

# MAINE STATE LEGISLATURE

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Legislative Record

OF THE

Eighty-Ninth Legislature

OF THE

STATE OF MAINE

1939

KENNEBEC JOURNAL COMPANY  
AUGUSTA, MAINE

**HOUSE**

Thursday, January 19, 1939.

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

Prayer by the Rev. Mr. Cunningham of Augusta.

Journal of the previous session read and approved.

Papers from the Senate disposed of in concurrence.

The following bills and resolves were received, and upon recommendation of the committee on Reference of Bills were referred to the following committees:

**Appropriations and Financial Affairs**

Resolve in favor of Leo Shay, Representative of the Penobscot Tribe of Indians (H. P. 230) (Presented by Mrs. Latno of Old Town)  
Sent up for concurrence.

**Claims**

Resolve in favor of Flora Case Grant of Marion (H. P. 231) (Presented by Mr. Dennison of E. Machias)

Resolve in favor of Louis H. Violet of Hartland (H. P. 232) (Presented by Mr. Jewett of Ripley)

Resolve to reimburse the town of Orono for the Support of Mrs. Joseph S. Dall, State Pauper (H. P. 233) (Presented by Mr. Luro of Orono)

Resolve in favor of O. M. Froding of Portland (H. P. 234) (Presented by Mr. McGlauffin of Portland)

Resolve to reimburse the town of New Vineyard for Aid to Earle Welch, a State Pauper (H. P. 235) (Presented by Mr. Richardson of Strong)

Resolve in favor of Joseph Michaud of Berwick (H. P. 236) (Presented by Mr. Varney of Berwick)

Resolve in favor of Charles M. Austin of Bethel (H. P. 237) (Presented by Mr. Williams of Bethel)  
Sent up for concurrence.

**Federal Relations**

Memorial to the Congress of the United States relative to Completion of the Quoddy Project (H. P. 238) (Presented by Mr. MacNichol of Eastport)  
Sent up for concurrence.

**Inland Fisheries and Game**

Resolve for Screening Outlet of Bog Lake in the town of Northfield (H. P. 239) (Presented by Mr. Dennison of E. Machias)

Resolve Opening Twitchell Pond to Ice Fishing (H. P. 240) (Presented by Mr. Williams of Bethel)

Resolve Opening South Pond to Ice Fishing (H. P. 241) (Presented by same gentleman)

Resolve Opening Weymouth Pond to Ice Fishing (H. P. 242) (Presented by same gentleman)  
Sent up for concurrence.

**Judiciary**

Bill "An Act relating to Automobile Junk Yards" (H. P. 243) (Presented by Mr. Cleaves of Presque Isle)

(500 copies ordered printed)

Bill "An Act relating to Town Clerks" (H. P. 244) (Presented by Mr. Payson of Portland)

(500 copies ordered printed)

Bill "An Act relating to Removal of Paupers from towns wherein they have no settlement" (H. P. 245) (Presented by same gentleman)

(500 copies ordered printed)

Bill "An Act relating to Removal of Paupers" (H. P. 246) (Presented by same gentleman)

(500 copies ordered printed)

Bill "An Act relating to Rotating Names of Candidates on Ballots at Primary Elections" (H. P. 247) (Presented by Mr. Richardson of Strong by request)

(500 copies ordered printed)

Bill "An Act relating to the Reorganization of Corporations under the National Bankruptcy Act" (H. P. 248) (Presented by Mr. Weatherbee of Lincoln)

(500 copies ordered printed)

Resolve proposing an Amendment to the Constitution to Provide for the Number of Senators (H. P. 249) (Presented by Mr. Richardson of Strong)

(500 copies ordered printed)

Sent up for concurrence.

**Legal Affairs**

Bill "An Act to Regulate the Practice of Architecture and to Create a Board to Provide for the Examination and Registration of Architects" (H. P. 250) (Presented by Mr. Payson of Portland)

(500 copies ordered printed)

Bill "An Act relating to Barber

Shops" (H. P. 251) (Presented by Mr. Starrett of Warren by request) (500 copies ordered printed) Sent up for concurrence.

### Motor Vehicles

Bill "An Act relative to Operation of Commercial Motor Trucks and Busses on the Highways of this State" (H. P. 252) (Presented by Mr. Eddy of Bangor)

(Tabled by Mr. Hinman of Skowhegan, pending reference)

Bill "An Act Repealing the Law relating to Chauffeurs' Licenses" (H. P. 253) (Presented by Mr. Paul of Portland)

(500 copies ordered printed)

Bill "An Act relating to Printing on Operators' Licenses" (H. P. 254) (Presented by same gentleman)

(500 copies ordered printed)

Sent up for concurrence.

