

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

AS PASSED BY THE

Eighty-sixth and Eighty-seventh
Legislatures

OF THE

STATE OF MAINE

From April 1, 1933, to April 6, 1935

AND MISCELLANEOUS STATE PAPERS

Published by the Secretary of State, in conjunction
with the Revisor of Statutes in accordance with the
Resolves of the Legislature approved June 28, 1820,
March 18, 1840, March 16, 1842, and Acts approved
August 6, 1930 and April 2, 1931.

KENNEBEC JOURNAL
AUGUSTA, MAINE
1935

MISCELLANEOUS COMMUNICATIONS

STATE OF MAINE

Executive Chamber

Augusta, Maine

January 2, 1935

To the Honorable Senate and House of Representatives:

In compliance with the Constitution of the State I herewith communicate to the Legislature each case of reprieve, remission of penalty, commutation or pardon granted during the years 1933 and 1934, stating the name of the convict, the crime of which he was convicted, the sentence and its date, the date of the reprieve, remission, commutation of sentence, and the condition, if any, upon which the same was granted.

LOUIS J. BRANN,
Governor.

State Prison

Theodorio Barios Galvao of Boston, Mass. Convicted of the crime of assault with intent to kill, while armed with a dangerous weapon at the January term, 1932, of the Superior Court at Belfast, and sentenced to imprisonment at hard labor in the State Prison at Thomaston for the term of not less than three years and not more than six years. Pardon granted April 21, 1933, upon the condition that he shall be deported to Portugal.

Harold L. Kennison of Rockland. Convicted of the crime of accessory before the fact to breaking, entering and larceny at the May term, 1931, of the Superior Court at Wiscasset, and sentenced to imprisonment in the State Prison at Thomaston for not less than two nor more than four years. Pardon granted April 21, 1933, to become effective May 12, 1933, upon the condition that he shall not be guilty of violating any of the criminal statutes of the State.

George Crabb of Blaine. Convicted of the crime of perjury at the April term, 1932, of the Superior Court at Houlton, and sentenced to imprisonment at hard labor in the State Prison at Thomaston for the term of not less than one year and not more than two years. Pardon granted April

21, 1933, upon the condition that he shall not be guilty of violating any of the criminal statutes of the State.

Kenneth Edward Baker of Calais. Convicted of the crime of breaking, entering and larceny in the night time at the February term, 1932, of the Superior Court at Machias, and sentenced to imprisonment at hard labor for not less than two years and six months, and not more than five years in the State Prison at Thomaston. Pardon granted June 7, 1933, upon the condition that he shall not be guilty of violating any of the criminal statutes of the State.

Frank P. Parks of Kittery. Convicted of the crime of murder, at the May term, 1899, at the Supreme Judicial Court at Alfred, and sentenced to imprisonment at hard labor in the State Prison at Thomaston for the term of his natural life. June 7, 1933, Ordered that the pardon authorized by action of the former Governor and Council in this case, be interpreted as a commutation of sentence to a term of not less than forty nor more than eighty years from the time of his original commitment, with deduction for good conduct as allowed by Chapter 182 of the Public Laws of 1933, and that said deduction shall apply to the minimum specified herein.

Edwin C. Goodwin of Surry. Convicted of the crime of murder, at the October term, 1913, of the Supreme Judicial Court at Ellsworth, and sentenced to imprisonment at hard labor in the State Prison at Thomaston for the term of his natural life. June 7, 1933, Ordered that the pardon authorized by action of the former Governor and Council in this case, be interpreted as a commutation of sentence to a term of not less than twenty nor more than forty years from the time of his original commitment, with deduction for good conduct as allowed by Chapter 182 of the Public Laws of 1933, and that said deduction shall apply to the minimum specified herein.

James I. Nason of Waterville. Convicted of the crime of embezzlement at the April term, 1932, of the Superior Court at Houlton, and sentenced to imprisonment at hard labor in the State Prison at Thomaston for the term of not less than one and one-half years and not more than three years. Full and free pardon granted August 3, 1933.

John L. Somers of Portland. Convicted of the crime of breaking, entering and larceny in the night time at the January term, 1933, of the Superior Court at Portland, and sentenced to imprisonment at hard labor, for not less than one year and not more than two years in the State Prison at Thomaston. Full and free pardon granted August 3, 1933.

C. Guy Hume of Fairfield. Convicted of the crime of cheating by false pretenses at the June term, 1932, of the Superior Court at Augusta, and sentenced to not less than two nor more than three years in the State Prison at Thomaston. Full and free pardon granted August 3, 1933.

Herman C. McAdam of Bangor. Convicted of the crime of breaking, entering and larceny on two counts, at the June term, 1930, of the Superior Court at Bangor, and sentenced to imprisonment at hard labor for not less than two years and not more than four years in the State Prison at Thomaston, on each count. Pardon granted August 3, 1933, upon the conditions that he shall not be guilty of violating any of the criminal statutes of the State, and that he shall forthwith leave the limits of the United States and not return thereto.

Edward P. Simonson of Scotch Plains, New Jersey. Convicted of the crime of larceny by false pretenses at the June term, 1932, of the Superior Court at Augusta, and sentenced to not less than two nor more than four years in the State Prison at Thomaston. Full and free pardon granted September 29, 1933.

Burleigh Gilpatrick of Sanford. Convicted of the crime of breaking, entering and larceny at the January term, 1932, of the Superior Court at Alfred and sentenced to not less than seven nor more than fourteen years at hard labor in the State Prison at Thomaston. Pardon granted September 29, 1933, upon the condition that he shall not be guilty of violating any of the criminal statutes of the State.

