

MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Ninetieth Legislature

OF THE

State of Maine

SPECIAL SESSION

JANUARY 12, 1942

KENNEBEC JOURNAL PRINT SHOP
AUGUSTA, MAINE

SENATE

Tuesday, January 13, 1942
 Senate called to order by the President.
 Prayer by the Rev. Wm. R. Wood of Augusta.
 Journal of yesterday read and approved.

Communications

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,
SUMNER SEWALL

(S. P. 583)

Which was read and ordered placed on file.

Sent down for concurrence.

Portland, Maine.
 January 12, 1942.

To the 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 which I have offered to our State.

I now offer your another area of twelve thousand (12,000) acres the same being the easterly one-half ($\frac{1}{2}$) 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 deeding 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.

PERCIVAL PROCTOR BAXTER
(S. P. 584)

Which was read and ordered placed on file.

Sent down for concurrence.

Passed to be Engrossed

(Out of Order)

Out of order and under suspension of the rules; Mr. Dow of Franklin presented 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)

Which bill was accepted and under suspension of the rules, without reference to a committee, was given its two several readings and passed to be engrossed.

Sent down for concurrence.

Reception of Bills

The following bills were received and on recommendation by the Committee on Reference of Bills, were referred to the following committees:

Inland Fisheries and Game

Mr. Hanold of Cumberland presented Bill "An Act Regulating Hunting and Fishing Licenses of Soldiers and Sailors." (S. P. 578)
(Seven hundred fifty copies ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Farris of Kennebec presented Bill "An Act Providing for Tempo-

rary Court Stenographers During the War Emergency." (S. P. 579)

(Seven hundred fifty copies ordered printed.)

Sent down for concurrence.

Taxation

Mr. Owen of Kennebec presented Bill "An Act Providing Means for Assistance in the Maintenance of, and Snow Removal from, Airports." (S. P. 580)

Mr. Chamberlain of Penobscot presented Bill "An Act Clarifying Certain Tax Laws to Safeguard Present Revenues." (S. P. 581)

(Seven hundred fifty copies of each ordered printed.)

Sent down for concurrence.

Joint Order

On motion by Mr. Dow of Franklin 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 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 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)

Sent down for concurrence.

Subsequently the foregoing order was returned from the House having been read and passed in concurrence.

Orders of the Day

Upon motion by Mr. Dow of Oxford, the Senate voted to take from the table, Report of the Legislative Research Committee on Proposed Legislation for the Special Session of the Ninetieth Legislature (S. P. 577) tabled by that Senator January 11th pending consideration.

Thereupon, on motion by the same Senator, the report was read and accepted.

Upon motion by Mr. Hildreth of Cumberland, the report was sent forthwith to the House.

Mr. CHAMBERLAIN of Penobscot: Mr. President, the report

just presented by this committee is such a valuable document, presenting as it does, a perfect picture of the emergency that confronts the people of the state, I would like to ask if provision has been made for the printing of the report?

The PRESIDENT: The Chair will reply to the Senator that the report has already been printed and presently will appear on your desks.

From the House:

Joint Order

(Out of Order)

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 standing or 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)

In the House read and passed.

In the Senate, on motion by Mr. Chamberlain of Cumberland, tabled pending acceptance in concurrence.

Memorial

Mr. Chase of Washington presented the following Memorial and moved its adoption:

"To the Honorable Senate and House of Representatives of the State of Maine assembled in special session:

"WHEREAS the United States of America is faced with a crisis in the prosecution of this war and finds itself in the position where it must expect the common people to contribute their income and earnings in the purchase of defense savings bonds, and

"WHEREAS the Legislature of

Maine is assembled for purposes of defense, we,

"THEREFORE, Members of the Maine Defense Savings Committee, composed of chairmen representing all counties, cities and towns within this State, assembled in Augusta, Maine, on January 11th in the year of our Lord, 1942, respectfully memorialize the Legislature of the State of Maine to recommend the purchase of defense savings bonds by all people of the state from their income and earnings, and do further recommend that from the finances of the state such sums be invested in defense bonds as are available from time to time."

Thereupon, the memorial was adopted.

Sent down for concurrence.

The PRESIDENT: Is there any further business to come before the Senate at this time?

Upon motion by Mr. Elliott of Knox

Recessed until this afternoon at three o'clock.

After Recess

The Senate was called to order by the President.

Papers from the House, out of order and under suspension of the rules, referred in concurrence.

Referred to Committees

(Out of Order)

The following bills were received out of order and under suspension of the rules, and on recommendation by the Committee on Reference of bills were referred to the following committees:

Appropriations

Mr. Sanborn of Cumberland presented 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)

Six hundred copies ordered printed.)

Sent down for concurrence.

Judiciary

Mr. Chase of Washington presented Bill "An Act Amending the Financial Responsibility Law." (S. P. 588)

Mr. Harkins of Androscoggin presented Bill "An Act Relating to

Elective County Officials in the Federal Service." (S. P. 589)

(Six hundred copies of each ordered printed.)

