

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*Ninety-Second Legislature*

OF THE

STATE OF MAINE

1945

DAILY KENNEBEC JOURNAL

AUGUSTA, MAINE

**HOUSE**

Wednesday, January 10, 1945.

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

Prayer by the Rev. Mr. Riedel of Augusta.

Journal of the previous session read and approved.

**Bills and Resolves Requiring Reference**

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

**Judiciary**

Bill "An Act to Change the Purposes of the Bingham Associates Fund" (H. P. 4) (Presented by Mr. Boyker of Bethel)

Bill "An Act relating to Duties of City and Town Clerks in Absent Voting" (H. P. 6) (Presented by Mr. Rankin of Bridgton)

Resolve Affirming and Validating certain Elections held by the Penobscot Indian Tribe (H. P. 5) (Presented by Mr. Cousins of Old Town)  
(Ordered printed)  
Sent up for concurrence.

**Ways and Bridges**

Resolve in favor of the town of Bancroft (H. P. 7) (Presented by Mr. Corson of Hodgdon)

Resolve in favor of Cary Plantation (H. P. 8) (Presented by same gentleman)

Resolve in favor of the town of Haynesville (H. P. 9) (Presented by same gentleman)

Resolve in favor of the town of Hodgdon (H. P. 10) (Presented by same gentleman)

Resolve in favor of the town of Linneus (H. P. 11) (Presented by same gentleman)

Resolve in favor of the town of Weston (H. P. 12) (Presented by same gentleman)

Resolve in favor of the town of Buckfield (H. P. 13) (Presented by Mr. Forhan of Canton)

Resolve in favor of the town of Hartford (H. P. 14) (Presented by same gentleman)

Resolve in favor of the town of Peru (H. P. 15) (Presented by same gentleman)

Sent up for concurrence.

**Orders of the Day**

The SPEAKER: The Chair has named the Standing Committees of the House. At this time the Clerk will read the Committees.

**STANDING COMMITTEES OF THE HOUSE****Ways and Means**

Lackee of Addison  
Brewer of Presque Isle  
Ela of No. Anson  
Hemphill of Mechanic Falls  
Sargent of Bucksport  
Weeks of Waterville  
Haskell of Bangor

**Leave of Absence**

Downs of Rome  
McPee of Richmond  
Burton of Milo  
Anderson of Oxbow Pl.  
DeSanctis of Madison  
Hayward of Machias  
Lacharite of Brunswick

**Rules and Business of the House**

The Speaker Ex-Officio  
Jacobs of Auburn  
Perkins of Boothbay Harbor  
Connellan of Portland

**Bills in the Third Reading**

Warren of Westbrook  
Dorsey of Fort Fairfield  
Brown of Brunswick  
Knight of Jay  
Jones of Waterville  
Donahue of Biddeford  
Bernier of Lewiston

**Engrossed Bills**

Crosby of Farmington  
Welch of Mars Hill  
Cobb of Gardiner  
Cousins of Old Town  
Brown of Unity  
Christensen of Calais  
Byron of Hollis

**Elections**

Williams of Clifton  
Dutton of Bingham  
Roberts of Westbrook  
MacKinnon of Mexico  
Peirce of Augusta  
Thorndike of Bar Harbor  
Ellingwood of Rockland

The SPEAKER: The gentleman from Millinocket, Mr. Ward, now moves that the House recess until ten minutes of eleven by the House Clock. Is this the pleasure of the House?

The motion prevailed, and the House so recessed.

#### After Recess

The House was called to order by the Speaker.

Paper from the Senate, out of order and under suspension of the rules.

From the Senate: The following Order:

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 eighty-five dollars (\$85) 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. 41)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Communication: (S. P. 42)

#### STATE OF MAINE OFFICE OF THE GOVERNOR AUGUSTA

January 10, 1945.