Eugene Damboise of Connor. Convicted of the crime of receiving stolen goods at the April term, 1933, of the Superior Court at Houlton, and sentenced to imprisonment in the State Prison at Thomaston for the term of not less than one year and not more than two years. Full and free pardon granted October 6, 1933.

Ollie Lancaster of Kingman. Convicted of the crime of rape at the June term, 1932, of the Superior Court at Bangor, and sentenced to imprisonment at hard labor for not less than six years and not more than twelve years in the State Prison at Thomaston. Full and free pardon granted October 6, 1933.

Paul W. Cyr of Bangor. Convicted of the crime of assault with intent to ravish at the January term, 1927, of the Superior Court at Bangor, and sentenced to imprisonment at hard labor for not less than ten years and not more than twenty years in the State Prison at Thomaston. Pardon granted November 1, 1933 on the condition that he shall not be guilty of violating any of the criminal statutes of the State.

Charles Brown of Medford. Convicted of the crime of rape at the March term, 1931, of the Superior Court at Dover-Foxcroft, and sentenced to imprisonment in the State Prison at Thomaston for not less than four nor more than eight years. Full and free pardon granted December 6, 1933.

Leo Parent of Augusta. Convicted of the crime of rape at the October term, 1933, of the Superior Court at Augusta, and sentenced to not less than two nor more than four years in the State Prison at Thomaston. Full and free pardon granted December 15, 1933.

- Clement Jacques of Augusta. Convicted of the crime of rape at the October term, 1933, of the Superior Court at Augusta, and sentenced to not less than two nor more than four years in the State Prison at Thomaston. Full and free pardon granted December 15, 1933.
- Arthur Luprie of Bangor. Convicted of the crime of larceny from the person at the April term, 1933, of the Superior Court at Bangor, and sentenced to imprisonment at hard labor for not less than eighteen months, and not more than thirty-six months in the State Prison at Thomaston. Full and free pardon granted April 10, 1934.
- Adelard Dumont of Biddeford. Convicted of the crime of rape at the Superior Court at Saco at the January term, 1930, and sentenced to imprisonment in the State Prison at Thomaston for a period of not less than seven and one-half nor more than fifteen years, at hard labor. Full and free pardon granted April 10, 1934.
- Thomas E. Dobson alias Thomas E. Bubar of Augusta. Convicted of the crime of transporting female person for immoral purposes at the Superior Court at Augusta at the February term, 1933 and sentenced to not less than three nor more than six years in the State Prison at Thomaston. Full and free pardon granted May 4, 1934.
- Paul Carlo of Portland. Convicted of the crime of breaking, entering and larceny in the night time at the Superior Court at Portland, at the January term, 1933, and sentenced to imprisonment at hard labor in the State Prison at Thomaston for not less than two years and not more than four years. Pardon granted May 4, 1934, upon the conditions that he shall not be guilty of violating any of the criminal statutes of the State, and that he shall enter a sanatorium in the State of Arizona.
- Parker S. Kennedy of Bucksport. Convicted of the crime of forgery at the September term, 1933, of the Superior Court at Ellsworth, and sentenced to imprisonment at hard labor for not less than two years, and not more than five years in the State Prison at Thomaston. Full and free pardon granted June 7, 1934.
- Merlin R. Savage of Etna. Convicted of the crime of assault with a dangerous weapon, with intent to rob at the June term, 1932, of the Superior Court at Bangor, and sentenced to imprisonment at hard labor for not less than ten years and not more than twenty years in the State Prison at Thomaston. Full and free pardon granted June 7, 1934.
- Leo Rheume of Lewiston. Convicted of the crime of assault with intent to kill, at the January term, 1932, of the Superior Court at Auburn, and sentenced to not less than five years and not more than ten years in the State Prison at Thomaston. Full and free pardon granted October 3, 1934.
- Harry Wood of Presque Isle. Convicted of the crime of manslaughter at the Supreme Judicial Court at Houlton at the November term, 1927, and

sentenced to imprisonment in the State Prison at Thomaston for not less than ten years and not more than twenty years. Full and free pardon granted October 3, 1934.

Leo James Cyr of Van Buren. Convicted of the crime of larceny at the April term, 1933, of the Superior Court at Houlton, and sentenced to imprisonment in the State Prison at Thomaston for not less than one year and not more than two years. Full and free pardon granted October 3, 1934.

James A. Brown of Swanville. Convicted of the crime of assault and battery at the January term, 1934, of the Superior Court at Belfast, and sentenced to imprisonment at hard labor for not less than eighteen months and not more than three years in the State Prison at Thomaston. Full and free pardon granted December 5, 1934.

Sumner Strout of Casco. Convicted of the crime of assault with a dangerous weapon with intent to rob, at the January term, 1933, of the Superior Court at Portland, and sentenced to imprisonment at hard labor, for not less than three years and not more than six years in the State Prison at Thomaston. Full and free pardon granted December 5, 1934.

Murray C. Strout of Casco. Convicted of the crime of assault with a dangerous weapon with intent to rob, at the January term, 1933, of the Superior Court at Portland, and sentenced to imprisonment at hard labor for not less than five years and not more than ten years in the State Prison at Thomaston. Full and free pardon granted December 5, 1934.

Thomas J. Mulkern of Portland. Convicted of the crime of manslaughter, at the September term, 1929, of the Superior Court at Portland, and sentenced to imprisonment at hard labor in the State Prison at Thomaston for the term of not less than ten years and not more than twenty years. Sentence commuted, January 2, 1935, to a term of not less than five nor more than ten years.

