000 acres of land in Piscataquis County" (S. P. 34)

Came from the Senate, received under suspension of rules, given its several readings without reference to a Committee and passed to be engrossed.

In the House:

Mr. PAYSON of Portland: Mr. Speaker and Members of the House: That great and good citizen of Maine, Percival P. Baxter, now presents to the State of Maine 12,000 more acres of land for the Baxter State Park. Our debt of gratitude to Governor Baxter is increased by this gift.

This vast area of land, preserved in its natural wild state, will always furnish a unique beauty spot for the enjoyment of all of us. We and our children's children will some day in greater measure even than today give thanks for the vision of Governor Baxter in providing this park. In an increasingly urbanized civilization, the time will come when this guarded wilderness may be a spot to which all of us may return again and again, and I hope it will bring to us a thought and a comparison, and when we feel that we have personal difficulties and troubles we may look back to the hardship, the suffering of our pioneer ancestors when all the State of Maine was a wilderness, and from this comparison, we may draw fortitude and courage to carry on and make the State of Maine a finer and better place than ever.

Mr. Speaker, I now move, under suspension of the rules, that the Bill be given its three several readings at this time and passed to be

engrossed without reference to a Committee.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the rules be suspended and that this Bill be given its three several readings at this time and passed to be engrossed without reference to a Committee. Is this the pleasure of the House?

Thereupon, the motion prevailed, and under suspension of the rules, the Bill was given its three several readings without reference to a Committee and passed to be engrossed in concurrence.

From the Senate: The following Order:

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 approximately twelve thousand (12,000) acres in township four (4), range nine (9) W. E. L. S. Piscataquis County (Baxter State Park) be complete and in enduring form, the communication dated January eighth, 1941, addressed by said Baxter to Honorable Sumner Sewall, Governor, and to the Honorable Senate and House of Representatives, together with the message of Governor Sewall transmitting the said communication to the Legislature be printed in the Laws of Maine for 1941-1942. (S. P. 35)

Came from the Senate, in that body read and passed.

In the House, read and passed in concurrence.

The SPEAKER: The Chair will announce that at this time we will take up two papers from the Senate, which do not appear on the advance printed calendar.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn, they adjourn to meet on Tuesday, January 14th, 1941, at four o'clock in the afternoon. (S. P. 36)

Came from the Senate, in that body read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that such members of the Commission on Interstate Cooperation as

the Chairman may designate be authorized to attend a regional meeting of State Commissions, to be held in Boston, Saturday, January 11th, 1941, for the purpose of considering proposed legislation in the interest of New England Sea and Shore Fisheries, and that their necessary expenses be paid from the appropriation for legislative expense. (S. P. 37)

Came from the Senate, in that body read and passed.

In the House, read and passed in concurrence.

Bills and Resolves from the Senate requiring reference disposed of in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Superintendent of Public Buildings be, and hereby is, authorized and directed to make the necessary provisions and alterations to provide for two Committee Rooms to be located on the east side of the Museum (S. P. 32)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

The following Bills and Resolves were received, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Clarifying the Disposition of Dog Tax Funds" (H. P. 13) (Presented by Mr. Payson of Portland)

(500 copies ordered printed)
Sent up for concurrence.

Claims

Resolve in favor of L. U. Klein, of Eagle Lake (H. P. 14) (Presented by Mr. Brown of Eagle Lake).

Resolve in favor of Thomas Fournier of Eagle Lake (H. P. 15) (Presented by same gentleman)

Resolve in favor of the town of Anson (H. P. 16) (Presented by Mr. Fenlason of Anson)

Resolve to reimburse the town of Anson for Support of a State Pauper (H. P. 17) (Presented by same gentleman)

Sent up for concurrence.

Legal Affairs

Bill "An Act relating to Duties of Overseers of the Poor" (H. P. 18) (Presented by Mr. Payson of Portland)

(500 copies ordered printed)

Bill "An Act relating to Municipal Ordinances" (H. P. 19) (Presented by same gentleman)

(500 copies ordered printed)

Sent up for concurrence.