### Pensions

Resolve providing for a State Pension for Andrew B. Berry of Camden (H. P. 255) (Presented by Mr. Dwinall of Camden)

Resolve providing for a State Pension for William S. Gardner of Canaan (H. P. 256) (Presented by Mr. Jewett of Ripley)

Resolve providing an Increase in State Pension for Anna Lou Hobart of Farmington (H. P. 264) (Presented by Mr. Mills of Farmington)

Sent up for concurrence.

### Sea and Shore Fisheries

Resolve relating to the Taking of Shellfish and Worms within the limits of the town of Falmouth (H. P. 257) (Presented by Mr. Gyger of Cumberland)

(500 copies ordered printed)

Sent up for concurrence.

### State Lands and Forest Preservation

Resolve Authorizing the Sale of State's Interest in Certain Lands in Township No. 3 Range 4 (H. P. 258) (Presented by Mr. Bowers of Sherman)

(500 copies ordered printed)

Sent up for concurrence.

### Taxation

Bill "An Act Exempting certain Aged Citizens from the Payment of a Poll Tax" (H. P. 259) (Presented by Mr. Eddy of Bangor)

(500 copies ordered printed)

Bill "An Act Exempting Estates of Widows of Blind Persons from

Taxation" (H. P. 260) (Presented by Mr. Paul of Portland) (500 copies ordered printed) Sent up for concurrence.

### Towns

Bill "An Act to Provide for the Surrender by Concord Plantation of its Organization" (H. P. 261) (Presented by Mr. Everett of Norridgewock)

Petition of Wilbur J. Dunphy and 73 others of Concord in favor of same (H. P. 262) (Presented by same gentleman)

(500 copies of bill ordered printed)

Sent up for concurrence.

### University of Maine

Bill "An Act relating to the Treasurer of the University of Maine" (H. P. 263) (Presented by Mr. Gyger of Cumberland)

(500 copies ordered printed)

Sent up for concurrence.

### Ways and Bridges

Resolve in favor of the town of Frenchville (H. P. 169) (Presented by Mr. Babin of Frenchville)

Resolve in favor of the town of St. Agatha (H. P. 170) (Presented by same gentleman)

Resolve in favor of the town of Madawaska (H. P. 171) (Presented by same gentleman)

Resolve in favor of the town of Island Falls (H. P. 172) (Presented by Mr. Bowers of Sherman)

Resolve in favor of the town of Sherman (H. P. 173) (Presented by same gentleman)

Resolve in favor of the town of Crystal (H. P. 174) (Presented by same gentleman)

Resolve in favor of the town of Eagle Lake (H. P. 175) (Presented by Mr. Brown of Eagle Lake)

Resolve in favor of the town of New Gloucester (H. P. 176) (Presented by Mr. Chandler of New Gloucester)

Resolve in favor of the town of New Gloucester (H. P. 177) (Presented by same gentleman)

Resolve in favor of Greenville-Rockwood Road (H. P. 178) (Presented by Mr. Dean of Greenville)

Resolve in favor of Greenville-Kokadjo Road (H. P. 179) (Presented by same gentleman)

Resolve in favor of the town of Starks (H. P. 180) (Presented by Mr. Everett of Norridgewock)

Resolve in favor of Concord Plan-

tation (H. P. 181) (Presented by same gentleman)

Resolve in favor of the town of Embden (H. P. 182) (Presented by same gentleman)

Resolve in favor of the town of Unity (H. P. 183) (Presented by Mr. Farwell of Unity)

Resolve in favor of the town of Unity (H. P. 184) (Presented by same gentleman)

Resolve in favor of the town of Swanville (H. P. 185) (Presented by same gentleman)

Resolve in favor of the town of Brooks (H. P. 186) (Presented by same gentleman)

Resolve in favor of the town of Burnham (H. P. 187) (Presented by same gentleman)

Resolve in favor of the town of Jackson (H. P. 188) (Presented by same gentleman)

Resolve in favor of the town of Thorndike (H. P. 189) (Presented by same gentleman)

Resolve in favor of the town of Monroe (H. P. 190) (Presented by same gentleman)

Resolve in favor of the town of Troy (H. P. 191) (Presented by same gentleman)

Resolve in favor of the town of Pittsfield (H. P. 192) (Presented by Mr. Fogg of Cornville)

Resolve in favor of the town of Detroit (H. P. 193) (Presented by same gentleman)

