

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

Ninety-first Legislature

OF THE

STATE OF MAINE



1943

KENNEBEC JOURNAL COMPANY
AUGUSTA, MAINE

SENATE

Wednesday, January 13, 1943
The Senate was called to order by the President.

Prayer by the Reverend J. C. Rice of Hallowell.

Journal of yesterday read and approved.

Order

(Out of Order)

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

ORDERED, the House concurring, that a Joint Select Committee to be designated "Committee on the University of Maine" be appointed, consisting of three on the part of the Senate, and seven on the part of the House. (S. P. 31)

Sent down for concurrence.

From the House:

Joint Order

WHEREAS, a National Emergency exists and the funds earmarked for highway purposes will, in the next fiscal year, be insufficient to provide the usual fund from which special highway and bridge Resolves are taken; now therefore be it

ORDERED, the Senate concurring, that no special highway Resolve shall be received in either body of this Legislature. (H. P. 3)

On motion by Mr. Brown of Aroostook, the joint order was laid upon the table pending passage in concurrence.

Communications

STATE OF MAINE
Executive Department
Augusta

January 13, 1943

The Honorable President of the Senate

The Honorable Speaker of the House Ninety-first Legislature

Dear Sirs:

It is my great pleasure to transmit herewith a letter from the Honorable Percival P. Baxter of Portland, in which he generously

offers substantial gifts of land for public purposes.

Baxter State Park, including Mount Katahdin, now comprises 47,000 acres. If it is the pleasure of the Ninety-first Legislature to accept this present offer, the area of the Park will be brought to 59,000 acres.

Mr. Baxter's generosity in undertaking to set up and give to the State one of the most magnificent natural recreational areas in the nation for our benefit and that of our children should command the deepest appreciation and gratitude.

Included with this present gift of additional land to the Katahdin tract, Mr. Baxter proposes to give to the State, Mackworth Island located in the town of Falmouth in Portland Harbor.

Looking forward to the time when there will be maintenance costs in connection with the various structures on this property Mr. Baxter advises that he plans the establishment of a trust fund, to which he now donates \$10,000.00 as the initial gift. During his lifetime he wishes to retain his use of this Island without expense to the State.

Mr. Baxter has lived many years on this Island and believes its dedication to appropriate public use will prove of real benefit to the people of Maine.

It is well that we view these matters with vision and imagination, for the future may show human needs of great urgency which are not clearly perceptible today.

I, therefore, commend this proposal to your very thoughtful consideration, and urge acceptance of these gifts as being in the public interest.

Respectfully submitted,

SUMNER SEWALL (S. P. 27)

Which was read and ordered placed on file.

Sent down for concurrence.

January 13, 1943.

To the Honorable Sumner Sewall, Governor and the Honorable Senate and House of Representatives of the Ninety-first Legislature of the State of Maine:

Governor Sumner Sewall and many of the members of this Legislature are familiar with my plans

to donate to the State an extensive area of land in the Mount Katahdin region, the same to be held in Trust by the State for certain public purposes.

During the past thirteen years from time to time the State has accepted from me a total of forty-seven thousand (47,000) acres and I now offer you the gift of an additional area of twelve thousand (12,000) acres, which if accepted will give the State fifty-nine thousand (59,000) acres, all of which is located in Piscataquis County.

In order that those of you who were not members of the Ninetieth Legislature may understand why these donations are made separately over a period of years instead of being transferred under a single deed, I refer you to a communication dated January 12, 1942, addressed by me to Governor Sewall and the Ninetieth Legislature and published in the Legislative Record of the Special Session of that date, page 15 Senate Record and page 33 House Record under date of January 13, 1942. By joint order of the Senate and House this communication was ordered published in the Laws of Maine and Mr. Smith Dunnack, the Revisor of Statutes, informs me it will be printed in the Laws of Maine for 1943.

It will be recalled that shortly after I made my first gift of Katahdin land to the State certain persons attempted to take this from the State and transfer it to the National Government. Those responsible for this proposed breach of Trust have since assured me that never again will they seek to break this Trust and that they are content to abide by the Trusts created by the several acts of the Maine Legislature. However, in the future other persons may make a similar attempt and this I seek to guard against.