County Jails

Carlo Furio of Stonington. Convicted of the crime of assault and battery at the December term, 1932, of the Superior Court at Ellsworth, and sentenced to ten months in the Hancock County Jail. Full and free pardon granted April 21, 1933.

Herman P. Fletcher of Mars Hill. Convicted of the crime of single sale at the November term, 1932, of the Superior Court at Houlton, and sentenced to pay a fine of \$200 and costs taxed at \$21.00, and to be imprisoned in the County Jail at Houlton for the term of four months, and in default of payment of fine and costs, to be imprisoned in said jail for the term of six months additional. Full and free pardon granted June 7, 1933.

Margaret M. Forbes of Belfast. Convicted of the crime of keeping and maintaining a common nuisance at the April term, 1933, of the Superior Court at Belfast, and sentenced to pay a fine of five hundred dollars, and costs, and be imprisoned in the Waldo County Jail for a term of eight months and in default of payment of fine and costs, four months additional imprisonment. Full and free pardon granted June 7, 1933.

Abraham Geisenger of Portland. Convicted of the crime of unlawful possession of intoxicating liquor at the January term, 1932, of the Superior Court at Portland, and sentenced to pay a fine of five hundred dollars, and costs of prosecution taxed at \$17.53, and be punished by imprisonment, at labor, in the County Jail at Portland for the term of six months, and in default of payment of said fine and costs, to be imprisoned in said jail for six months additional, at labor. Pardon granted June 7, 1933, upon the condition that he shall not be guilty of violating any of the criminal statutes of the State.

W. Arthur Davis of South Portland. Convicted of the crime of operating a motor vehicle while under the influence of intoxicating liquor at the May term, 1933, of the Superior Court at Portland, and sentenced to imprisonment in the County Jail at Portland for the term of three months, at labor. Full and free pardon granted June 7, 1933.

Wilfrid Denis of Westbrook. Convicted of the crime of unlawfully manufacturing or attempting to manufacture intoxicating liquors at the May term, 1933, of the Superior Court at Portland, and sentenced to pay a fine of one hundred dollars and costs of prosecution taxed at ten dollars and eighty cents, and imprisonment, at labor, in the County Jail at Portland for the term of two months, and in default of payment of said fine and costs, to be imprisoned in said jail for two months additional, at labor. Full and free pardon granted June 7, 1933.

Lisle C. Percy of Portland. Convicted of the crime of operating a motor vehicle while under the influence of intoxicating liquor, at the May term, 1933, of the Superior Court at Portland, and sentenced to imprisonment, at labor, in the County Jail at Portland for the term of three months. Full and free pardon granted June 7, 1933.

Gladys French of Westbrook. Convicted of the crime of having kept and maintained a disorderly house at Westbrook, Maine, at the May term, 1932, of the Superior Court at Portland, and sentenced to pay a fine of four hundred dollars, and costs of prosecution taxed at \$97.39, and imprisonment, at labor, in the County Jail at Portland for the term of four months, and in default of payment of said fine and costs, to be imprisoned in said jail for four months additional, at labor. Full and free pardon granted August 3, 1933.

Barnard Bernstein of Portland. Convicted of the crime of malicious mischief, at the May term, 1933, of the Superior Court at Portland, and sen-

tenced to pay a fine of two hundred dollars and costs of prosecution taxed at nineteen dollars and nineteen cents, and in default of payment of said fine and costs, to be punished by imprisonment, at labor, in the County Jail at Portland for the term of ninety days. Full and free pardon granted August 3, 1933.

Carleton S. Frye of Waterville. Convicted of the crime of breaking, entering and larceny in the night time, at the February term, 1933, of the Superior Court at Augusta, and sentenced to 11 months in the County Jail at Augusta. Full and free pardon granted October 6, 1933.

William Tactikos of Presque Isle. Convicted of the crime of single sale of intoxicating liquor, at the November term, 1932, of the Superior Court at Houlton, and sentenced to pay a fine of \$400 and costs taxed at \$25.47, and to be imprisoned in the County Jail at Houlton for the term of four months, and in default of payment of fine and costs, to be imprisoned in said jail for the term of six months additional. Full and free pardon granted October 6, 1933.

Vaughn McNaughton of Presque Isle. Convicted of the crime of single sale at the November term, 1931, of the Superior Court at Houlton, and sentenced to pay a fine of \$500.00 and costs taxed at \$40.07, and to be imprisoned in the County Jail at Houlton for the term of 6 months, and in default of payment of fine and costs, to be imprisoned in said jail for the term of 6 months additional. Full and free pardon granted October 6, 1933.

George Daudier of Biddeford. Convicted of the crime of illegal possession of intoxicating liquor, at the Municipal Court of the City of Biddeford, July 1, 1933, and sentenced to pay a fine of \$200 and costs and to serve two months in the York County Jail, and in default of payment, to serve six months additional. Full and free pardon granted October 6, 1933.

Edward Pomlow of Bangor. Convicted of the crime of non-support of wife, at the Municipal Court of Bangor September 13, 1933, and ordered to pay the sum of five dollars per month for a period of one year, or until further order of Court, to the Clerk of the Bangor Municipal Court, as trustee, for the support of his said wife, and the said respondent released from custody and placed on probation for the period of one year provided that he enter into recognizance personally the sum of two hundred dollars, conditioned that he shall make his personal appearance in court whenever ordered to do so within said year, and shall further comply with the terms or subsequent modification thereof. October 5, 1933—Probation revoked. Respondent sentenced to serve six months in jail, and during that period, to pay his wife \$30.00 per month from his checks. Full and free pardon granted December 6, 1933.