Resolve in favor of the town of Cumberland (H. P. 194) (Presented by Mr. Gyger of Cumberland)

Resolve in favor of the town of Cumberland (H. P. 195) (Presented by same gentleman)

Resolve in favor of the town of Standish (H. P. 196) (Presented by Mr. Hanold of Standish)

Resolve in favor of the town of Baldwin (H. P. 197) (Presented by same gentleman)

Resolve in favor of the town of Sebago (H. P. 198) (Presented by same gentleman)

Resolve in favor of the town of Leeds (H. P. 199) (Presented by Mr. Holden of Webster)

Resolve in favor of Wallagrass Plantation (H. P. 200) (Presented by Mr. Labbee of Fort Kent)

Resolve in favor of the town of Fort Kent (H. P. 201) (Presented by same gentleman)

Resolve in favor of the town of Milford (H. P. 202) (Presented by Mr. Luro of Orono)

Resolve in favor of the town of

Orono (H. P. 203) (Presented by same gentleman)

Resolve in favor of the town of Milbridge (H. P. 204) (Presented by Mr. Melanson of Cherryfield)

Resolve in favor of the town of Addison (H. P. 205) (Presented by same gentleman)

Resolve in favor of the town of Cherryfield (H. P. 206) (Presented by same gentleman)

Resolve in favor of the town of Harrington (H. P. 207) (Presented by same gentleman)

Resolve in favor of the town of Steuben (H. P. 208) (Presented by same gentleman)

Resolve in favor of the town of Milbridge (H. P. 209) (Presented by same gentleman)

Resolve in favor of the town of Columbia (H. P. 210) (Presented by same gentleman)

Resolve in favor of the city of Calais (H. P. 211) (Presented by Mr. Murchie of Calais)

Resolve in favor of the city of Calais (H. P. 212) (Presented by same gentleman)

Resolve in favor of the town of Weld (H. P. 213) (Presented by Mr. Richardson of Strong)

Resolve in favor of the town of Industry (H. P. 214) (Presented by same gentleman)

Resolve in favor of the town of Madrid (H. P. 215) (Presented by same gentleman)

Resolve in favor of the town of Carthage (H. P. 216) (Presented by same gentleman)

Resolve in favor of the town of New Vineyard (H. P. 217) (Presented by same gentleman)

Resolve in favor of the town of Strong (H. P. 218) (Presented by same gentleman)

Resolve in favor of the town of Avon (H. P. 219) (Presented by same gentleman)

Resolve in favor of the town of Phillips (H. P. 220) (Presented by same gentleman)

Resolve in favor of the town of Jonesport (H. P. 221) (Presented by Mr. Stevens of Jonesport)

Resolve in favor of the town of Beals (H. P. 222) (Presented by same gentleman)

Resolve in favor of the town of Edgecomb (H. P. 223) (Presented by Mr. Stilphen of Dresden)

Resolve in favor of the town of Edgecomb (H. P. 224) (Presented by same gentleman)

Resolve in favor of the town of

Bremen (H. P. 225) (Presented by same gentleman)

Resolve in favor of the town of Bethel (H. P. 226) (Presented by Mr. Williams of Bethel)

Resolve in favor of the town of Frankfort (H. P. 227) (Presented by Mr. Worth of Stockton Springs)

Resolve in favor of the town of Anson (H. P. 228) (Presented by Mr. Everett of Norridgewock)

Resolve in favor of the town of Rockport (H. P. 229) (Presented by Mr. Starrett of Warren)

Sent up for concurrence.

### Orders

Mr. BUBAR of Weston: Mr. Speaker, I wish unanimous consent of the House to introduce a Memorial, out of order, and move its passage.

The SPEAKER: The gentleman from Weston, Mr. Bubar, asks unanimous consent to introduce a Memorial, out of order. Is there objection? The Chair hears objection, and unanimous consent is not granted.

On motion by Mr. Fellows of Augusta, it was

Ordered, that the use of the hall of the House be granted to the Maine Osteopathic Association for Saturday, February 4, 1939.

### Report of a Committee

Mr. McGlauffin from the House Committee on Leave of Absence reported that Mr. Pike of Lubec be excused from attending the sessions of the House during the present week on account of illness.

### Passed to be Enacted

(Emergency Measure)

An Act Authorizing the city of Bangor to Finance Municipal Construction and Acquire Land for the Purpose (H. P. 24) (L. D. 4)

The SPEAKER: This being an emergency measure, it requires for its passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the passage of this bill to be enacted will rise and remain standing until counted and the Monitors will make and return the count.

