

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

Ninetieth Legislature

OF THE

State of Maine

SPECIAL SESSION

JANUARY 12, 1942

KENNEBEC JOURNAL PRINT SHOP
AUGUSTA, MAINE

HOUSE

Tuesday, January 13, 1942.

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

Prayer by the Rev. Dr. McWhorter of Augusta.

Journal of the previous session read and approved.

Mr. Payson of Portland, was granted unanimous consent to address the House.

Mr. PAYSON: Mr. Speaker and Members of the House: You know from the Proclamation of the Governor, calling you here, the serious and urgent nature of the problems which are confronting you. You know from the message of the Governor yesterday the very perilous condition of things which we are met to try to provide against. In the defense of our State and of our homes and of our people, there certainly can be no division along party lines. I wish to say here now that the minority party has always been very cooperative with the majority party in measures that I have been interested in since I have been a member of this House; but, this morning, I wish to say, after conference with other men whose judgments I esteem, that so far as I am concerned as majority party floor leader of the House—and my friend and assistant, Mr. Pratt, we are agreed that in any conferences concerning defense measures which may be taken up by the leadership of this House, that both the majority and minority parties will be represented, and we hope for solidarity in this House in the handling of measures that may come before it. We are not asking to be able to put through legislation by force or anything of that sort; we are simply asking that we may have a solidarity and cohesiveness that we have never had before. If I could yield the floor of this House, which I cannot do under the rules, I would now yield it to the gentleman from Winslow, Mr. Belanger.

The SPEAKER: The Chair recognizes the gentleman from Winslow, Mr. Belanger.

Mr. BELANGER: Mr. Speaker, I ask unanimous consent to address the House.

The SPEAKER: The gentleman from Winslow, Mr. Belanger, asks unanimous consent to address the House. Is there objection? The

Chair hears no objection, and the gentleman may proceed.

Mr. BELANGER: Mr. Speaker and Members of the House: The members of the minority party realize just what situation faces the State of Maine at this time, and I, as minority floor leader, agree with the majority floor leader that there should be no political or party lines at this special session, and I want to say to you, in behalf of the minority party—I want to say to your Governor, rather, who is our Governor, that we are with you, we will help you do anything we can for civilian defense, and the members of the minority party will be glad to join in conference with the members of the majority party to see that everything goes on smoothly.

Mr. Speaker, I wish to present an Order at this time, out of order.

The SPEAKER: The gentleman from Winslow, Mr. Belanger, moves that the rules be suspended to permit him to present an Order out of order. Is this the pleasure of the House?

The motion prevailed, and the Order was presented, and read by the Clerk as follows:

ORDERED, the Senate concurring, that no bill or resolve be received by this Legislature unless deposited with the Secretary of the Senate or the Clerk of the House before ten o'clock in the forenoon of Wednesday, January 14, 1942, except by unanimous consent in the body in which it is introduced, and further

ORDERED, that any bill or resolve which shall be received in either body of this Legislature by unanimous consent after ten o'clock in the forenoon on Wednesday, January 14, 1942, shall be referred to the Ninety-first Legislature if unanimous consent for its reception is not given in the other body in concurrence. These orders shall not apply to bills reported by any joint select committee, in the regular course of business, nor to such bills and resolves as are intended only to facilitate the business of the Ninetieth Legislature (H. P. 1949).

The Order received passage and on motion by Mr. Belanger, was ordered sent forthwith to the Senate for concurrence.

Papers from the Senate

From the Senate: The following Orders:

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for the Special Session of 1942, convened on January 12th, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments under the direction of the Document Clerk (S. P. 573).

ORDERED, the House concurring, that three thousand copies of the Governor's message be printed (S. P. 574).

ORDERED, the House concurring, that the Superintendent of Buildings is hereby given charge of all assignments of rooms for hearings in the Capitol building, and that all applications for rooms for hearings must be made to him in writing forty-eight hours previous to the time when said rooms are to be used for that purpose (S. P. 575).

ORDERED, the House concurring, that free telephone service be provided for each member and officer of the Senate and House to the number of fifteen (15) calls, of reasonable duration from Augusta to points within the limits of the State of Maine, and that each member and officer of the Senate and House be provided with a card to be certified to by the Secretary of State or his deputy; the cost of this service to be paid to the New England Telephone and Telegraph Company at regular tariff rates (S. P. 576).