My plan to create a long line of precedents whereby one Legislature after another accepts my gifts in Trust by laws duly passed and printed in the Laws of Maine for successive years, have been approved by several of the leading judges and lawyers of our State. Under this plan each gift becomes a sacred trust accepted by those who directly represent the people. Each Legislature to protect these Trusts in the years to come erects

a barrier similar to the barrier erected by its predecessor, a barrier against a breach of Trust.

Before I finish my work at least ten Maine Legislatures and as many Maine Governors will have placed their seal of approval on my plans and thus they will have made these Trusts absolutely unbreakable. Certainly he is a bold and reckless person who, even after I have deceased, attempts to induce this State to violate the Trust provisions created under a long series of Deeds and Acts of Acceptance extending from 1931 almost until 1950.

I have acquired and now own fifty-four thousand (54,000) acres in addition to the fifty-nine thousand (59,000) acres above referred to, making a total of one hundred thirteen (113,000) thousand acres, and each year hereafter beginning with 1944 I shall continue to deed to the State of Maine certain portions of this fifty-four thousand (54,000) acres until it all has been so transferred. In case of my decease before my work is completed, whatever portion of this fifty-four thousand (54,000) acres has not been given to and accepted by the State will pass under my Will and thus become a part of what by State law is BAXTER STATE PARK.

This Park project has become my life work and before it is completed I hope to secure an additional thirty-one thousand (31,000) acres which will comprise six entire townships totaling one hundred forty-four thousand (144,000) acres. To do this requires time and patience for just at present the owners do not care to sell their lands. Even though I may not succeed in completing this in my life time, I have made provision in my Will so that in due time my plans will be carried through as I desire.

In the Act submitted herewith I have recited the several deeds and conveyances made by me to the State in order that the record thereof may be clear and understandable to future generations of Maine people.

IT NOW IS MY DESIRE to make a second gift to the State of Maine and in the Deed and Act that accompanies this communication I have included MACKWORTH ISLAND, situated in the Town of Falmouth in Portland Harbor, Cas-

co Bay, together with MACK-WORTH or HALFWAY ROCK southerly of said island and also together with the bridge to said island, a right-of-way from the bridge to the state highway, and certain pole rights leading to said island.

This island means everything to me. For fifty-six (56) years I have spent the happiest days of my life there and I want the people of Maine to own and enjoy this island in the years to come. This island must never be exploited for private gain nor would I ever sell it for any price. My giving this island to the State is not the result of any sudden impulse, because for twenty-nine (29) years there has been a provision in my will that upon my decease it becomes the property of the people of Maine. In order, however, to make doubly sure that my wishes are carried out I now offer Mackworth Island as a gift to the State to be held forever in trust by the State for State public purposes. A man does well to attend to these matters while living, rather than to leave them for others to do after he has gone.

Mackworth Island in many ways is unique. It was first settled by Arthur Mackworth, an Englishman, in 1631. This man lived there many years and became the leading citizen of the Casco Bay area. He often went to Boston to represent his fellow colonists in matters that came before the King's authorities in the Massachusetts colonial government. According to ancient deeds the island is "one hundred acres more or less" in extent. It lies at the mouth of the Presumpscot River on the westerly border of the Town of Falmouth and within less than one-half a mile from the easterly line of the City of Portland. For unknown centuries this island was the home of the Indian and many unusual relics have been unearthed there. In the Museum here at the State Capitol is a collection of arrow heads and implements taken over a period of years from the Indian camp sites on the island. Some time ago I donated this collection to the State and Mr. Joseph Wilson, curator in charge of the Museum, has made of it a most interesting display.