Milton T. Forbes of Belfast. Convicted of the crime of maintaining a common nuisance at the April term, 1933, of the Superior Court at Bel-

fast, and sentenced to pay a fine of five hundred dollars and costs, and eight months imprisonment, and in default of payment of fine and costs, four months additional, in the County Jail at Belfast. Full and free pardon granted December 6, 1933.

Herbert Harford of Portland. Convicted of the crime of assault and battery, at the October term, 1931, of the Superior Court at Alfred, and sentenced to serve ten months in the County Jail at Alfred—Sentence Suspended—Continued on probation for the term of two years. May 19, Probation revoked. Pardon granted January 11, 1934, upon the conditions that he shall not be guilty of violating any of the criminal statutes of the State, and that he shall report weekly to the probation officer of York County until he enters a hospital for treatment.

Clarence W. Loveitt of Portland. Convicted of the crime of aid in illegal transportation, at the June term, 1933, of the Superior Court at Augusta, and sentenced to payment of fine of \$300 and costs of \$13.43 and three months in the Kennebec County Jail, and in default of payment of fine and costs, six months additional in Jail. Full and free pardon granted February 7, 1934.

Carl Murneck of Rumford. Convicted of the crime of single sale of intoxicating liquors at the Rumford Falls Municipal Court at Rumford, September 21, 1933, and sentenced to pay a fine of one hundred dollars, and costs taxed at \$11.14, and imprisonment in the County Jail at Paris for the term of three months, and in default of payment of fine and costs, imprisonment in said jail for the term of six months additional. Full and free pardon granted February 7, 1934.

Sarah Donahue of Portland. Convicted of the crime of unlawful possession of intoxicating liquor, with intent to sell, at the September term, 1933, of the Superior Court at Portland, and sentenced to payment of fine of three hundred dollars and costs taxed at \$4.17, and imprisonment, at labor, in the County Jail at Portland for the term of three months, and in default of payment of said fine and costs, imprisonment in said Jail for six months additional at labor. Full and free pardon granted February 7, 1934.

Jacob Wexler of Brookline, Mass. Convicted of the crime of illegal transportation of intoxicating liquor at the Municipal Court of the City of Biddeford, July 3, 1933, and sentenced to payment of fine of \$300, and costs, and to serve three months in the County Jail at Alfred, and in default of payment of fine and costs, to serve six months additional. This sentence affirmed at the October term, 1933, of the Superior Court for the County of York. Pardon granted February 7, 1934, upon the conditions that he shall not be guilty of violating any of the criminal statutes of the State, and that he shall remain outside of the State.

- Frank J. Beaudoin of Brunswick. Convicted of the crime of unlawful transportation of intoxicating liquor, at the October term, 1933, of the Superior Court at Alfred, and sentenced to pay a fine of \$300, and costs taxed at \$13.60, and to serve three months in the County Jail at Alfred. In default of payment of fine and costs, to serve six months additional in said County Jail. Full and free pardon granted February 7, 1934.
- Ernest Roy of Lewiston. Convicted of the crime of bribery at the November term, 1933, of the Superior Court at Auburn, and sentenced to pay a fine of \$250, and to imprisonment in the County Jail at Auburn for 11 months. Full and free pardon granted February 7, 1934.
- Joseph O. Belanger of Lewiston. Convicted of the crime of bribery on two cases, at the November term, 1933, of the Superior Court at Auburn, and sentenced to 11 months' imprisonment in the County Jail at Auburn, and payment of fine of \$250 on first case, and 11 months' imprisonment in the County Jail on second case, sentences to run concurrently. Full and free pardon granted February 7, 1934.
- Lawrence White of Fort Kent. Convicted of the crime of larceny at the November term, 1933, of the Superior Court at Houlton, and sentenced to imprisonment in the County Jail at Houlton for the term of 11 months. Full and free pardon granted April 10, 1934.
- George Farris of Madison. Convicted of the crime of illegal possession of intoxicating liquors, with intent to sell, at the Trial Justice Court at Madison January 27, 1934, and sentenced to pay a fine of \$300 and costs taxed at \$31.60, and imprisonment for sixty days in the County Jail at Skowhegan, and in default of payment of fine and costs, imprisonment for six months additional. Pardon granted April 10, 1934, upon the condition that he shall not be guilty of violating any of the criminal statutes of the State.
- David Conley of Bangor. Convicted of the crime of assault with intent to commit larceny, and larceny, at the September term, 1933, of the Superior Court at Ellsworth, and sentenced to six months in the County Jail at Ellsworth on Count 3, ten months in County Jail on Count 4, ten months in County Jail on Count 6, all to run concurrently. Full and free pardon granted May 4, 1934.
- Joseph Doyon of Lewiston. Convicted of the crime of adultery at the January term, 1934, of the Superior Court at Auburn, and sentenced to eight months' imprisonment at labor in the County Jail at Auburn. Full and free pardon granted May 4, 1934.
- Michael Foley of Portland. Convicted of the crime of cruelty to child at the Portland Municipal Court, October 21, 1933, and sentenced to four months in the County Jail—Probation one year. March 5, 1934, Probation revoked. Mittimus issued. Full and free pardon granted May 18, 1934.