Sent down for concurrence.

Mr. Dow of Oxford presented 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)

(One thousand copies ordered printed.)

Sent down for concurrence.

Legal Affairs

Mr. Findlen of Aroostook presented Bill "An Act Relating to the Recording and Copying of Public Documents." (S. P. 591)

Mr. Morse of Waldo presented Bill "An Act Relating to Corporations for Establishing and Maintaining Hospitals." (S. P. 592)

(Six hundred copies of each ordered printed.)

Sent down for concurrence

Salaries and Fees

Mr. Sanborn of Cumberland presented Bill "An Act Providing for Appropriations and Adjustments in Salaries and Fees Made Necessary by the War." (S. P. 593)

(Six hundred copies ordered printed.)

Sent down for concurrence.

Ways and Bridges

The same Senator presented Bill "An Act Providing for Appropriations and Adjustments in the Highway Department Made Necessary by the War." (S. P. 594)

(Six hundred copies ordered printed.)

Sent down for concurrence.

The President announced the appointment of the following Senate members of Joint Committees:

Joint Standing Committees

Banks and Banking

Senator Owen of Kennebec

Commerce

Senator Burgess of Aroostook

Federal Relations

Senator Burgess of Aroostook

Judiciary

Senator Bate of Kennebec

Library

Senator Owen of Kennebec

Manufacturers

Senator Burgess of Aroostook

Military Affairs

Senator Clement of Androscoggin

Pensions

Senator Bridges of Washington

Reference of Bills

Senator Elliot of Knox

State Sanatoriums

Senator Burgess of Aroostook

Taxation

Senator Harold of Cumberland
Ways and Bridges

Senator Stilphen of Lincoln

Joint Select Committees

On gubernatorial Vote

Senators Burgess of Aroostook,

Harold of Cumberland

On Governor's Message

Senator Owen of Kennebec

On Engrossed Bills

Senators Clement of Androscoggin

Harold of Cumberland

On Senatorial Vote

Senator Clement of Androscoggin

Upon motion by Mr. Chamberlain of Penobscot, the Senate voted to take from the table, Joint Order Limiting the Introduction of Legislation to ten o'clock, A. M. Wednesday, January 14th, (H. P. 1949), tabled by that Senator earlier in today's session pending acceptance in concurrence.

Mr. CHAMBERLAIN: Mr. President, referring to the supplemental calendar on our desks and to the many bills that the Secretary has recently reminded us of as being introduced, any tyro could see it is a reasonable and wise provision to limit by time, the introduction of resolves and bills. It would be entirely out of place to overburden the legislature with a flood of bills day after day, and as well, burden the members of the legislature as they took the time to consider them. That is, of course, a wise provision. There is no fault to be found with any particular time that may be set for the introduction of bills and resolves. But I do want to say a few words in regard to the clarifying clause in order that does permit the introduction of bills under certain conditions.

The members of a legislature are supposed to be, and it is right to assume that, that they are a very intelligent class of people, that they know well what they are about, that they are able to consider the many matters that come before them and render in the main, right decisions. And yet in spite of that intelligence they find it necessary to qualify such an order as this by allowing a bill to be put in, introduced in either branch by unanimous consent. They find it necessary to take such action, drastic, in order presumably to protect themselves. A member introduces a bill that to him seems

important. It may be quite important under certain exigencies and yet in either branch of a legislature another person having perhaps some animosity against the introducer, can prevent the introduction of the bill and the intelligent body of 180 men have absolutely been forced to stand still. It seems to me an anomalous thing that such a thing as that should prevail. I believe we should have not unanimous consent, but perhaps majority or two-thirds or three-fourths or even go to seven-eighths, but to let a solitary individual stop the action of a legislature is but a travesty upon the intelligence of a legislative body.

Consulting, or being requested to consult with those whom the legislature have thought best to place in authority, it was suggested to me it would be unwise to change that, it would extend the sessions beyond a reasonable time, and they also suggested that if it was necessary to overcome the preventive action on the part of one man they could, by majority vote, repeal the order they had passed. There again I consider such action as that in the face of having made it unanimous, is a travesty upon their intelligence.

It is not my intention to offer amendments to the order but to call attention to the matter, and in the two sessions I have been here I have observed it as being a very detrimental thing.

I move now, Mr. President, that the order have passage.

Thereupon, the order received passage in concurrence.

Additional papers from the House, out of order and under suspension of the rules, referred in concurrence.

Order Out of Order

On motion by Mr. Sanborn of Cumberland, out of order and under suspension of the rules, it was

ORDERED, that the use of the Senate Chamber be granted to the Legal Affairs Committee on the afternoons of Thursday and Friday, January 15th and 16th, for the purpose of holding public hearings.

On motion by Mr. Elliot of Knox, Adjourned until tomorrow morning at ten o'clock.