About one-quarter of the island is well wooded with pine and spruce, one-quarter is pasture-land and the remainder is excellent land

for such crops as usually are found in southwestern Maine. I, myself, have planted in excess of 50,000 pine and spruce on this island. There also is an orchard of about seventy-five fruit trees, apples, pears, cherries, plums and peaches. There are extensive clam flats on the northerly side and a good depth of water for boating on the southerly and easterly shores. Moreover the island has several beaches suitable for bathing. The island also has ample water supply from its own springs but these are not now in use because two large pipe lines bringing water from Sebago Lake cross the island and carry water to the outlying islands of Casco Bay now being fortified by the U. S. Army and Navy. These water lines are tapped on the island for use there, and telephone and electric services also come to the island over the bridge that connects it with the mainland. The buildings on the island consist of a complete set of farm buildings, house, barn and other structures together with three residences, one brick and two wooden, all in good repair. This island with the surrounding waters by State law is a wild life sanctuary and I have provided that it always shall so remain. A small colony of pheasants and one of partridges live there and occasionally one or two deer swim across the channel from the mainland and remain for a few days.

The uses to which this island can be put by the State are numerous. In the deed I offer you it is provided that the island always shall be used for State public purposes only. It is well adapted for recreational and educational purposes, for a hospital, for a home for sick or under-privileged children, for forestry, park or agricultural experimental purposes, or for any of the numerous activities of the State which require a large area in the country conveniently located near the advantages of a City. Its use for children would be especially pleasing to me. Certainly I ask that it never be used for penal or corrective institutions nor for any purpose connected with the enforcement of the laws of the State relating to criminals. The deed includes the bridge and right-of-way connecting it with State Highway No. 1, also certain pole rights and a rocky islet south of the island.

As this island is my home I wish to live there for some time to come

and so have provided in the Deed of Gift and Act of Acceptance that the State may lease this to me for a period of fifteen (15) years with the right on my part to renew the same for a similar term. During the period of the lease, as Lessee I shall assume all expenses in connection with my occupation of the island, including insurance and repairs on the buildings and bridge. It further is provided that in case at any time I no longer shall desire to occupy the island I may terminate the lease. In such case and also upon my decease the lease terminates and the State then takes immediate possession.

It long has been my intention, subject to the vicissitudes of business, to establish a fund to be donated to the State, the same to be held in trust by the State and to be used in the discretion of the Governor and Council for some State public purpose in connection with the State's ownership of this island. In order now that a beginning be made in this direction I hereby offer to the State of Maine the sum of ten thousand (\$10,000) dollars and in the accompanying act it is provided that this sum, together with such gifts as later may be added to it by me, be accepted by said State as a Trust Fund as therein stated.

In offering you the gift of my island I ask you to look beyond the present and into the future. Some may raise objections to its acceptance and may say "What will the State do with it." I am confident such a short-sighted view will not prevail.

As I look into the years ahead, I see great social changes coming. There is no stopping them, nor would I do so. Our State is destined to expand its activities far beyond what it now is doing. It will assume added responsibilities for the care of children, the sick, the crippled, the needy. New institutions will be established, new methods adopted for the care of the unfortunate and defective. The State is bound to play a far more important part than ever in the regulation and conduct of our lives and methods of living. Whether some persons approve or not, all of us will be profoundly affected. The good things of life are destined to be more widely distributed and we should prepare for the changes that are sure to come. My gifts

though perhaps not now fully appreciated will, in the future, be regarded as valuable contributions to the public welfare. In this connection it is significant to recall certain incidents of the past.

Almost sixty years ago my late father James Phinney Baxter donated a public library building to the City of Portland. He was a pioneer in public giving. It is hard to believe, but certain persons of influence objected to the acceptance of the gift by the City. They openly opposed it. "What shall we do with it; it may cost the City something to maintain it" was the cry. Never for a moment, however, did my father regret having made the gift. He brushed aside this opposition and completed his task.

Again my father laid the plans for the construction of the Baxter Boulevard in Portland with which you are all familiar. Again those without vision opposed him and said "What shall we do with it." He drove ahead however, and lived to see the project so far advanced that no one dared stop it. Today the Boulevard is the City's chief natural attraction.