- Alcide Blanchette of Biddeford. Convicted of the crime of unlawful transportation of intoxicating liquor at the Superior Court at Alfred at the October term, 1933, and sentenced to pay a fine of \$300 and costs taxed at \$16.86, and to serve three months in the County Jail at Alfred, and in default of payment of fine and costs, to serve six months additional. Full and free pardon granted June 7, 1934.
- Vincent McBrearity of Allagash Plantation. Convicted of the crime of embezzlement at the Superior Court at Houlton, at the November term, 1933, and sentenced to imprisonment in the County Jail at Houlton for the term of ten months. Full and free pardon granted June 7, 1934.
- Milford York of Searsport. Convicted of the crime of larceny at the October term, 1933, of the Superior Court at Belfast, and sentenced to 11 months in the County Jail at Belfast. Full and free pardon granted June 7, 1934.
- John Haney of Portland. Convicted of the crime of larceny at the Portland Municipal Court at Portland March 9, 1934, and sentenced to six months in the County Jail at Portland. Full and free pardon granted June 7, 1934.
- Joseph Arcand of Sanford. Convicted of the crime of illegal transportation at the January term, 1934, of the Superior Court at Alfred, and sentenced to payment of fine of \$300 and costs taxed at \$9.85, and to serve three months in the County Jail at Alfred. If fine and costs are not paid, three months additional. Respondent given until the first Tuesday of May, 1934, to pay fine and costs. If fine and costs are then paid, jail sentence shall be suspended. Respondent placed on probation for 1 year in custody of Probation Officer. May 2, 1934, Mittimus issued. Full and free pardon granted August 1, 1934.
- Herbert Curtis of Mexico. Convicted of the crime of unlawful possession of intoxicating liquors with intent to sell, at the June term, 1934, of the Superior Court at Paris, and sentenced to payment of fine of \$100 and costs taxed at \$13.94, and imprisonment in the County Jail for a term of two months, and in default of payment of fine and costs, to be imprisoned for six months additional. Full and free pardon granted October 3, 1934.

State Reformatory for Men

Fernand Boucher, alias Ferdinand Boucher of Augusta. Convicted of the crime of larceny at the Municipal Court at Augusta March 19, 1934, and sentenced to the Reformatory for Men at South Windham. Pardon granted May 19, 1934, upon the conditions that he shall not be guilty of violating any of the criminal statutes of the State, and that he shall report monthly to the Probation Officer of the County of Kennebec for a period of one year.

STATE OF MAINE

Executive Department

Augusta

November 14, 1933

To the Honorable Justices of the Supreme Judicial Court:

Under and by virtue of the authority conferred upon the Governor by the Constitution of Maine, Article VI, Section 3, I, Louis J. Brann, Governor of Maine, respectfully submit the following statement of facts, and question, and ask the opinion of the Justices of the Supreme Judicial Court thereon:

Statement

The Merrill Trust Company of Bangor, at a meeting of its stockholders held on November 10, 1933, adopted a plan of reorganization prepared with the approval of the Reconstruction Finance Corporation and Federal Reserve Board at Washington, which requires the granting of two special charters by the Legislature of Maine, which are herewith presented, both charters having been enacted by the Senate and House of Representatives as Emergency Legislation, and now are in my hands as Governor for my approval and signature, in accordance with the provisions of Article IV, Section 2 of the Constitution of Maine.

Question

Are these Charters valid and constitutional Legislation within the meaning of Article IV, Section 14 of the Constitution of Maine?

Respectfully submitted,

LOUIS J. BRANN,
Governor of Maine.

[Seal]

By the Governor:

ROBINSON C. TOBEY,
Secretary of State.

To His Excellency, Louis J. Brann, Governor of Maine:

The undersigned Justices of the Supreme Judicial Court have the honor to submit the following answer to the question propounded to us, bearing date of November 14, 1933, in connection with the granting of two special charters by the Legislature to the Merrill Trust Company of Bangor.

Question

Are these charters valid and constitutional legislation within the meaning of Article IV, Section 14 of the Constitution of Maine?

Answer

We answer the above question in the affirmative.

Very respectfully,

W. R. PATTANGALL
 CHARLES J. DUNN
 GUY H. STURGIS
 CHARLES P. BARNES
 SIDNEY ST. F. THAXTER

Dated November 14th, 1933.

ADDRESS OF GOVERNOR LOUIS J. BRANN TO THE EIGHTY-SIXTH LEGISLATURE IN SPECIAL SESSION

DECEMBER 4, 1933

To the Members of the 86th Legislature, in Special Session:

Under the authority conferred by the Constitution, the Legislature is called into special and extraordinary session.

The following information is respectfully submitted:

Financial Affairs

The great concern is to maintain the financial stability of the State.

Other considerations are secondary.

The income of the State has sharply declined.

To preserve the ratio of safety between income and expenditures we have limited and reduced State expenditures.

Comparison of receipts of first five months of fiscal year ending June 30, 1933, and first five months of present fiscal year:

Last fiscal year (5 months)	\$13,716,865.57
Present fiscal year (5 months)	9,733,322.78
Decrease in receipts	3,983,542.79

Comparison of expenditures of first five months of fiscal year ending June 30, 1933, and first five months of present fiscal year:

Last fiscal year (5 months)	\$14,408,208.12
Present fiscal year (5 months)	9,428,626.54

Decrease in expenditures 4,979,581.58

(Included in above expenditures are disbursements made on account of Federal Relief Administration, and Federal Public Works Administration, totalling \$1,512,055.83. Grants from Federal Government.)

To put in easily remembered figures, the decrease in State income has been approximately \$4,000,000.00 and the decrease in State expenditures has been approximately \$5,000,000.00 in first five months of present fiscal year.

Treasury position as of December 1, 1933:

Cash on hand and in banks	\$3,118,876.66
(Amount in closed banks, unavailable)	573,625.37
Amount that should be in State Treasury as obligated funds	4,704,830.10
(This amount includes amount immediately payable to cities and towns for state aid and special resolves)	1,037,000.00

It is estimated that the total State expenditures, exclusive of Federal grants will not exceed \$16,000,000.00 for the present fiscal year.