Public Utilities

Bill "An Act to Incorporate the Knox Water District" (H. P. 20) (Presented by Mr. Dwinall of Camden)

(500 copies ordered printed)

Sent up for concurrence.

Salaries and Fees

Bill "An Act relating to License Fees for Portable Sawmills" (H. P. 21) (Presented by Mr. Babin of Frenchville)

(500 copies ordered printed)

Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act to Regulate the Packing of Sardines" (H. P. 22) (Presented by Mr. McLellan of Lubec)

(500 copies ordered printed)

Sent up for concurrence.

Ways and Bridges

Bill "An Act Prohibiting the Construction of State Highways during July and August" (H. P. 33) (Presented by Mr. Worth of Stockton Springs)

(500 copies ordered printed)

Resolve in favor of the town of Madawaska (H. P. 23) (Presented by Mr. Babin of Frenchville)

Resolve in favor of the town of Frenchville (H. P. 24) (Presented by same gentleman)

Resolve in favor of the town of Norridgewock (H. P. 25) (Presented by Mr. Fenlason of North Anson)

Resolve in favor of the town of St. Albans (H. P. 26) (Presented by Mr. Hamilton of Hartland)

Resolve in favor of the town of St. Albans (H. P. 27) (Presented by same gentleman)

Resolve in favor of the town of Canaan (H. P. 28) (Presented by same gentleman)

Resolve in favor of the town of Ripley (H. P. 29) (Presented by same gentleman)

Resolve in favor of the town of Dixfield (H. P. 30) (Presented by Mr. Holman of Dixfield)

Resolve in favor of the town of Pownal (H. P. 31) (Presented by Mr. Patterson of Freeport)

Resolve in favor of the town of Freeport (H. P. 32) (Presented by same gentleman)

Resolve in favor of the town of Winterport (H. P. 34) (Presented by Mr. Worth of Stockton Springs)

Resolve in favor of the town of Frankfort (H. P. 35) (Presented by same gentleman)

Sent up for concurrence.

Orders

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Morrison of Winter Harbor, be excused from attendance the present week on account of illness.

On motion by Mr. McGlauffin of Portland, it was

ORDERED, that Mr. Robie of Auburn, be excused from attendance on account of a bad cold; also that Mr. Bolduc of Biddeford, be excused from attendance today because of being called to Portland on business.

On motion by Mr. Farwell of Unity, it was

ORDERED, that the Official Reporter of the House be authorized to procure the services of an Assistant Reporter, also the services of a typist for the Assistant Reporter, to aid in the preparation and completion of the legislative record.

Orders of the Day

Mr. PAYSON of Portland: Mr. Speaker, I move to take from the table Joint Order relative to amending joint rules regarding joint orders, (S. P. 12) tables by me on January first.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves to take from the table Joint Order relative to amending joint rules regarding joint orders, tabled by that gentleman on January first, pending passage in concurrence.

Mr. PAYSON: Mr. Speaker, I now move that the Order be indefinitely postponed, and in support of that motion I would like to make a few remarks which may or may not be germane to the issue here involved.

I am becoming somewhat embarrassed by being on my feet so much in the House, but I hope the mem-

bers will understand that the gentleman from Turner, Mr. Pratt, and the gentleman from Winslow, Mr. Belanger, and myself are jumping up and down clearing out the underbrush at the beginning of the session, getting it out of the way so that you members can come down next week and do the work. At the same time I have been putting order after order all the time in here, and it gets so I feel as though I was back in South Hope. (Laughter)

I hope the older members of the House will bear with me if this seems to be repetition, but South Hope was where I was born and raised. Back forty years or more ago my grandmother went to the local store and wanted some red flannel. Red flannel was something they used in those days to make petticoats out of. To the young people who may not know what that is, I will say it is an undergarment that used to be worn by women. (Laughter)

We went over to the store, and Gram says: "Marcelle, I want four yards of red flannel." Marcelle says, "Julia, we ain't got any." Gram says, "Have some more in pretty soon, won't you?" Marcelle says: "I don't know, Julia, whether I will order any more of that stuff or not. It sells so darned fast there ain't no use trying to keep it on hand." (Laughter)

This Order that I move to indefinitely postpone—I think that the sponsors of the Order now will agree it was an Order which directed that all Orders which pertained to departments and their functions—a copy of that Order should be sent to the department and the Order should then be printed in the public laws.