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

The following Bills 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 Amending the Law relating to the Maine Nautical School to Provide for War Emergency" (H. P. 1938) (Presented by Mr. Leavitt of Portland)

(600 copies ordered printed)
Sent up for concurrence.

Education

Bill "An Act providing for Transfer of Certain State Property to the Maine Nautical Training School" (H. P. 1939) (Presented by Mr. Pratt of Turner)

(750 copies ordered printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act Changing the Name of Northern Finance and Investment Corporation to 'M-A-C Plan of N. E.'" (H. P. 1940) (Presented by Mr. Leavitt of Portland)

(600 copies ordered printed)
Bill "An Act relating to the Theft of Motor Vehicles, Tires, certain Petroleum Products and Motor Vehicle Parts" (H. P. 1941) (Presented by Mr. Mills of Farmington)

(750 copies ordered printed)
Sent up for concurrence.

Public Utilities

Bill "An Act to Incorporate the Eliot Water District" (H. P. 1942) (Presented by Mr. Seeger of Kittery)

(600 copies ordered printed)
Sent up for concurrence.

Salaries and Fees

Bill "An Act providing for Increased Compensation to Sheriffs and Deputies during the Emergency" (H. P. 1943) (Presented by Mr. Pratt of Turner)

(600 copies ordered printed)
Bill "An Act relating to Salary of Clerk of Courts in Knox County" (H. P. 1944) (Presented by Mr. Smith of Thomaston)

(600 copies ordered printed)
Bill "An Act relating to Clerk Hire in Knox County" (H. P. 1945) (Presented by same gentleman)

(600 copies ordered printed)
Sent up for concurrence.

Sea and Shore Fisheries

Bill "An Act to Regulate the Sale and Packing of Sardines during the Present Emergency" (H. P. 1946) (Presented by Mr. Sleeper of Rockland)

(1000 copies ordered printed)
Bill "An Act Regulating the Legal Length of Lobsters" (H. P. 1947) (Presented by same gentleman)

(1000 copies ordered printed)
Bill "An Act to Prohibit Non-Residents from taking certain Fish for Commercial Purposes" (H. P. 1948) (Presented by Mr. Baker of Scarborough)

(600 copies ordered printed)
Sent up for concurrence.

Orders

Mr. McLAUGHLIN of Portland: Mr. Speaker, I request unanimous consent to briefly address the House.

The SPEAKER: The gentleman from Portland, Mr. McLaughlin, requests unanimous consent to briefly address the House. Is there objection? The Chair hears no objection and the gentleman may proceed.

Mr. McLAUGHLIN: Mr. Speaker, I have received letters from two members of this House asking to be excused. One is from Representative Murchie of Calais. He states that business prevents him from being here until tomorrow. The other is from Representative Lambert of Lewiston, stating that he is now in Washington, D. C. and cannot be here until tomorrow. I have not introduced Orders to excuse them, for this reason: My understanding of the rule is that no member can be excused until he has sat in the session, but it does explain why these members are not here. I now present an Order and move its passage.

The SPEAKER: The gentleman from Portland, Mr. McLaughlin, presents an Order and moves its passage. The Clerk will read the Order.

ORDERED, that the Clerk be directed to convey to Mr. Robie of Auburn, the sympathy of the members of this House in his illness and express to him their hope for his speedy recovery.

The Order received passage.

On motion by Mr. Southard of Augusta, it was

ORDERED, that the Executive Director of the Maine Defense Commission be directed to report to the House of Representatives the amount of money now available for the purpose of Section 1 of Chapter 120, P. & S. L. 1939.

Orders of the Day

The SPEAKER: Under Orders of the Day the Chair lays before the House Order relative to the change of Rule 25, tabled yesterday pending consideration under the rules. The Chair recognizes the gentleman from Old Town, Mr. Cousins.

Mr. COUSINS: Mr. Speaker, I ask permission of the House to withdraw the Order.

The SPEAKER: The gentleman from Old Town, Mr. Cousins, withdraws the Order.

