

# MAINE STATE LEGISLATURE

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**Legislative Record**  
**OF THE**  
**Ninety-first Legislature**

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**Special Session**

**April 17, 1944**

**HOUSE**

Monday, April 17, 1944.

This being the day designated in the Proclamation of the Governor for the meeting of the Ninety-first Legislature in extra session, the members of the House of Representatives assembled in their hall at four-thirty o'clock in the afternoon and were called to order by the Speaker.

Prayer was offered by the Rev. Dr. Wood of Augusta.

The SPEAKER: The Clerk will read the Proclamation by the Governor.

**STATE OF MAINE  
PROCLAMATION BY THE  
GOVERNOR**

WHEREAS, it appears desirable that the Legislature of this State should meet in special session to consider matters pertaining to soldier-voting in the 1944 elections,

NOW, THEREFORE, I, SUMNER SEWALL, by virtue of the power vested in me as Governor, convene the Legislature of this State, hereby requiring the Senators and Representatives to assemble in their respective chambers at the Capitol, at Augusta, on Monday, the seventeenth day of April, 1944, at 4.30 o'clock in the afternoon, in order to receive such communication as may then be made to them and to consider and determine on such measures as in their judgment will best promote the welfare of the State.

Given at the office of the Governor at Augusta, and sealed with the Great Seal of the State of Maine, this thirty-first day of March, in the year of our Lord One Thousand Nine Hundred and Forty-four, and of the Independence of the United States of America, the One Hundred and Sixty-eighth.

(SEAL)

**SUMNER SEWALL**  
Governor

By the Governor  
**HAROLD I. GOSS**  
Secretary of State.

A true copy.

Attest:

(Signed) Harold I. Goss  
Secretary of State.

The Proclamation was read and ordered placed on file.

The Clerk thereupon called the roll of the House.

One hundred and thirty-four members answering to their names, a quorum was declared to be present.

Those who were absent were: Messrs. Forgue, Gowell, Hutchins, Pierce, Southard and Tuttle.

On motion by Mr. Sleeper of Rockland, it was

**ORDERED**, that a committee of seven be appointed to wait upon His Excellency, the Governor, and inform him that a quorum of the House of Representatives is assembled in the Hall of the House for the consideration of such business as may come before the House.

At this point a message was received from the Senate, through its Secretary, informing the House that a quorum was present in the Senate Chamber, and that body was ready to transact such business as may come before it.

The SPEAKER: The Chair appoints as members to serve upon the committee to notify His Excellency the Governor: The gentleman from Rockland, Mr. Sleeper, the gentlewoman from Bangor, Miss Clough, the gentleman from Sanford, Mr. Pelletier, the gentleman from Livermore Falls, Mr. Grua, the gentlewoman from Bath, Miss Deering, the gentleman from Caribou, Mr. Libby, and the gentleman from Damariscotta, Mr. Denny.

Mr. Sleeper, for the committee, subsequently reported that the committee had performed the duty assigned to them.

On motion of Mr. Doughty of Gray, it was

**ORDERED**, that a message be conveyed to the Senate that a quorum of the House of Representatives is present for the consideration of such business as may come before the House.

Thereupon, the Clerk was designated by the Speaker to convey the message to the Senate, and Mr. Pease subsequently reported that he had performed the duty assigned him.

The following communication:

STATE OF MAINE  
DEPARTMENT OF STATE

Augusta, April 17, 1944

To Harvey R. Pease,  
Clerk of the House of  
Representatives of the  
Ninety-first Legislature:

In compliance with section 36 of chapter 2 of the revised statutes, I beg to report that there are the following vacancies in the representation of class districts as listed below:

Mechanic Falls, Minot and Turner, Samuel H. Hemphill, caused by resignation.

New Sweden, Perham, Washburn and Woodland, Melvin E. Anderson, caused by resignation.

Allagash Plantation, Eagle Lake, New Canada Plantation, St. Francis Plantation, St. John Plantation, Winterville Plantation and the unorganized townships of 14 R-6, 15 R-6, 16 R-6, 16 R-12, 20 R-11 and 12, and 11 R-14, Claude L. Martin, caused by resignation.

Brunswick, Jean Lois Bangs, caused by resignation.

Gorham, Carl G. Usher, caused by resignation.

Brownfield, Denmark, Fryeburg, Hiram, Porter and Sweden, Francis G. Buzzell, caused by resignation.

Bangor, James D. Maxwell, caused by resignation.

Carroll Plantation, Chester, Drew Plantation, Kingman Plantation, Lakeville Plantation, Lec, Mattawamkeag, Prentiss Plantation, Springfield, Webster Plantation, Winn and Woodville, Ralph L. Boyd, caused by death.

