

# 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, February 2, 1939.

The Senate was called to order by the President.

Prayer by the Reverend E. J. Webber of Hallowell.

Journal of yesterday, read and approved.

Papers from the House disposed of in concurrence.

**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, February 7th, 1939, at eleven o'clock in the forenoon. (S. P. 245)

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 Joint Order:

**ORDERED**, the Senate concurring, that the President of the Senate or some member of the Senate designated by him, and the Speaker of the House, and a member of the House designated by him, be authorized to attend the taxation conference to be held February 3rd at Boston under the auspices of the Massachusetts Commission on Interstate Cooperation, such delegates to attend without expense to the State of Maine. (H. P. 715)

In the House, read and passed.

In the Senate, read and passed in concurrence.

Additional papers from the House disposed of in concurrence.

**House Committee Report**

The Committee on Towns on bill "An Act to Provide for the Surrender by Town of Prentiss of Its Organization," (H. P. 33) (L. D. 25) reported that the same ought to pass.

Which report was read and accepted in concurrence, the bill read once, and next Tuesday assigned for second reading.

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

**Agriculture**

Mr. Osgood of Oxford presented bill "An Act Relating to the Control and Eradication of Bang's Disease." (S. P. 202)

(500 copies ordered printed.)

Sent down for concurrence.

**Claims**

Mr. Burns of Aroostook presented "Resolve to Reimburse the Town of Houlton for Support of Basil Beaulieu, or Boulier, and Family." (S. P. 203)

The same Senator presented "Resolve in Favor of William D. Gibson, M. D., for Medical and Surgical Services Rendered to William Gelker, a State Pauper." (S. P. 204)

Mr. Chase of Washington presented "Resolve in Favor of J. E. White of Columbia, Maine." (S. P. 205)

(500 copies ordered printed.)

Mr. Kennedy of Hancock presented "Resolve to Reimburse the Town of Lamorne for Hospital Aid for Elsie E. Lyons, State Pauper." (S. P. 206)

Mr. Graves of Hancock presented "Resolve to Reimburse Dr. C. C. Knowlton for Medical Attendance to Seth A. Moore, a State Pauper." (S. P. 207)

Mr. Hill of Cumberland presented "Resolve in Favor of Alfred H. Schwabenhausen of Portland." (S. P. 208)

Sent down for concurrence.

**Education**

Mr. Owen of Kennebec presented "Resolve in Favor of the Monmouth Academy." (S. P. 209)

Sent down for concurrence.

**Indian Affairs**

Mr. Chamberlain of Penobscot presented bill "An Act Repealing the Law Relating to the Policeman for the Penobscot Tribe of Indians." (S. P. 210)

The same Senator presented bill "An Act Relating to the Ferry Between Indian Island and Old Town." (S. P. 211)

Sent down for concurrence.

**Inland Fisheries and Game**

Mr. Burns of Aroostook presented "Resolve Relating to a Rearing Sta-

tion for Bass at the Head of Grand Lake, Aroostook County." (S. P. 212)  
(500 copies ordered printed.)  
Sent down for concurrence.

### Judiciary

Mr. Tompkins of Aroostook presented bill "An Act to Make the Process of Forcible Entry and Detainer Available in Case of Trespass on Public Lands." (S. P. 213).

The same Senator presented bill "An Act Relating to the Emergency Municipal Finance Board." (S. P. 214)

Mr. Burns of Aroostook presented bill "An Act Relative to Court Proceedings in Relation to the Enforcement of the Inland Fish and Game Laws." (S. P. 215)

Mr. Lewis of Lincoln presented by request bill "An Act Relative to the Investment of Unclaimed Money in the Hands of County Treasurers." (S. P. 216)

Mr. Burns of Aroostook presented bill "An Act Relating to the Collection and Disposition of Money Received through Violations of the Inland Fish and Game Laws." (S. P. 218)

The same Senator presented bill "An Act Relative to Enforcing the Collection of Real Estate Taxes by the Alternative Method." (S. P. 219)

Mr. Tompkins of Aroostook presented bill "An Act Relative to the Soldiers' Bonus Fund, and the War Bond Sinking Fund." (S. P. 220)

(500 copies of each ordered printed.)