The Speaker appointed the following members to fill vacancies in the Joint Standing Committees:

On Agriculture

Mr. Roberts of Waterboro
Banks and Banking

Mr. Leavitt of Portland
Federal Relations

Mr. Gowell of So. Portland
Inland Fisheries and Game

Mr. Boyd of Winn
Insane Hospitals

Messrs. Bradford of Belfast
Belanger of Biddeford

Library
Mrs. Robbins of Harrison

Maine Publicity
Mr. Crockett of North Haven

Military Affairs
Messrs. Lambert of Lewiston
Rodrigue of Waterville

Motor Vehicles
Mr. Small of E. Machias

Public Health
Mrs. Robbins of Harrison

Public Utilities
Mr. Jordan of Saco

State School for Boys, State
School for Girls, and State

Reformatories
Mr. Wallace of Sanford

Temperance
Messrs. Good of Monticello
Lane of Lincoln

The Speaker appointed the following members to fill vacancies in the Joint Select Committee on University of Maine:

Messrs. Goldsmith of Orono, Den-
ny of Damariscotta,

The SPEAKER: The Chair at this time will appoint, to fill the vacancy on the Joint Standing Committee on Legal Affairs, the gentleman from Winslow, Mr. Belanger, and to fill the vacancy on the Joint Standing Committee on Judiciary, the gentlewoman from Brunswick, Miss Bangs.

The SPEAKER: The Chair at this time will appoint, to fill the vacancy on the Joint Standing Committee on Legal Affairs, the gentleman from Winslow, Mr. Belanger, and to fill the vacancy on the Joint Standing Committee on Judiciary, the gentlewoman from Brunswick, Miss Bangs.

The SPEAKER: The Chair at this time will appoint, to fill the vacancy on the Joint Standing Committee on Legal Affairs, the gentleman from Winslow, Mr. Belanger, and to fill the vacancy on the Joint Standing Committee on Judiciary, the gentlewoman from Brunswick, Miss Bangs.

The SPEAKER: Are there any further matters to come before the House under Orders of the Day?

The Chair recognizes the gentleman from Portland, Mr. Payson.

Mr. PAYSON: Mr. Speaker, I move that the House do now recess until three o'clock this afternoon. May I say in explanation that the mechanics who watch the working of this proposition say that three o'clock this afternoon is the

first time we can possibly meet to transact any business. We want to keep the House just as busy as it can be kept.

The motion prevailed, and the House recessed until three o'clock this afternoon.

After Recess—3 P. M.

The House was called to order by the Speaker.

The following papers from the Senate were taken up out of order under suspension of the rules:

The following Communication: (S. P. 583)

**STATE OF MAINE
EXECUTIVE DEPARTMENT
Augusta**

January 12, 1942.

The Honorable President of the Senate

The Honorable Speaker of the House of Representatives
90th Legislature

Dear Sirs:

It gives me great pleasure to transmit herewith a letter from the Honorable Percival P. Baxter, of Portland, in which he again offers a substantial gift of land to be added to the Baxter State Park.

This Park, including Mount Katahdin, now comprises 35,000 acres. If the 90th Legislature accepts this additional donation the total area of the Park will be 47,000 acres.

The continued generosity and devotion to his native state which has impelled former Governor Baxter to make such an incomparable gift to the people of Maine deserves and will receive their utmost appreciation.

I earnestly recommend the acceptance of this gift.

Respectfully submitted,

(Signed) **SUMNER SEWALL**

Portland, Maine,
January 12, 1942.

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

You are familiar with my plan to establish a State Park in the forest areas of the Mount Katahdin region, and you and your predecessors from time to time graciously have accepted the gifts of land I have offered to our State.

I now offer you another area of twelve thousand (12,000) acres the same being the easterly one-half (1-2) of Township four (4) Range nine (9) W.E.L.S. Traveler Town.

If you accept this gift the State will have received from me forty-seven thousand (47,000) acres. In addition to this I have acquired and now own sixty-five thousand nine hundred forty-five (65,945) acres which, when succeeding Legislatures are in session will be donated to the State.

I wish you to understand my reason for making these gifts from time to time, rather than by deed-ing to the State at one Legislative Session all of my park land.

Some of you will recall that in 1931 shortly after my first gift to the State was completed, an attempt was made to take this land away from the State and transfer it to the National Government.

Naturally I was greatly disturbed by this proposal, and although I could not believe that the State of Maine ever would break the sacred Trust it made with me, a Trust which provides that these lands forever shall be held by the State in Trust for Maine people, I immediately took steps to protect the State's interest.