The Honorable President of the Senate

The Honorable Speaker of the House  
Ninety-second Legislature

Dear Sirs:

I deem it a pleasure to transmit herewith a letter from the Honorable Percival P. Baxter of Portland in which he offers 35,554 acres of land in the Katahdin Baxter State Park area for public purposes.

This generous gift, if accepted by the 92nd Legislature, would increase the area of the Baxter State Park, which includes Mount Katahdin, to 116,288 acres. Mr. Baxter further advises me that eventually he hopes to make the total acreage 150,000.

Mr. Baxter's offer commands the deepest appreciation of every citizen of Maine, for he is making available to us and our children and the thousands of tourists who visit Maine each year one of the most magnificent natural recreational areas in the United States.

I solicit your most serious consideration and urge the acceptance

of this gift as being in the public interest.

Respectfully submitted,

(Signed) HORACE HILDRETH,  
Governor

January 4, 1945.

The Honorable Horace A. Hildreth  
Governor of Maine  
Augusta, Maine

Dear Governor:

Next Wednesday, the 10th, I am coming to the Legislature with a message addressed to you and the Legislature accompanied by an Act accepting 35,554 acres of land for the Katahdin Baxter State Park.

You are familiar with the procedure and if you will prepare whatever message you deem suitable transmitting to the Legislature the Act of Acceptance and recommending its acceptance I shall be grateful to you.

This makes the Park 116,288 acres. I hope later to increase this so that it will total 150,000. I think it best to give to the State whatever I have at the moment, to make sure that it is properly accepted.

The terms of the gift are practically the same as in former years that it shall be kept forever as a State Park, as a wild life sanctuary, and in its natural wild state. If there is anything about this you would like to talk with me we can do it over the phone.

Every good wish for your administration.

(Signed) PERCIVAL P. BAXTER

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

In the House, the communications were read and ordered placed on file in concurrence.

From the Senate: The following Communication: (S. P. 43)

To the Honorable Horace A. Hildreth,

Governor and the Honorable Senate and House of Representatives of the Ninety-second Legislature.

Once again I come to the Maine Legislature offering a gift of thirty-five thousand five hundred fifty-four (35,554) acres of land to be added to Baxter State Park in the Mount Katahdin region.

In addition to what I already have donated to the State this offer of thirty-five thousand five hundred fifty-four (35,554) acres brings the total area of the Park to one hundred sixteen thousand two hundred eighty-eight (116,288) acres, or prac-

tically five (5) Maine wild-land townships.

It is interesting to note that these gifts, not including the gift made today, have been accepted by eight separate Legislative Acts, today's being the ninth, as well as by two acceptances by the State Forest Commissioner with the approval of the Governor and Executive Council and the Attorney General all acting under the powers conferred upon them by the Revised Statutes of 1930, Chapter eleven (11) sections fifteen (15) and sixteen (16). For a list of these Acts you are referred to the Laws of Maine 1943, page 451, which recites the first six (6) Acts of Acceptance and the two (2) Acceptances by the Forest Commissioner. The seventh Act is Chapter one (1) Laws of 1943 and the eighth is Chapter ninety-one (91) Laws of 1943-44. This Acceptance the ninth no doubt will be Chapter one (1) Laws of 1945.

Some of the members of this ninety-second Legislature who have come here for the first time may not understand why it is deemed advisable to deed this land to the State in the several Acts referred to, instead of deeding it all at one time.

For your information on this point I quote from a message addressed by me to the Governor and Maine Legislature on January 13, 1943. This quotation is printed in the Laws of Maine for 1943, page 704, and reads as follows:

"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 Legis-

lature 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."

Now that nine separate Legislative Acts as well as two Forest Commissioners have accepted these gifts I feel that a barrier sufficiently strong against any breach of trust and against any encroachment by designing persons has been erected to protect this State Park for all time. This being so I am today donating to the State all the land I now own in the Katahdin area. These ten additional parcels together with the land already donated constitute one area, unbroken by land of intervening owners except for one outstanding undivided interest of six thousand seventeen (6,017) acres.