Eastport, Oscar H. Brown, caused by resignation.

Baileyville, Brookton, Codyville, Danforth, Grand Lake Stream Plantation, No. 5 Plantation, No. 21 Plantation, Princeton, Talmadge, Vanceboro, Waite and the unorganized townships of Baring, Forest City, Indian Township, Kossuth, Lambert Lake, Topsfield and 10 R-3, Chaplin T. Greene, caused by resignation.

Record of above vacancies is transmitted herewith.

Respectfully,

(Signed) HAROLD I. GOSS,  
Secretary of State.

The communication was read and ordered placed on file, the accompanying records ordered returned to the Secretary of State, and the names stricken from the rolls of the House.

The SPEAKER: The gentleman from Rumford, Mr. Poulin, moves that the members of the House stand for a moment in silent prayer in memory of the death of Representative Ralph L. Boyd of Winn.

The entire membership of the House then stood in silent prayer.

The gentleman from Old Town, Mr. Cousins, presented the following resolution:

WHEREAS the members of the House of Representatives of the 91st Legislature learned with profound sorrow of the untimely death on April 4, 1944 of an esteemed colleague, Hon. Ralph L. Boyd, Representative from Winn, and

WHEREAS in his associations with the members of this House and the members of the House of the 90th Legislature, he was ever honorable, forceful and kindly, and highly regarded for his character and sterling qualities of mind and heart, and

WHEREAS the members of the House of Representatives feel in his passing a great personal loss and a genuine grief,

NOW THEREFORE, BE IT RESOLVED that the State of Maine mourns the loss of a faithful and valued public servant, and the members of the House of Representatives lament the departure of an esteemed and trusted friend, and

BE IT FURTHER RESOLVED that a copy of this resolution be entered in the Journal of the House and a copy transmitted to the widow of the deceased.

The Resolution was read and adopted.

The SPEAKER: The Chair will state that at the present time there are one hundred and forty elected members of the House.

A message was then received from the Senate, through its Secretary, proposing a Joint Convention to be held forthwith in the hall of the House of Representatives for the purpose of extending an invitation to His Excellency, the Governor, to attend the Convention and make such communication as pleases him.

On motion by Mr. Sleeper of Rockland, out or order and under suspension of the rules, it was

ORDERED, that Ruel C. Hanks be Official Reporter of the House and that Ervin E. J. Lander be Assistant Reporter for the present session.

On motion by Miss Clough of Bangor, out of order and under suspension of the rules, it was

ORDERED, that Alan C. Pease of Wiscasset, be Page of the House during this special session.

On motion of Mr. Sleeper of Rockland, the Clerk was charged with and conveyed a message to the Senate informing that body that the House concurred in the proposal for a Joint Convention.

The Clerk subsequently reported that he had delivered the message with which he was charged.

The Senate then entered the hall of the House and a Joint Convention was formed.

#### IN CONVENTION

The President of the Senate in the Chair.

On motion by Senator Harvey of York, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Sumner Sewall, Governor, and inform him that the two branches of the Legislature are in Convention assembled in the Hall of the House of Representatives; and extend to him an invitation to attend the Convention and present such communication as he may be pleased to make.

The Chairman thereupon appointed as members of that Committee on the part of the Senate:

Senators: Harvey of York, Dow of Oxford and Sterling of Somerset, and on the part of the House:

Representatives: Payson of Portland, Milliken of Madison, Osgood of Bradford, Poulin of Rumford, Barnes of Houlton, McCloud of Bar Harbor and Stephenson of Union.

Subsequently, Senator Harvey for the committee reported that the committee had discharged the duty assigned to it, and that the Governor was pleased to say that he would attend forthwith.

Thereupon, the Honorable Sumner Sewall, Governor, accompanied by the Executive Council, the Attorney General and the Adjutant General, entered the Hall of the House of Representatives amid applause, the audience rising, and the

Governor addressed the Convention as follows:

#### THE MESSAGE

Mr. President and Members of the 91st Legislature:

Many, many thousands of Maine citizens are today outside our country, in the armed forces of our nation, fighting to preserve the democratic way of life. We meet here to enable them to exercise the fundamental right of democracy—the right to vote.

Only this Legislature can make this possible. Only by the use of the State ballot can these soldier citizens vote for an entire slate of public officials and representatives in County, State, and National government.

Under existing law, it will not prove practicable for those serving abroad to vote in this year's elections. Personal appearance for registration in towns of over three thousand population is obviously impossible. Party enrollment by overseas mail is impractical. Time of transit between the fighting fronts and the voting registration severely limits the voter's ability to secure and cast his ballot.