After consulting with several of the leading judges and lawyers of our State a definite plan has been adopted under which I am to deed a considerable area to the State at each Legislative Session, each deed to be accepted in the form of a separate State law carefully worded into a binding and unbreakable Trust Deed. In this manner a long list of precedents is being established; precedents which, as time passes, will show that eight or ten different Governors and as many Legislatures, by laws duly passed and signed by these Governors, have entered into solemn pacts that create a succession of irrevocable trusts. These trusts, beginning with 1931, are printed in the Laws of Maine, and as each session enacts them they thus become public documents.

He would be a rash individual who in the years to come, even after I have passed away, would seek to take these lands from the State and would attempt to break these trusts created not by one Governor or one Legislature but by several. While I live I can successfully oppose any such action; I seek to prevent it after I have gone.

From the above you will understand my plan. When you meet again in 1943 I shall be on hand with another deed, and so on year after year until the park is finally completed and accepted by the rep-

representatives of the people of Maine. It would be far easier for me to donate this land all at one time and I should prefer to do so. However, in order to safeguard this Park for the future, it seems wise to adhere to the plan I have outlined to you. In case of my decease all my remaining land under my will immediately becomes the property of the State of Maine.

At the present time I am negotiating for additional land to be added to the Park, for ultimately I want this Park to contain at least six (6) complete townships of approximately twenty-four thousand (24,000) acres each.

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.

(Signed)

PERCIVAL PROCTOR BAXTER

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

In the House, the communication from Governor Sewall, with accompanying letter, was read.

The **SPEAKER**: The Chair recognizes the gentleman from Portland, Mr. Shesong.

Mr. **SHESONG**: Mr. Speaker, the generosity of Ex-Governor Baxter in presenting to the State from time to time certain lands to be kept as a State Park perpetually is appreciated by all the citizens of Maine. Governor Baxter was a good Governor. He is a fine citizen. We of the present generation admire him for his generosity and lovable qualities, and present as well as future generations will reap the benefit of his gift. We of the present, however, can and do thank him. It is fitting and appropriate that this gift should be accepted and kept as he wishes it should be, as a State Park forever.

Thereupon, on motion by Mr. Shesong, the communication, with accompanying letter, was ordered placed on file in concurrence.

From the Senate: Bill "An Act Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of twelve thousand (12,000) acres of land in Township 4, Range 9 W.E.L.S. Piscataquis County" (S. P. 585)

Came from the Senate given its several readings under suspension of the rules and passed to be en-

grossed without reference to a Committee.

In the House, the Bill was given its three several readings under suspension of the rules and passed to be engrossed without reference to a Committee 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**) to be complete and in enduring form, the communication dated January twelfth, 1942, 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. 582)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: Report of the Legislative Research Committee on Proposed Legislation for the Special Session of the Ninetieth Legislature January 12th, 1942.

Came from the Senate read and accepted.

In the House, read and accepted in concurrence.

From the Senate: Memorial re. Defense Savings Bonds and Stamps (S. P. 586)

Came from the Senate read and adopted.

In the House, read and ordered placed on file in non-concurrence and sent up for concurrence.

Bills from the Senate Requiring Reference

(Out of Order)

Bill "An Act Regulating Hunting and Fishing Licenses of Soldiers and Sailors" (S. P. 578)

Came from the Senate, referred to the Committee on Inland Fisheries and Game.

In the House, referred to the Committee on Inland Fisheries and Game in concurrence.

From the Senate: Bill "An Act providing for Temporary Court Stenographers during the War Emergency" (S. P. 579)

Came from the Senate, referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

Bill "An Act providing Means for Assistance in the Maintenance of and Snow Removal from Airports" (S. P. 580)

From the Senate: Bill "An Act Clarifying Certain Tax Laws to Safeguard Present Revenue" (S. P. 581)

Came from the Senate, referred to the Committee on Taxation.

In the House, referred to the Committee on Taxation in concurrence.