In the Deed to the State that accompanies this message you will notice that on one area of two thousand five hundred sixty (2,560) acres in township three (3) range nine (9) the former owner, Harry F. Ross of Bangor, who sold to me, has the right to remove the timber up to the thirteenth (13th) day of February 1946, and not thereafter. In the same township, three (3) range nine (9), another former owner, the Great Northern Paper Company, may remove the timber from one thousand nine hundred twenty (1,920) acres until December 28, 1954, and on township four (4) range ten (10) the said Company also may remove the timber from six thousand one hundred eight (6,108) acres until December 28, 1969. In buying these lands I can take only what the sellers are willing to sell. In due time these rights will expire and then the State will be entirely free from these restrictions. I wish to state here that all the landowners from whom I have purchased have been broad-minded, helpful and public spirited. They have treated me with every consid-

eration and have been fine and fair in all their dealings with me.

Eight thousand two hundred ninety-nine (8,299) acres in township three (3) range ten (10) now being deeded to the State is an undivided interest in a portion of this township which I own in common with others; this other interest, which I hope later to acquire, being six thousand seventeen (6,017) acres. Also I hope later to buy the balance of towns three (3) range nine (9) and four (4) range ten (10). These total twenty-five thousand three hundred seventeen (25,317) acres, which later I hope to donate to the State. The total area of the Park then would be one hundred forty-one thousand six hundred five (141,605) acres.

After the acceptance of the withdrawal the Park will consist of all of the three townships five (5) range nine (9), five (5) range ten (10) and four (4) range nine (9), one-half ( $\frac{1}{2}$ ) of four (4) range ten (10), all of three (3) range nine (9) except seven thousand six hundred eighty (7,680) acres and all of three (3) range ten (10) except the outstanding ownership in common of six thousand seventeen (6,017) acres.

Although I am now donating to the State all of my forest land the Park is not yet complete. I still am interested to enlarge it as soon as certain land owners can be persuaded to sell to me. Negotiations now are in progress with several of these owners and I am hopeful of the outcome for I am desirous of increasing the Park up to at least six Maine townships.

In my first gift of Park land to the State (Chapter 23 Private and Special Laws of Maine 1931) it is provided that "no roads or ways for motor vehicles ever shall be constructed therein or thereon." This 1931 deed gave the State the higher areas of Mount Katahdin and the slopes on all four sides. For those areas such a restriction no doubt is desirable. I now am convinced that a restriction against the construction or maintenance of roads for all vehicles, motor, horse-drawn and all other vehicles should be included in the present deed of gift and be made retroactive to include all former gifts made since that of 1931.

Bearing this in mind in the gift now being made to the State I am imposing as a strict binding condition and obligation that no roads or

ways for motor, horse-drawn or other vehicles, other than the two roads hereafter mentioned, ever be constructed, permitted or maintained within the Park areas now or HERETOFORE donated by me to the State within the six townships three (3), four (4) and five (5) range nine (9), and three (3), four (4) and five (5) range ten (10).

The Millinocket - Sourdnamunk road passes through townships three (3) and four (4) range ten (10) and gives access to Mount Katahdin on the west. The road leading from Togue Ponds in township two (2) range nine (9) into township three (3) range nine (9) and extending to its present terminus at Roaring Brook gives access to the east side of the Mountain. These two roads are necessary and desirable. Furthermore I provide that these two roads be maintained in about their present condition, with ample turn-outs for passing cars and with only a graveled surface. I want no hard surfaced roads in this Park, my object being to have it remain as nearly as possible in its natural wild state unimproved by man.

The restriction herein imposed as to roads will require that the lumbering road now being constructed by the Eastern Corporation in township five (5) range ten (10) be abandoned and that in due time it be returned to its original wild forest state, after the said corporation shall have moved out of this township at the termination of its right to remove the timber therefrom, which right expires on August 7, 1965. I am confident the restrictions as above outlined will be respected by future generations.