In my own life I have had a similar experience. Twenty-six years ago when I first conceived the idea of a State Park at Katahdin there was determined opposition. I was attacked as a dreamer and branded as a socialist. Several of our newspapers came out against me. "We don't want a park, leave things as they are; what shall we do with it," again was heard. Session after session I fought on and made speech after speech up and down the State. It was a long road to travel, but today the State Park is acknowledged to be one of the State's great natural attractions and the people of the future will appreciate it even more than do those of today.

In accepting the gifts I now offer there is no reason for anxiety as to what the State will do with the Island. In the ordinary course of events my life may continue for a number of years, and during the period of my occupancy of the island under the lease, all expenses are assumed by me. Meanwhile I hope to increase the Trust Fund which is established under the Act and which is a part of the gift.

As an example of what increases may mean, I remind you that my

first gift of Katahdin land thirteen years ago was an area of but 6,000 acres. Today, a total of 113,000 acres have been acquired by me for this project, with more to come.

I have a vision of what this island is to be in the future. It will be a haven for those, young and old, who need refreshment in body and in spirit. From it will radiate kind and wholesome influences that will go far toward making Maine a better state in which to work and live.

In this communication I have gone into some detail so that all may understand my purpose. I desire to do something worth while for my native state and want the People of Maine to enjoy both the Park at Katahdin and my island in Casco Bay. I ask you men and women who for the time being guard our destinies, to take the broad, long vision and accept that which I now offer to my fellow citizens.

Respectfully,

PERCIVAL PROCTOR BAXTER.

The above communication was read and sent to the House.

Passed to be Engrossed

Out of order and under suspension of the rules

Mr. Hardy of Cumberland 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 five (5) range nine (9) W. E. L. S. Piscataquis County, and the conveyance and Deed of Gift of Mackworth Island in the town of Falmouth, Portland Harbor, Casco Bay, and establishing the Mackworth Island Trust Fund." (S. P. 29)

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.

Orders

On motion by Mr. Hanold 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 approximately twelve thousand (12,000) acres in township five (5) range nine (9) W. E. L. S. Piscataquis County, (Baxter State Park), and the gift of Mackworth Island together with the ten thousand (\$10,000) dollar Trust Fund given for said Island, be complete and in enduring form, the communication dated January 13, 1943 addressed by the said Baxter to the Honorable Sumner Sewall and the Honorable Senate and House of Representatives of the Ninety-first Legislature, together with the message of Governor Sumner Sewall transmitting the said communication to this Legislature, be printed in the laws of Maine for 1943. (S. P. 30)

Sent down for concurrence.

On motion by Mr. Elliot of Knox, it was

ORDERED, the House concurring, that there be paid to the members of the Senate and House as advances on account of compensation established by statute, the amount of seventy dollars (\$70) fortnightly, according to lists certified to the State Controller by the Secretary of the Senate and Clerk of the House respectively; and that the final pay rolls bear the approval of the Joint Standing Committee on Appropriations and Financial Affairs. (S. P. 31)

Sent down for concurrence.

The President announced the appointment of the Senate members of the Joint Standing Committees. (See House Report)

The PRESIDENT: The Chair wishes to point out that this afternoon the Bar Association is having a meeting in the Senate Chambers. In order not to lose a day, the Chair recommends that we now have a recess for a half hour, approximately, which will enable the chairmen of these committees which have just been announced, to prepare notices for organization meetings. We will thus be able to utilize this afternoon which we would not otherwise be able to do.

Also in announcing these committees, the Chair wishes to point out

that to a very considerable degree, the responsibility now for expediting legislation, passes from the presiding officer to these chairmen. These chairmen will have at all times my utmost cooperation and such help as I am able to give them, but there is a very great responsibility resting upon them which I know they will accept and act upon.

Mr. ELLIOT of Knox: Mr. President, I present the following order and move its passage, with the understanding that there is an excess of copies of the Revised Statutes which will become useless when the new revision is out:

ORDERED, that the Secretary of the Senate be directed to provide

each member and officer of the Senate with a copy of the Revised Statutes.

Thereupon the order received passage.

On motion by Mr. Elliot of Knox
Recessed for one half hour.

After Recess

The Senate was called to order by the President.

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