Drastic savings were made in the salaries, the departments and institutions of the State earlier in the year.

Further curtailment would mean the elimination of State activities.

Payment of State Taxes by Cities and Towns

Cities and towns have found it increasingly difficult to pay State taxes.

The credit of the State, unless some new source of revenue is immediately found, depends upon the ability of the municipalities and towns to pay promptly their State taxes:

The difficulty of calculation lies in the inability to know to what extent the municipalities can discharge their obligations to the State.

Many cities and towns have made a most satisfactory record.

The failure to pay has not been through neglect, but through inability.

Unavailable town funds in closed institutions and the failure of the individual to pay taxes have hampered in many cases.

Prompt payment by municipalities would insure a sound treasury position.

The disquieting fact is that cities and towns already in arrears on last year's taxes owe the State substantially \$1,500,000.00 as of December 1, 1933.

The heartening side of the picture is the friendly relations that exist between the State and the municipalities.

There is a firm spirit of determination to weather the storm.

It is a splendid manifestation of the sturdy moral fibre of Maine that has always proposed to meet obligations when due.

New Sources of Revenue

Additional sources of revenue aside from that which may accrue from possible temperance legislation, can be found only in the imposition of new forms of taxation.

We do not need more money to run the State unless the present taxation system fails to produce the anticipated revenue.

Any new form of taxation should be directed toward abatement of the present assessment upon properties least able to pay, namely, farm, home and tenement property.

This involves a revision of the present tax system.

Temporary Loan

The Constitution prohibits the State borrowing in excess of \$800,000.00. The full amount permitted by the Constitution had been borrowed when this administration assumed office.

No borrowing, however necessary, is possible.

The credit of the State cannot be further pledged.

The present amendment to the Constitution was approved in 1919.

The total state expenditures were then only about \$9,000,000.00.

Since that time the State has expended as much as \$31,000,000.00 in a year.

The borrowing capacity of the State should be increased to at least \$2,000,000.00, and I respectfully recommend that this Legislature submit a resolution at the next State election amending the Constitution and increasing the borrowing capacity.

Sales Tax

I regard a sales tax as a means of quick relief as impracticable.

To pass as emergency legislation, a two-thirds vote is necessary.

Without the emergency clause appended a referendum would undoubtedly be resorted to, delaying its operation for many months.

Merchants have adjusted their affairs under the National Recovery codes, and any action by the State which would tend to disturb conditions at this time is undesirable unless unqualifiedly necessary.

Tax Revision

The basic and fundamental trouble is that the direct tax system of the State has broken down.

Substantially every problem of the State is essentially a tax or revenue problem.

The tax system is outworn and must be replaced by a new one.

The revision of the tax laws become immediately necessary.

Further delay will jeopardize the credit of the State.

I realize it will take time to hold the necessary hearings and to formulate a bill, but the work should be undertaken immediately and enacted into law by this legislature or submitted to the people for approval.

The revision should be completed in three months.

I wish very much it might be submitted for its final acceptance to the people.

Two recess committees have been named.

The first, a Recess Committee on Taxation, and the second a Commission to make a survey of Public School Finances in the State of Maine, both appointed by the Executive under the authority of the Legislature.

The Legislature may determine, in its wisdom, that the committees should be enlarged to include every interest in the State.

The revision should include provision for paying the old age pensions under Chapter 267 of the Public Laws of 1933.

Maine can no longer delay the assumption of this humane responsibility.

Flexibility Act

An Act providing flexibility in the handling of state revenues and expenditures during the period of the present State emergency should be re-enacted to continue in effect until a revision of the tax system is effected.

Highways

It will be urged that we divert highway funds.

Maine has expended vast sums in the construction and maintenance of highways.

I subscribe to the policy.

I believe that in normal times every dollar of highway funds should be spent upon the highways without diversion.

No other state department has been treated with such liberality.

The figures are astounding.

In the last twenty years the State has expended for highway construction and maintenance one hundred and forty-eight million dollars.

This does not include the contributions made by cities and towns on state aid work.

Outstanding highway and bridge bonds amount to \$29,333,000 and that comprises substantially the entire bonded debt of the state.

The highway work in Maine this year has been supplemented by a grant of \$3,369,917.00 from the Federal Government.

Of this amount \$1,102,759.31 has been expended, leaving a balance of \$2,267,157.69 yet to be expended.

9,430 men were employed on these Federal projects during the month of November.

It is estimated that as many men will be employed in the completion of the Federal road program next year.

At this very hour 10,000 men in the State are working under the Civil Works Administration, and more than one-half of these men are employed on road projects.

This is about one-half the number ultimately to be given work.

The great purpose to relieve unemployment in the State is being achieved. My judgment is that further Federal grants will be made to the State for road construction.

I respectfully recommend to the consideration of the Legislature the creation of a one full time highway commissioner in place of the present three man commission.

Repeal and Temperance Legislation

Nationwide prohibition will end tomorrow.

Repeal of the national amendment has been decisive and overwhelming. It will no longer be illegal under the Constitution of the United States to manufacture and sell intoxicating liquors.

The problem of regulation is now returned to the states.

The 26th Amendment to the State Constitution reads as follows,—

“The manufacture of intoxicating liquors, not including cider, and the sale and keeping for sale of intoxicating liquors, are and shall be forever prohibited. Except, however, that the sale and keeping for sale of such liquors for medicinal and mechanical purposes and the arts, and the sale and keeping for sale of cider may be permitted under such regulations as the Legislature may provide. The Legislature shall enact laws with suitable penalties for the suppression of the manufacture, sale and keeping for sale of intoxicating liquors, with the exceptions herein specified.”