Mr. Chase of Washington presented by request bill "An Act Relating to the Employment of Women and Minors." (S. P. 217)

(1000 copies ordered printed.)

Sent down for concurrence.

### Labor

Mr. Hill of Cumberland presented bill "An Act Relating to the Payment of Wages." (S. P. 232)

(500 copies ordered printed.)

Sent down for concurrence.

### Legal Affairs

The same Senator presented bill "An Act Relating to the Penalty for Keeping Unlicensed Dogs." (S. P. 221)

Mr. Tompkins of Aroostook presented bill "An Act Relative to Approval of Bonds of Sheriffs." (S. P. 222)

(500 copies of each ordered printed.)

Sent down for concurrence.

### Motor Vehicles

Mr. Beckett of Washington presented bill "An Act Relating to Registration of Motor Vehicles." (S. P. 223)

(500 copies ordered printed.)

Sent down for concurrence.

### Pensions

Miss Laughlin of Cumberland presented "Resolve Providing for a State Pension for Hallie W. Stone of Portland." (S. P. 224)

Mr. Worthen of Penobscot presented "Resolve Providing for a State Pension for Otis Jacob Bowen of Newport." (S. P. 225)

Sent down for concurrence.

### Public Health

Mr. Hill of Cumberland presented bill "An Act Authorizing the Board of Registration of Nurses to Give Examinations to Certain Persons." (S. P. 226)

(500 copies ordered printed.)

(On motion by Miss Laughlin of Cumberland tabled pending reference.)

### Public Utilities

Mr. Tompkins of Aroostook presented bill "An Act Authorizing the Issue of Full Paid Stock by Public Utility Companies at Less than Par, and Without Subscription Rights when Authorized by the Public Utilities Commission." (S. P. 227)

(500 copies ordered printed.)

Sent down for concurrence.

### Sea and Shore Fisheries

Mr. Worthen of Penobscot presented "Resolve Prohibiting the Taking of Sturgeon in the Penobscot River." (S. P. 228)

(500 copies ordered printed.)

Sent down for concurrence.

### State Lands and Forest

#### Preservation

Mr. Worthen of Penobscot presented "Resolve Authorizing the Forest Commissioner to Convey Certain Interest of the State in Land in Washington County to Robert Bernard, Jr., of New York." (S. P. 229)

Mr. Thatcher of Penobscot presented "Resolve Appropriating Money for the Study and Control of the European Spruce Sawfly." (S. P. 230)

(500 copies ordered printed.)

Sent down for concurrence.

### State Prison

Mr. Elliot of Knox presented "Re-

solve Relating to the Construction of a New Wall at the Maine State Prison and a Dormitory at the Prison Farm." (S. P. 231)

(500 copies ordered printed.)

Sent down for concurrence.

### Ways and Bridges

The same Senator presented bill "An Act Relating to Erection and Equipment of a State Police Barrack in Thomaston." (S. P. 233)

(500 copies ordered printed.)

Mr. Cony of Kennebec presented bill "An Act to Authorize the Construction of a Bridge Across the Kennebec River." (S. P. 234)

(1000 copies ordered printed.)

Mr. Friend of Somerset presented bill "An Act Reapportioning the Expenditures of the General Highway Fund." (S. P. 235)

(1500 copies ordered printed.)

Mr. Burns of Aroostook presented "Resolve in Favor of the Town of Houlton." (S. P. 236)

The same Senator presented "Resolve in Favor of the Town of Houlton." (S. P. 237)

Mr. Graves of Hancock presented "Resolve in Favor of the Town of Southwest Harbor." (S. P. 238)

Mr. Tompkins of Aroostook presented "Resolve in Favor of the Town of Caribou." (S. P. 239)

The same Senator presented "Resolve in Favor of the Town of Presque Isle." (S. P. 240)

The same Senator presented "Resolve in Favor of the Town of Easton." (S. P. 241)

Mr. Cony of Kennebec presented "Resolve in Favor of the Town of Chelsea." (S. P. 242)

Mr. Findlen of Aroostook presented "Resolve in Favor of the Town of Fort Fairfield." (S. P. 243)

Mr. Wentworth of York presented "Resolve in Favor of the Town of Kennebunk." (S. P. 244)

Sent down for concurrence.

