

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

# **Legislative Record**

**SPECIAL SESSION**

**JULY 22, 1940**

**HOUSE**

Tuesday, July 23, 1940.

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

Prayer by the Rev. Mr. McWhorter of Augusta.

Journal of the previous session read and approved.

**Orders**

On motion by Mr. Varney of Berwick, it was

**ORDERED**, that the use of the hall of the House be granted to the Joint Special Legislative Investigating Committee, created by Joint Order H. P. 2254, for the afternoon and evening of today.

On motion by Mr. McGlauffin of Portland, it was

**ORDERED**, that Mr. McMahon of Ellsworth, be excused from attending the session of the House today; also that Mr. Erswell of Brunswick, be excused from attendance in order that he may attend a funeral.

**Enactor**

(Emergency Measure)

An Act Providing for Improvement in Military Preparedness (S. P. 750) (L. D. 1244)

The **SPEAKER**: The Clerk will read the endorsement on the Bill.

The **CLERK**: S. P. 750, L. D. 1244, being a new draft of Senate Paper 730. The new draft reported to the Senate by the Committee on Military Affairs on June 7th, passed to be engrossed in the Senate on June 7th and also passed to be engrossed in concurrence in the House on the same day.

Mr. **VARNEY** of Berwick: Mr. Speaker, in view of the fact that this matter has been taken care of by another Bill which was introduced and passed at the second Special Session of the Legislature. I move that this Bill be indefinitely postponed.

The **SPEAKER**: The gentleman from Berwick, Mr. Varney, moves that Bill "An Act Providing for Improvement in Military Preparedness," S. P. 750, L. D. 1244, be indefinitely postponed. Is this the pleasure of the House

Thereupon, the motion prevailed and the Bill was indefinitely postponed and sent up for concurrence.

**Resolve on Its Final Passage**  
(Emergency Measure)

Resolve Providing for Additional State Police Facilities (S. P. 765) (L. D. 1252)

The **SPEAKER**: This is an emergency measure and requires for its final passage the affirmative vote of two-thirds of the entire elected membership of the House. As many as are in favor of the final passage of the Resolve will rise and stand in their places until counted and the Monitors will make and return the count.

A division of the House was had. Forty having voted in the affirmative and thirty-eight in the negative, forty being less than two-thirds of the entire elected membership, the resolve failed of final passage.

**Orders of the Day**

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

**ORDERED**, that there be printed two thousand additional copies of the Partial Report of the Joint Special Legislative Committee Created by Joint Order H. P. 2254.

The **SPEAKER**: Is there any further business to come before the House under Orders of the Day?

Mr. **VARNEY** of Berwick: Mr. Speaker, I move that Resolve Providing for Additional State Police Facilities, S. P. 765, L. D. 1252, which has just failed of passage be sent forthwith to the Senate.

The motion prevailed and the Resolve was sent forthwith to the Senate.

The **SPEAKER**: Pending arrival of additional papers from the Senate, the House may be at ease.

**House at Ease**

Called to order by the Speaker.

The **SPEAKER**: Is it the pleasure of the House to take up additional papers from the Senate?

From the Senate:

Bill "An Act to Incorporate the Oak Grove School" (S. P. 771)

Comes from the Senate, in that body received by unanimous consent, given its several readings under suspension of the rules and passed to be engrossed without reference to a Committee.

In the House:

The **SPEAKER**: Under the Joint

Order adopted in May and re-enforced by action of this House yesterday, this Bill requires for its acceptance at this time unanimous consent. Is there any objection?

The Chair hears objection and the Bill is automatically referred to the next Legislature.

The **SPEAKER**: Is there any further business to come before the House?

Mr. **VARNEY** of Berwick: Mr. Speaker, it appears at this time that there may be some matters which could well be disposed of by this House at the afternoon session if we have one. That session, while it may be short, would put us quite a ways ahead in considering some matters which we may have before us. I now move that we recess until three-thirty standard time, four-thirty daylight saving time.

The **SPEAKER**: The gentleman from Berwick, Mr. Varney, now moves that the House recess until three-thirty standard time. Is this the pleasure of the House?

The motion prevailed and the House so recessed.

#### After Recess—4 P. M.

Called to order by the Speaker.