For the purposes enumerated in the Constitution, I recommend the passage of an Act controlling the sale and keeping of intoxicating liquors to be effective until the 26th Amendment is either rejected or retained by vote of the people.

Pure liquors at reasonable prices should be made available.

The old-fashioned saloon must not come back.

Our great problem in Maine is to eliminate the illegal sale and transportation of intoxicants.

Our real contest is against the smuggler, the bootlegger and the kitchen speak-easy.

If control legislation is enacted, I urge upon our citizens the necessity

of patronizing the constituted sources of supply instead of those persons who may attempt to transport and sell illegally.

The question may arise as to whether an Act to become effective after the repeal of the 26th Amendment can be voted upon simultaneously with repeal.

I am firmly of the opinion that the permanent control legislation should be adopted by direct vote of the people at a referendum election.

The great cause of the failure of the prohibitory law has been the failure of the people to morally and legally support the same.

The success of any law rests upon the support of the people.

Upon the question of the validity of a law dependent upon a future contingency, Chapter 38 of the Public Laws of 1921 apparently establishes a precedent in Maine.

The Act provides that,—

“This Act shall not take effect unless and until the constitution of this state is amended by striking out the word ‘present’ in the fifth and thirty-fourth lines of section five, article four, part first, thereof, or as otherwise amended so as to allow the casting of ballots at elections by voters not present at the polls in person.”

A legislative Act to depend on a future contingency was upheld by the Supreme Court of Connecticut in the case of Pratt vs. Allen, Volume 13, Connecticut Reports, Pages 127 and 128.

I address this phase of the situation to your consideration.

Bills prepared under the supervision of very eminent citizens, including members of the Legislature, will be introduced for your information and assistance and as a basis of consideration.

They are not intended to influence the deliberations of the Legislature.

Banks and Banking

Our present banking laws need study, strengthening and revision.

Many banks have gone through the banking crisis in sound condition; others have not, indicating a failure either in management or supervision, or both.

We should consider every unsound banking practice disclosed by the events of the last few months, and correct by legislative enactment.

Chain banking, holding company control and interlocking directorates should be prohibited by law.

There should be more frequent examinations required by law.

The law in reference to investments and loans should be revised to protect depositors against unwise investments and unsound loans.

Suitable penalties should be prescribed for criminal or wilful neglect of the directors and officials of banks.

I recommend that the law be changed to permit the liquidation of closed state banks by the Bank Commissioner.

This is the practice in thirty-nine states of the Union.

It is the practice of the Federal Government.

In New England, New Hampshire, Vermont, Massachusetts and Rhode Island liquidate banks through the banking departments.

The law should provide for the fullest publicity at all times available to the depositors of closed banks.

The Bank Commissioner should also be placed in charge of the reorganization of closed banks, subject to the supervision of the courts.

Public Works under National Recovery Act

The Constitution of the State provides that the credit of the State shall not be directly or indirectly loaned in any case.

In order to avail ourselves of the provisions of the Public Works Act in accepting loans and grants from the Federal Government, it is necessary to pledge the credit of the State.

For this reason the State has been unable to avail itself of the benefits of the National Recovery Act.

To take advantage of the Public Works Act, the Legislature must pass an Enabling Act amending Article 42 of the Constitution relating to the debt limit of the State.

The Enabling Act, if passed, must be voted on by the people at the State election in 1934.

In order for cities and towns who have exceeded their debt limit to take advantage of the provisions of the Act, it will be necessary to amend Article 34 of the Constitution of the State by the same procedure.

Bonds of Home Owners' Loan Corporation

I recommend the passage of legislation relating to the bonds of the Home Owners' Loan Corporation.

The purpose of the Home Owners' Loan Act is to save homes of people in distress by reason of foreclosure or otherwise.

The financing of the Home Owners' Loan Corporation is done by the exchange of bonds for the mortgage which is taken up and refinanced.

There is apparently no legal authority for loan and building associations to accept these bonds.

As a consequence the work of the Home Owners' Loan Corporation in this state has been impeded.

Loan and building associations desire to cooperate, but cannot do so because of lack of legal authority.

This situation should be corrected.

Other phases of the situation are covered in the bill.

Federal Child Labor Amendment

I recommend the ratification of the Federal Child Labor Amendment to the Constitution of the United States.

It establishes the sixteen year minimum age in practically all industries.

This is the standard set by the National Recovery Act codes.

The National Recovery Act ends in June, 1935.

This standard can only be perpetuated through a ratification of the Federal Amendment, and subsequent passage of law along the lines of these standards now accepted as desirable by a great majority of Americans.

I trust the amendment will be ratified by the Legislature.

National Forests

The Federal Government stands ready to establish a national forest in the State by the purchase of one million acres of land.

The Government does not resort to condemnation proceedings, but buys in the open market.

I respectfully suggest that the forests be designated as the "Roosevelt National Forest."

I further respectfully urge the passage of the private and special legislation relating to the Moosehead Lake State Park and Camping Reserve Project sponsored by the Honorable Frank C. Hinckley of Bangor.

Commission on Interstate Compacts

The Act simply provides for the establishment of an unpaid commission on Interstate Compacts, affecting labor and industry.

It consists of seven members, of whom one shall be a member of the Senate, to be designated by the President of the Senate; three shall be members of the House of Representatives, to be designated by the Speaker of the House; and three appointed by the Governor.

They are to confer with similar Commissions representing the other New England states for the purpose of working out uniform standards, affecting labor and industry in New England.

I thank you for your attention.

LOUIS J. BRANN.