### Reports of Committees

Mr. Marden from the Committee on Legal Affairs on bill "An Act Relating to the Ownership of Cemetery Lots," (S. P. 76) (L. D. 40) reported that the same ought not to pass as legislation thereon is inexpedient.

Which report was read and accepted.

Sent down for concurrence.

Mr. Morse from the Committee on Legal Affairs on bill "An Act Relating to Perpetual Care of Ceme-

tery Lots," (S. P. 75) (L. D. 45) reported that the same ought to pass.

Mr. Marden from the same Committee on bill "An Act to Grant a New Charter to the City of Lewiston," (S. P. 55) (L. D. 27) reported that the same ought to pass.

Which reports were severally read and accepted, the bills read once, and next Tuesday assigned for second reading.

### Orders

#### (Out of Order)

On motion by Mr. Harkins of Androscoggin, it was

ORDERED that 500 additional copies be printed of the following: Legislative Document 119. An Act Relating to Closing-Out Sales and Similar types of Sales.

On motion by Mr. Spear of Cumberland, it was

ORDERED the House concurring that the Revisor of Statutes be directed to file immediately after four o'clock today with the Secretary of the Senate and Clerk of the House, a list of the titles of proposed bills of a private or special nature, data for which shall be in his hands at or before four P. M. today, February 2nd, together with the names of the prospective introducers and be it further

ORDERED that notwithstanding joint orders now in effect, bills so listed shall be received in the same manner as if received before four P. M. today, February 2nd.

Sent down for concurrence.

Mr. Morse of Waldo presented the following order and moved its passage:

ORDERED, the House concurring, that a committee of two on the part of the Senate with such as the House may join be appointed to inquire into and report to the Legislature the feasibility of a legislative committee to investigate the conviction of Paul N. Dwyer and Francis M. Carroll for the murder of Dr. James G. Littlefield.

Mr. MORSE: Mr. President and members of the Senate, in this instance we certainly have an anomaly. Here we have two men who have been convicted at two separate trials of the murder of one and the same person and both are now serving life sentences in our State prison. Nothing of its kind

has ever happened in our state in all its history. Something is wrong. Justice has miscarried. One of these men undoubtedly is serving a life sentence unjustly. One of these men should be released.

Of course there is not a member of this Senate who is not, in a general way, familiar with both of these cases. A great deal of research has been made and I am informed, reliably I believe, to the effect that there is no precedent whereby either of these men could ever even hope to have their cases retried in court. Much newly discovered evidence has come to light since these two cases were closed.

The purpose of this order, if you will note it carefully, is not the appointment of a committee to investigate the conviction of these men but merely to inquire into the feasibility of appointing such a committee. If this preliminary committee does not see fit to recommend the appointment of a committee to investigate the conviction of these men, then well and good, but the State of Maine will have shown that it has made a gesture, at least, to be fair to both these men.

Thereupon, on motion by Mr. Os-good of Oxford the order was laid upon the table pending passage.

#### Orders of the Day

On motion by Mr. Spear of Cumberland the Senate voted to order printed 500 copies of Resolve in Favor of Clyde H. Smith, House Paper 696.

On motion by Mr. Hill of Cumberland the Senate voted to reconsider its action taken earlier in today's session whereby bill, An Act Relating to the Penalty for Keeping Unlicensed Dogs (S. P. 221) was referred to the Committee on Legal Affairs; and on further motion by the same Senator the bill was laid upon the table pending reference.

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

On motion by Mr. Spear of Cumberland

Adjourned until next Tuesday forenoon, February 7th, at eleven o'clock.