So far as sending it to the department that is concerned, that is a routine proposition and is always done in any case, but, when it comes to printing it in the public laws, while the idea was well intentioned, it went far beyond what the sponsors actually thought they were doing. The reason they intended to do it was because an Order was passed several years ago directing a department head to do a certain thing and that department head was removed and another department head put in his place and the newer department head had never heard of the Order of this Legislature, so the intention of the

sponsors of this measure was good. But in place of cluttering up the laws with all these Orders relating to department heads—and if you will look at your journal this morning you will see an Order that would have to go into the law books directing the superintendent of buildings to create a couple of committee rooms down in the museum—it is suggested that any member of this body who introduces an Order directed to a department or bureau which he thinks is of sufficient importance to be recorded, that he put in the Order itself the direction that it shall be published in the public laws, and the others which are only of momentary importance naturally will not be so published.

So I move that this Order be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Payson, moves that the Order be indefinitely postponed in non-concurrence.

The motion prevailed and the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

On motion by Mr. Pratt of Turner, the House voted to reconsider its action taken earlier in today's session whereby Bill "An Act to Incorporate the Knox Water District" (H. P. 20) was referred to the Committee on Public Utilities and 500 copies ordered printed; and on further motion by the same gentleman the Bill was referred to the Committee on Public Utilities and 1000 copies ordered printed, and sent up for concurrence.

The SPEAKER: The Chair is informed that the Clerk has in his possession a communication which he will read at this time unless there is objection. The Chair hears no objection.

Sangerville, Maine
January 8, 1941.

Clerk of the House of Representatives:

Please withdraw my petition contesting election.

Yours very truly,

(Signed)

CARROLL S. BURGESS

The communication was read, and on motion by Mr. Payson of Portland, was referred to the Committee on Elections.

The SPEAKER: The Chair is informed that the Clerk has in his possession another communication which he will read at this time unless there is objection.

Credentials of Horace Polchies, Representative of the Penobscot Tribe of Indians.

STATE OF MAINE

Penobscot SS:

Indian Island, Old Town, Maine
Penobscot Reservation
December 27, 1941.

To Whom It May Concern:

This is to certify that at the general election of the Penobscot Tribe of Indians, held in accordance with Section 282, Chapter 1 of the Laws of Maine, 1933, on the first Tuesday of November, 1940, Horace Polchies was duly elected as Representative to the Maine Legislature for the term of two years beginning with the first Wednesday of January, 1941, and ending with the first Tuesday of November, 1942.

(Signed) Flagg Cummings,
Indian Agent.

On motion by Mr. Sylvia of Danforth, the communication was read and accepted and placed on file.

The SPEAKER: The Chair will state that it has been a long-established custom for the Penobscot Tribe of Indians to elect one of their members as their Representative to come down and visit the session of the Maine Legislature. This Representative is a representative of the Indian Tribe and in no sense a member of this House.

In accordance with the long-established custom, it is my privilege, unless there is objection, to invite the Representative of the Penobscot Tribe of Indians to occupy a seat on the floor of the House while he shall be in attendance here as a visitor. In accordance with that custom, unless there is objection, I will now instruct the Sergeant-at-Arms to conduct the Representative of the Penobscot Tribe of Indians to Seat Number 151. The Chair hears no objection.

Thereupon, the Sergeant-at-Arms conducted the Indian Representative, Mr. Horace Polchies, to Seat Number 151, amid the applause of the House.

On motion by the lady member from Brunswick, Miss Bangs,

The House adjourned until Tuesday, January 14th, 1941, at four o'clock in the afternoon.