A division being had,

One hundred and thirty-seven voting in the affirmative, and none in the negative, 137 being more than two-thirds of the entire elected

membership of the House, the bill was passed to be enacted.

On motion by Mr. Whitney of Bangor, the bill was ordered sent forthwith to the Senate.

### Orders of the Day

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

The following Order:

Ordered, the House concurring, that when the Senate and House adjourn, they adjourn to meet Tuesday, January 24th, 1939, at 4:30 in the afternoon (S. P. 85)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate:

The following communication:

### STATE OF MAINE EXECUTIVE DEPARTMENT AUGUSTA

January 19, 1939.

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

In my inaugural message to the Eighty-ninth Legislature reference was made to a report of the Institute of Public Administration concerning the Department of Health and Welfare at the request of the Governor and Council.

I believe there is sufficient interest being shown in all problems of the Department of Health and Welfare to justify making this complete report available to every member of the Senate and House of Representatives.

I have the honor to herewith transmit the original copy.

Respectfully submitted,

(Signed) LEWIS O. BARROWS,  
Governor.

Comes from the Senate, referred to the committee on Appropriations and Financial Affairs, and 500 copies ordered printed.

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

The SPEAKER: The Chair is expecting additional papers from the Senate. Pending their receipt the House may be at ease.

### House at Ease

The SPEAKER: The House is still proceeding under Papers from

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

From the Senate:

The following communication:

**STATE OF MAINE  
EXECUTIVE DEPARTMENT  
AUGUSTA**

January 19, 1939.

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

I have the honor to transmit to the Eighty-ninth Legislature a communication addressed to me and to your Honorable Bodies, accompanied by an Act of acceptance of 12,000 acres to be added to the Baxter State Park, by the donor, Honorable Percival P. Baxter.

I respectfully call to your attention the fact that by the action of former Governor Baxter the State of Maine is acquiring a large area of wild forest land to forever be held in trust by the State for park purposes. In addition to the 12,000 acres herein presented to the State the State already has accepted 6,000 acres from the same donor. These areas are accepted under the terms of a definite, unbreakable trust, providing that it be forever held by the State as trustee for the benefit of the People of Maine for state forest, public park and public recreational purposes.

A State trust of this character is a solemn obligation and I am confident that the word of the Sovereign State of Maine, once given, will never be broken. I am informed that in the near future 20,000 acres additional to the present gift will be presented to the State of Maine, making a total area for state park purposes of 38,000 acres.

This gift from a distinguished former Governor of Maine is a most commendable one because it will preserve for all time an extensive area of virgin wild land for all our people. The people of Maine should be deeply obligated to former Governor Baxter for his continued interest in the development of this great natural resource of the State and I am confident that present and future generations of Maine people will approve your action in accepting this memorable gift.

Respectfully submitted,

(Signed) **LEWIS O. BARROWS,**  
Governor.

(Communication from Hon. Percival P. Baxter)

Portland, Maine,  
January 17, 1939.

To Honorable Lewis O. Barrows, Governor, and the

Honorable Senate and House of Representatives of the Eighty-ninth Legislature:

On the 2nd of February 1933 I donated and conveyed to the State of Maine as Trustee in Trust an area of about 6000 acres (Mt. Katahdin) in Township 3 Range 9 W. E. L. S. Piscataquis County, and this gift was accepted by the Eighty-sixth Legislature, Private and Special Laws of Maine 1933, Chapter 3, approved by the Governor February 9, 1933, and the donated area later was named by the said Legislature "BAXTER STATE PARK".

On November 9, 1938, I donated and conveyed to the State as Trustee in Trust a second area of about 6,000 acres being the Northwest one-quarter of Township 5 Range 9 W. E. L. S. Piscataquis County, north of Katahdin, and Honorable Waldo N. Seavey, State Forest Commissioner, accepted this gift in the name and in behalf of the State of Maine with the approval of Hon. Lewis O. Barrows, Governor, the Executive Councilors and Hon. Franz U. Burkett, Attorney General, all acting under the provisions of Chapter eleven, Sections 15 and 16 Revised Statutes of 1930.

I now desire to donate and convey to the State in Trust a third area of about 6,000 acres being the Southeast one-quarter of said Township 5 Range 9 which if accepted by the State will give the State 18,000 acres of wild forest land to be forever held in Trust for State forest, public park and public recreational purposes.