To the Members of the Eighty-Seventh Legislature of the State of Maine:

The inaugural of the Chief Executive, under the heading "Relief" contained the following:—

"There is no emergency relief law whereby the State can assist the community in the care of the poor.

"The situation is serious.

"The times force upon us the conclusion that the State must recognize the inability of many cities and towns to care for the poor, and its own responsibility to relieve distress and suffering where municipalities are unable to act."

I recommend the immediate appropriation of fifty thousand dollars to be expended by the Commissioner of Health and Welfare in cases where cities and towns are unable to care for the poor and needy.

Many of the towns in Aroostook County require immediate relief.

Other cities and towns require immediate relief.

This situation is not entirely confined to Aroostook.

Under the recent pronouncement of the President announcing the relief policy of the Administration, the municipalities are required to care for the unemployables.

This duty rests first upon the municipalities.

Where the municipalities are unable to perform this humane obligation, the State should immediately assume the care of the unemployables and those needing relief.

On Saturday and Monday last, the Aroostook situation was taken up with the Federal Relief Administration at Washington.

The Relief Administration stands ready to assist in the care and support of the employables that cannot secure work at the present time, but with the understanding that either the municipality or the State care for the unemployables.

The situation is so critical that I am obliged to suggest and recommend to the Legislature the immediate passage of emergency legislation, and by immediate, I mean today, authorizing the expenditure of fifty thousand dollars, or such part as may be necessary to care for the unemployables and those needing assistance, in those municipalities of the State where their ability to care for the poor has become impossible.

Food and clothing must be made immediately available.

Wires urging immediate action from officials and citizens are constantly coming to me.

This recommendation is in line with the recommendation submitted in the Inaugural of the Chief Executive that for the next two fiscal years, the Commissioner of Health and Welfare be given the authority and provided with the financial ability to handle an emergency such as now exists in Aroostook and some few cities and towns in the State.

The Chief Executive will then immediately upon the passage of this legislation, file an application for Federal funds to care for the employables in the municipalities needing assistance.

LOUIS J. BRANN,
Governor.

January 23, 1935.

Special Communication from the Governor

STATE OF MAINE

Office of the Governor

Augusta

April 6, 1935

To the Honorable Senate and House of Representatives:

The Legislature has enacted and submitted to me for signature—H. P. 1794—L. D. 816—AN ACT to Provide for Old Age Pensions.

I approve of the purpose and intent of the bill and favor the enactment of a workable old age pension law.

I do not desire the people of Maine, especially those entitled to old age relief to be misled by the fact that the bill has been enacted, and has received the signature of the Governor with no appropriation to carry into effect the provisions of the Act.

I respectfully request the Legislature to point out to the Chief Executive and to the State Controller the fund from which money may be found to carry out the provisions of the Act.

Section 16 of said Act provides, "That the State Controller is hereby directed and empowered to set up from general funds of the State such an amount as may be required to carry out the provisions of this Act, unless funds are otherwise provided."

The Legislature has failed to provide any fund to carry into effect the Act, and the appropriation bill carries no appropriation for old age pensions.

The aged of the State are looking expectantly to the Legislature to provide some relief for them.

It is unjust to create any false hopes in the minds of the aged of the State.

Security of the elderly is too sacred an obligation with which to trifle.

The passage of this measure without provision for funds to make it effective, is an empty gesture.

I do not believe that either you or I wish to be put into the position of creating any false hopes and expectations in the minds of the aged.

I respectfully ask the Legislature to designate to the Controller and the Chief Executive the source from which funds may be found to finance an old age pension law.

This is not a veto but a respectful request to the Legislature for information.

Respectfully submitted,

LOUIS J. BRANN,
Governor.

STATE OF MAINE
OFFICE OF THE GOVERNOR

Augusta

April 6, 1935

To the President of the Senate and the Speaker of the House:

I herewith transmit a list of the acts and resolves passed by the present Legislature.

I have approved a total of 281 acts and 134 resolves. I presented one veto.

I know of nothing further to engage your attention.

May my best and sincerest wishes attend your journeys home.

Sincerely submitted,

LOUIS J. BRANN,
Governor.

CONSTITUTIONAL CONVENTION

STATE OF MAINE

Augusta

Hall of the House,

December 6, 1933

We, William T. Cobb, President and Royden V. Brown, Secretary respectively of the Constitutional Convention of the State of Maine, duly elected by the electors of said State and held on the 6th day of December, 1933 in the Hall of the House of Representatives of said State at the State House, Augusta, Maine, in accordance with the provisions of Chapter 83 of the Private and Special Laws of 1933, to act upon that proposal of amendment to the Constitution of the United States which was set forth in a joint resolution passed on the 20th day of February, 1933 at the second session of the Seventy-second Congress of the United States:

Do hereby certify that the following proposed article of amendment to the Constitution of the United States which was set forth in said joint resolution was duly ratified by said Convention by the Unanimous vote of all the delegates present, namely seventy-two delegates, constituting more than a quorum:

Article—

Section 1. The eighteenth article of amendment to the constitution of the United States is hereby repealed.

Section 2. The transportation or importation into any state, territory, or possession of the United States for delivery or use therein of intoxicating liquors, in violation of the law thereof, is hereby prohibited.

Section 3. This article shall be inoperative unless it shall have been ratified as an amendment in the constitution by conventions in the several states, as provided in the constitution, within seven years from the date of the submission hereof to the states by the Congress.

In Testimony Whereof, We have hereunto set our hands this sixth day of December, 1933.

WILLIAM T. COBB,
President.

ROYDEN V. BROWN,
Secretary.

DECLARATION

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