The following papers were received out of order and under suspension of the rules, and upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Appropriations and Financial Affairs

Bill "An Act Authorizing a War Bond Issue for Civilian and Military Defense Expenses" (H. P. 1950) (Presented by Mr. Southard of Augusta)

(750 copies ordered printed)

Banks and Banking

Bill "An Act Authorizing the Facsimile of the Signature of the Governor to be used on Bonds Issued by the State" (H. P. 1951) (Presented by Mr. Grua of Livermore Falls)

(600 copies ordered printed)

Claims

Resolve in favor of Preston Chadbourne (H. P. 1952) (Presented by Mr. Hamilton of Hartland)

Judiciary

Bill "An Act relating to Premarital Medical Examinations in Emergencies" (H. P. 1953) (Presented by Mr. Downs of Rome)

(750 copies ordered printed)

Legal Affairs

Bill "An Act relating to the Term of Certain Subordinate Officers of the city of Bath" (H. P. 1954) (Presented by Miss Deering of Bath)

(750 copies ordered printed)

Bill "An Act relating to Ordinances for Certain Employees of the city of Bath" (H. P. 1955) (Presented by same member)

(750 copies ordered printed)

Bill "An Act to Provide a Jointly-Contributory Retirement System

for State Employees Except Teachers" (H. P. 1956) (Presented by Mr. Payson of Portland)

(750 copies ordered printed)

Motor Vehicles

Bill "An Act relating to Inspectors in the Department of Secretary of State" (H. P. 1957) (Presented by Mr. Brewer of Presque Isle)

(750 copies ordered printed)

Salaries and Fees

Bill "An Act relating to the Salary of the Judge of the Municipal Court of Portland" (H. P. 1958) (Presented by Mr. Shesong of Portland)

Bill "An Act relating to the Salary of the Recorder of the Portland Municipal Court" (H. P. 1959) (Presented by same gentleman)

(600 copies ordered printed)

Bill "An Act relating to the Amount to be Paid for Clerk Hire in the Office of the Recorder of the Municipal Court of the City of Portland" (H. P. 1960) (Presented by same gentleman)

(600 copies ordered printed)

Bill "An Act relating to the South Portland Municipal Court" (H. P. 1961) (Presented by same gentleman)

(600 copies ordered printed)

On motion by Mr. Payson of Portland, under suspension of the rules, the foregoing bills and resolve requiring reference were ordered sent forth to the Senate for concurrence.

Bills from the Senate Requiring Reference (Out of Order)

Bill "An Act providing for Appropriations and Adjustments Made Necessary by the War; relating to Additional State Policemen and to Institutional Emergency Fund" (S. P. 587)

Came from the Senate referred to the Committee on Appropriations and Financial Affairs.

In the House, referred to the Committee on Appropriations and Financial Affairs in concurrence.

From the Senate: Bill "An Act Amending the Financial Responsibility Law" (S. P. 588)

Bill "An Act relating to Elective County Officials in the Federal Service" (S. P. 589)

Bill "An Act to Create the Maine Civilian Defense Corps and Provide for the Safety of the State in Time of War" (S. P. 590)

Came from the Senate referred to the Committee on Judiciary.

In the House, referred to the Committee on Judiciary in concurrence.

From the Senate: Bill "An Act relating to the Recording and Copying of Public Documents" (S. P. 591)

Bill "An Act relating to Corporations for Establishing and Maintaining Hospitals" (S. P. 592)

Came from the Senate referred to the Committee on Legal Affairs.

In the House, referred to the Committee on Legal Affairs in concurrence.

From the Senate: Bill "An Act Providing for Appropriations and Adjustments in Salaries and Fees Made Necessary by the War" (S. P. 593)

Came from the Senate referred to the Committee on Salaries and Fees.

In the House, referred to the Committee on Salaries and Fees in concurrence.

From the Senate: Bill "An Act

providing for Appropriations and Adjustments in the Highway Department Made Necessary by the War" (S. P. 594)

Came from the Senate referred to the Committee on Ways and Bridges.

In the House, referred to the Committee on Ways and Bridges in concurrence.

The SPEAKER: If there is no objection, the Clerk will call the roll of absentees.

The Clerk then called the roll of absentees, and the following members answered when their names were called:

Brown of Bangor, Phair, Porrell, and Robinson.

The SPEAKER: Unless there is objection, the Clerk will note the presence of the four men who have answered to the roll call.

The Clerk will read the notices:

On motion by Mr. Roberts of Waterboro,

Adjourned until ten o'clock tomorrow morning.