In all the deeds from me to the State the phrases "natural wild state" and "as a sanctuary for wild beasts and birds" have been used. By these I do not intend that the Park forever shall be a region unvisited and neglected by man. I seek to provide against commercial exploitation, against hunting, trapping and killing, against lumbering, hotels, advertising, hot-dog stands, motor vehicles, horse-drawn vehicles and other vehicles, air-craft, and the trappings of unpleasant civilization. Nor is the Park to be kept exclusively for professional mountain climbers; it is for everybody.

I want pleasant foot-trails built and attractive camp-sites laid out

in the valleys, by the brooks and on the shores of the waters; sites where simple forest lean-tos and small log cabins are available for those who love nature and are willing to walk and make an effort to get close to nature. A suitable shelter also should be erected on the summit of Katahdin to give protection to those who climb the mountain and who may be caught in a storm or compelled to remain overnight.

With the protection of wild life the deer, the moose and the birds no longer will fear man and gradually they will come out of their forest retreats and show themselves. I want hunting with cameras to take the place of hunting with guns. Aircraft frighten wild life and disturb the peace and solitude of the wilderness. Would that the day may come when all of Maine will become a sanctuary for the beasts and birds of the forest and field and when cruelty to the humbler orders of life no longer stalks the land.

Everything in connection with the Park must be left simple and natural and must remain as nearly as possible as it was when only the Indians and the animals roamed at will through these areas. I want it made available to persons of moderate means who with their boys and girls, with their packs of bedding and food, can tramp through the woods, cook a steak and make flapjacks by the lakes and brooks. Every section of this area is beautiful each in its own way. I do not want it locked up and made inaccessible; I want it used to the fullest extent but in the right unspoiled way.

When the Park was first begun I was not the owner of a single acre of land and to bring the Park to its present state has required more than twenty-five years of effort. It has been an interesting experience however and future generations no doubt will approve what has been done.

Human life is both short and uncertain. This being so I wish to have this Park completed during my lifetime, in so far as I am able. When the land is accepted by the State during my life time I know it is accepted properly and for all time. My executors thereby are spared the details of this work with which they would not be familiar.

After my decease funds will be provided for enlarging the Park and making it more usable and desirable. That can be done without my personal supervision once the foundation is securely laid. As I have said to Maine Legislatures before, this Park is my life work and I shall continue my interest in it for whatever time I am spared.

Respectfully,

(Signed)

PERCIVAL PROCTOR BAXTER  
Portland, Maine

January 2, 1945.

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

In the House, read and ordered placed on file in concurrence.

From the Senate: Bill "An Act Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of 35,554 Acres of Land in Township Three, Range Nine, Township Three, Range Ten and Township Four, Range Ten, W.E.L.S. Piscataquis County, Baxter State Park. (S. P. 44)

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

In the House, on motion by Mr. Ward of Millinocket, the rules were suspended and the bill was given its three several readings without reference to a Committee, and on motion by Mr. Bowker of Portland, the bill was 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 thirty-five thousand five hundred fifty-four (35,554) acres in townships three range nine, three range ten and four range ten W. E. L. S. Piscataquis County (Baxter State Park) be complete and in enduring form, the communication dated January ninth, 1945 addressed by said Baxter to Honorable Horace A. Hildreth, Governor, and to the Honorable Senate and House of Representatives of the 92nd Legislature together with the message of Governor Hildreth transmitting the said communication to the Legis-

lature be printed in the Laws of Maine for 1945 (S. P. 45)

Came from the Senate read and passed.

In the House, read and passed in concurrence.

On motion by Mr. Ward of Millinocket, the House voted to take from the table the first tabled and unassigned matter, Communication from Secretary of State transmit-

ting returns of votes for Representatives, tabled by that gentleman on January 4th pending reference to a committee; and on further motion by the same gentleman the matter was referred to the Committee on Elections.

On motion by Miss Deering of Bath,

Adjourned until ten o'clock tomorrow morning.