In order that my gifts to the State all shall be accepted by the Senate and House of Representatives as the direct representatives of the People of Maine and that said acceptance shall be approved by the Governor, I have prepared an Act of Acceptance of the two conveyances of the land in Township 5 Range 9 that total 12,000 acres and I request your Excellency and your Honorable Bodies to approve and accept this gift and conveyance to the State as Trustee in Trust for the People of Maine.

It long has been my major public interest to acquire and donate to

the State a large area of wild forest land to be forever held in Trust by the State for the benefit of the people of Maine. Including the land already conveyed to the State by me I have acquired a total of 38,000 acres, all of which will be conveyed and donated to the State from time to time as I arrange my personal affairs. Moreover I now am negotiating for other areas of nearby wild forest land which will be added to the acreage already acquired for this Park if I succeed in securing them. Should I die before my plans are completed provision has been made that they be carried out strictly in accordance with my wishes as herein expressed.

In conveying these lands to the State of Maine a definite Trust is created and I have the utmost confidence that the word of this Sovereign State as given by the Chief Executive and by the representatives of the people never will be broken and that this State never will violate the Trust provisions in the Deeds it accepts from me. I have faith in the integrity of my fellow citizens and ask them to have faith in me. I now submit this Act of Acceptance to your Excellency and to your Honorable Bodies and ask for its passage and approval.

Respectfully,  
(Signed)

PERCIVAL PROCTOR BAXTER

Communication from Governor Barrows and accompanying letter come from the Senate, read and placed on file.

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

From the Senate: Bill "An Act Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of 12,000 Acres of Land in Piscataquis County." (S. P. 106)

Comes from the Senate, received by unanimous consent, and under suspension of the rules, read twice and passed to be engrossed without reference to a committee.

In the House:

Mr. WEATHERBEE of Lincoln: Mr. Speaker and members of the House: As the communication just read indicates, in 1933 the Honorable Percival Proctor Baxter, former Governor of Maine, presented to the State of Maine, and the Legislature accepted for the people of the State in trust, an area of 6,000 acres in the vicinity of and including Mt. Katahdin itself.

To those members of this House who have visited Baxter State Park and Mt. Katahdin, there is no need to point out the great value to the people of the State and of future generations of preserving forever this vast area of forest and maintaining it in its present unspoiled condition.

In this bill, which the Attorney General of the State of Maine, has prepared, this Legislature would accept in trust for the people of the State an additional tract of 12,000 acres, located just north of Mt. Katahdin itself, to be presented by the former Governor with the sole restrictions that, to quote from the deed: "Said land shall forever be used by said State for State forest, public park and public recreational purposes; shall forever be left in the natural wild state; shall forever be kept as a sanctuary for wild beasts and birds".

It is the ambition of the former Governor, as he has said in his communication, to add to, from time to time, these gifts as rapidly as additional tracts in that section can be acquired, until the entire Mt. Katahdin region be the property of the people of the State of Maine in trust, to be kept free from exploitation and destruction, for the use of the people forever.

It is the sincere wish of the former Governor that this be done, if possible, during his own lifetime, and only tonight he leaves for Boston to commence negotiations which he hopes and believes will result in his acquiring for the people of the State an additional tract of timber and mountain country to be added to the Baxter Park property which the people now hold and enjoy. I feel that this Legislature, on behalf of the great people of the State of Maine, should show its appreciation and their appreciation of Governor Baxter's splendid and unselfish efforts, and accept this gift of the former Governor as speedily as possible.

I now move, Mr. Speaker, that the rules be suspended, and that this bill be given its several readings at this time without reference to a committee.

The motion prevailed, and the bill received its three several readings and was passed to be engrossed without reference to a committee.

On motion by Mr. Preble of Millinocket, the bill was sent forthwith to the Engrossing Department.



**House at Ease**  
**Passed to be Enacted**  
(Out of order)

An Act Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of 12,000 Acres of Land in Piscataquis County (S. P. 106)

On motion by Mr. Douglass of Gorham, the bill was ordered sent forthwith to the Senate.

From the Senate: (Out of order and under suspension of the rules)

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 twelve thousand (12,000) acres in Township five, Range nine, Piscataquis County (BAXTER

STATE PARK) be complete, and in enduring form, the communication dated January 17, 1939, addressed by said Baxter to Honorable Lewis O. Barrows, Governor, and to the Honorable Senate and House of Representatives, together with the message of Governor Barrows transmitting the said communication to the Legislature, be printed in the Laws of Maine for 1939 (S. P. 103)

Comes from the Senate, read and passed.

In the House, read and passed in concurrence.

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On motion by Mr. Thompson of Castle Hill,

Adjourned until Tuesday, January 24th, at 4.30 P. M.