Papers from the Senate, out of order.

From the Senate: The following Communication: (S. P. 772)

#### STATE OF MAINE EXECUTIVE DEPARTMENT AUGUSTA

July 23, 1940

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

I herewith transmit a proposal from Honorable Percival P. Baxter, offering to donate further acreage of land for State Park purposes at Mt. Katahdin.

This communication is accompanied by a proposed Act accepting the gift of said land.

Respectfully submitted

(Signed) Lewis O. Barrows  
Governor.

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

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

From the Senate: The following Communication: (S. P. 773)

To HONORABLE LEWIS O. BARROWS, GOVERNOR, and the HONORABLE SENATE AND HOUSE OF REPRESENTATIVES OF THE EIGHTY-NINTH LEGISLATURE:

On the second of February 1933, and on the seventeenth of January 1939, I donated and conveyed to the state of Maine as trustee in trust certain lands in townships three (3) and five (5) range nine (9), W. E. L. S. Piscataquis County (Mt. Katahdin) and these gifts were accepted by the eighty-sixth Legislature Private and Special Laws of Maine 1933, Chapter three (3) and by the eighty-ninth Legislature Private and Special Laws of Maine Chapter one (1) approved by the Governor February ninth, 1933, and January nineteenth 1939 respectively.

As I now desire to donate and convey to the state in trust additional area of approximately four thousand one hundred seventy-four (4,174) acres being a portion of the southeast one-quarter ( $\frac{1}{4}$ ) of township three (3), range ten (10), to be held forever in trust for state forest, public park and public recreational purposes I have prepared an Act of Acceptance of the said land and request your Excellency and your Honorable Bodies to approve and accept this gift and conveyance to the state of Maine as trustee in trust for the people of Maine.

The land now offered to the state of Maine in township three (3) range ten (10) is located at the base of, and on the westerly slopes of Mt. Katahdin. On this area there has been erected a number of camps, Adirondack lean-tos, fire-places, lunch shelters and other structures for tourists and mountain climbers. This area of approximately four thousand one hundred seventy-four (4,174) acres is the most frequented section of the Katahdin region for the ascent of the mountain over the Hunt Trail starts therein at this camp site on Katahdin Stream and the Millinocket-Sourdnhunc road passes through this one-quarter ( $\frac{1}{4}$ ) of the township.

You will be interested to know that the land already donated to the state and the land already acquired by me to be donated to the state from time to time now totals approximately seventy-four thousand five hundred thirty-three (74,533)

acres and I shall not consider my Katahdin project completed until at least one hundred thousand (100,000) acres have been acquired by me and donated to the state for public park, forest and recreational purposes.

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 chosen representatives of the people of Maine never will be broken and that this state never will violate the trust provisions under the deeds it accepts from 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  
July 22, 1940.

Comes 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 4,174 acres of Land in Piscataquis County, Maine" (S. P. 776)

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

In the House: The Bill was received by unanimous consent, and given its two several readings under suspension of the rules.

Mr. Varney of Berwick, offered House Amendment "A" and moved its adoption.

House Amendment "A" to S. P. 776, Bill "An Act Accepting from Percival Proctor Baxter the Conveyance and Deed of Gift of 4,174 acres of Land in Piscataquis County, Maine"

Amend said Bill by inserting after the word "therefore" in the first line of the fourth paragraph thereof the words 'Be it enacted by the people of the State of Maine.'

And further amend said Bill by inserting after the word "by" in the same line the word 'this.'

Thereupon, the rules were suspended to permit the adoption of House Amendment "A" without reproduction. House Amendment "A" was then adopted and the Bill as amended was given its third reading under further suspension of the rules and passed to be engrossed without reference to a Committee, in non-concurrence, and sent up for 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 approximately four thousand one hundred seventy-four (4,174) acres in township three (3), range ten (10), W. E. L. S. Piscataquis county (BAXTER STATE PARK) be complete and in enduring form, the communication dated July twenty-second 1940, 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 1930-40 (S. P. 775)

Comes from the Senate read and passed.

In the House, read and passed in concurrence.

On motion by Mr. Varney of Berwick,

Adjourned until tomorrow morning at 9 o'clock E. S. T.