

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

SENATE

Thursday, January 19, 1939.

The Senate was called to order by the President.

Prayer by the Reverend L. L. Dunn of Gardiner.

Journal of yesterday, read and approved.

Order

(Out of Order)

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

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

Sent down for concurrence.

Subsequently the foregoing order was returned from the House, having been read and passed in concurrence.

From the House:

The following order:

ORDERED, the Senate concurring, that the Clerk of the House prepare a register of all bills and resolves introduced into both branches of the legislature to and including February 10th, showing titles, paper numbers, document numbers if printed, names of members introducing the same, and the committee to which referred, and that there be printed 500 copies of the same.

The Clerk of the House is hereby authorized with the approval of the Committee on Appropriations and Financial Affairs, to employ the necessary clerical assistance to prepare such register. (H. P. 168)

In the House, read and passed.

In the Senate, on motion by Miss Laughlin of Cumberland, read and passed in concurrence.

From the House:

The following order:

ORDERED, the House concurring, that the Clerk of the House prepare each week for the use of the Legislature, a cumulative index of all bills and resolves introduced during the session showing precisely the important steps in the history of each and its final disposition or present status, and that 500 copies thereof be printed, and 1 copy thereof be placed on the desk of

each member of the Legislature. (S. P. 49)

(In Senate, January 10th, read and passed.)

Comes from the House indefinitely postponed in non-concurrence.

In the Senate:

Miss LAUGHLIN of Cumberland: Mr. President, I move that the Senate recede and concur with the House. In that connection I would like to say that the Order from the House which we just passed was agreed to in a conference with members of the House as being all that we could possibly get, and believing that one-eighth of a loaf is better than no loaf, it seems better to concur with the House in this matter and it will certainly be a great improvement over no loaf at all.

Thereupon, the order was indefinitely postponed in concurrence.

Additional papers from the House disposed of in concurrence.

From the House:

Bill "An Act Creating a Probation Department." (H. P. 73) (L. D. 30)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Burns of Aroostook, tabled pending reference in concurrence.

From the House:

Bill "An Act Relating to Aid for Private Roads." (H. P. 74) (L. D. 31)

In the House, referred to the Committee on Judiciary.

In the Senate, on motion by Mr. Friend of Somerset, tabled pending reference in concurrence.

Communications

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,

LEWIS O. BARROWS,
Governor.

(S. P. 104)

On motion by Mr. Wentworth of York, the above communication and accompanying report were accepted and referred to the Committee on Appropriations and Financial Affairs.

(500 copies of the report ordered printed in pamphlet form)

Sent down for concurrence.

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 state 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 the State 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,
LEWIS O. BARROWS,
Governor.

(S. P. 105)

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 6,000 acres (Mt. Katahdin) in Township 3 Range 9 W. E. L. S. Piscataquis County and this gift was accepted by the eighty-sixth Legislative 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 P. Baxter.

On motion by Mr. Spear of Cumberland the two above communications were ordered placed on file and sent to the House forthwith.

Mr. Tompkins of Aroostook presented bill "An Act Accepting From Percival Proctor Baxter the Conveyance and Deed of Gift in Trust to the State of Maine of 12,000 Acres of Land in Piscataquis County" (S. P. 106)

Mr. TOMPKINS of Aroostook:

Mr. President and members of the Senate, we as representing the people of the state of Maine have been asked to accept from the Honorable Percival P. Baxter a gift of land in the county of Piscataquis to be held in trust by the people of the state for future generations, and I hope that future generations will observe that trust with fidelity.

I trust that the sovereign state of Maine and its people will never see fit at any time, now or in the future, to yield one of its rights to sovereignty over this gift, that it will be preserved for the recreational purposes of the people of the state of Maine and for future generations.

Thereupon, on motion by the same Senator, under suspension of the rules the bill was given its two several readings without reference to a committee and passed to be engrossed.

Sent down for concurrence.

Emergency Measure

From the House, out of order and under suspension of the rules:

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

Which bill being an emergency measure, and having received the affirmative vote of 29 members of the Senate and none opposed, was passed to be enacted.

The following bills and resolves were received and on recommendation by the Committee on Reference of Bills were referred to the following committees:

Appropriations and Financial Affairs

Mr. Tompkins of Aroostook presented "Resolve in Favor of Ricker Classical Institute." (S. P. 87)

Sent down for concurrence.

Banks and Banking

Mr. Spear of Cumberland presented bill "An Act Relating to the Federal Employees' Credit Union of Maine." (S. P. 88)

(500 copies ordered printed.)

Sent down for concurrence.

Education

Mr. Tompkins of Aroostook presented bill "An Act Relating to Ricker Classical Institute." (S. P. 89)

Mr. Hill of Cumberland presented bill "An Act Relating to the South Portland Board of Education." (S. P. 90)

(500 copies of each bill ordered printed)

Sent down for concurrence.

Judiciary

Mr. Burns of Aroostook presented bill "An Act to Establish the Van Buren Municipal Court." (S. P. 91)

Mr. Hill of Cumberland presented bill "An Act to Make Uniform the Law on Fresh Pursuit and Authorizing This State to Cooperate with Other States Therein." (S. P. 92)

(500 copies of each ordered printed.)

Sent down for concurrence.

Pensions

Mr. Cook of Somerset presented "Resolve Providing for a State Pension for William E. Webendorfer, of Pittsfield." (S. P. 93)

Sent down for concurrence.

Public Health

Mr. Owen of Kennebec presented bill "An Act Creating the Office of State Pathologist." (S. P. 94)

(500 copies ordered printed.)

Sent down for concurrence.

Public Utilities

Mr. Sanborn of Cumberland presented bill "An Act Providing Penalties for Boarding Freight Trains Without Right." (S. P. 95)

(500 copies ordered printed.)

Sent down for concurrence.

Ways and Bridges

Mr. Kennedy of Hancock presented "Resolve in Favor of the Town of Lamoine." (S. P. 96)

Mr. Graves of Hancock presented "Resolve in Favor of the Town of Bluehill." (S. P. 97)

Mr. Friend of Somerset presented "Resolve in Favor of the Town of Cornville." (S. P. 98)

Mr. Dow of Franklin presented

"Resolve in Favor of the Town of Jay." (S. P. 99)

Mr. Friend of Somerset presented "Resolve in Favor of the Town of Skowhegan." (S. P. 100)

Mr. Lewis of Lincoln presented "Resolve in Favor of the Town of Boothbay." (S. P. 101)

The same Senator presented "Resolve in Favor of the Town of Boothbay." (S. P. 102)

Sent down for concurrence.

Order

On motion by Mr. Spear of Cumberland, it was

ORDERED, the House concurring, that in order that the Records of the Gift by PERCIVAL PROCTOR BAXTER to the STATE OF MAINE as Trustee in Trust of 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)

Sent down for concurrence.

Passed to be Enacted

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)

The PRESIDENT: Is there any further business to come before the Senate?

On motion by Mr. Spear of Cumberland,

Adjourned until Tuesday afternoon, January 24th, at four-thirty o'clock.