From studies made by the Attorney General and the Secretary of State, it appears that full voting privileges can be made available to these soldier citizens by a private and special law expiring after the next regular session.

If enacted, the following changes will be effected in our present law:

Registration boards or municipal officers in communities of over 3,000 population will be called upon to register all citizens whom they reliably know to be qualified, absent from their residence, and in the armed forces or in certain specified service organizations. Necessity for personal appearance before the board is eliminated. Under present law registration without personal appearance is limited to communities of less than 3,000 population.

Application for absentee ballots may be made in behalf of the soldier-voter by a parent, grandparent, former guardian, spouse, adult brother, adult sister or adult child of such voter. Under present law this application must be made by the voter himself.

Party enrollment may be declared by the soldier-voter on the envelope in which he encloses his ballot. Under present law he must

make a separate declaration before receiving his ballot.

The Federal war ballot may be used in cases where the soldier-voter has applied for a State ballot and has not received it in time for use. By Congressional action the use of this Federal war ballot is limited to the November election and applies solely to the offices of President and Vice-President.

Other provisions are of a minor nature. All can be drawn in a form which does not require changes in the general Statutes. I am informed that any such changes would make impossible the timely completion of the current work of revision of statutes, and should be scrupulously avoided.

My sole purpose in convening the Legislature at this time is to make it possible for every Maine citizen in the armed forces to vote whenever he or she may be. I am confident that we are in agreement as to this purpose, and that you will be glad to take appropriate action.

Mindful of the fact that many of you will wish to return to your homes and occupations as quickly as possible after the matter of soldier-voting is disposed of, I am refraining from other recommendations at this time. Should you decide, however, to consider other legislation, there are several matters of an administrative nature which I would ask that you include.

We here are not privileged to serve in our nation's armed forces in this period of world crisis. It is for us to serve at home as trustees of freedom and of democracy.

I am sure we shall be faithful to this trust.

Governor Sewall, accompanied by the Executive Council, the Attorney General and the Adjutant General, then retired, amid the applause of the Convention, the audience rising.

Thereupon, the purposes for which the Convention was assembled having been accomplished, the Convention was dissolved, and the Senate retired to its chamber, amid the applause of the House, the members rising.

#### IN THE HOUSE

Called to order by the Speaker.

The SPEAKER: The House is expecting additional papers from the Senate shortly.

The gentleman from Rockland,

Mr. Sleeper, moves that the House recess until the sound of the gavel. The Floor Leaders will please meet in the office of the President of the Senate.

#### House at Ease

6:35 P. M.

The House was called to order by the Speaker.

The SPEAKER: The Chair notices that the gentleman from Bangor, Mr. Southard, is present. If there is no objection, the Clerk will be instructed to correct the roll call.

From the Senate: (Out of Order)  
The following Communication:  
(S. P. 503)

#### STATE OF MAINE EXECUTIVE DEPARTMENT AUGUSTA

April 17, 1944

The Honorable President of the Senate

The Honorable Speaker of the House

Ninety-first Legislature

Dear Sir:

It is my pleasure to transmit herewith a letter from the Honorable Percival P. Baxter of Portland, (S. P. 499) in which he offers a substantial gift of land to the State.

If it is the pleasure of the 91st Legislature to accept this gift of 24,682 acres of forest land, the area of the Baxter State Park will be brought to 84,000 acres.

I commend this offer to your thoughtful consideration and urge acceptance of this gift as being in the public interest.

Respectfully submitted,

(Signed) Sumner Sewall

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

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

April seventeenth 1944.

To the Honorable Sumner Sewall, Governor and the Honorable Senate and House of Representatives of the Ninety-first Legislature of the State of Maine—

Once again I come to you with the request that, if you deem it for the best interest of our State, you accept from me the gift of twenty-four thousand six hundred eighty-

two (24,682) acres of forest land to be added to and become a part of Baxter State Park in the Mt. Katahdin region.

The area now offered the State is township five (5) range ten (10) W. E. L. S. Piscataquis County. This township contains twenty-four thousand seven hundred two (24,702) acres, of which an area of twenty (20) acres in the southwest quarter is owned by Charles A. Daisey. If you accept this gift the State then will have received from me approximately eighty-four thousand (84,000) acres. When the Legislature meets in January 1945, I plan to be present with a gift of additional land for the Park.

In the Deed accompanying this communication you will notice that the timber rights on this township are reserved until August 7, 1965 to the corporation from which I purchased this land. Naturally I preferred to buy this area without such a reservation, but was unable to do so. The Eastern Corporation very properly wished to conserve its timber supply for its mill, and a buyer can only purchase what a seller is willing to part with. This Corporation, however, acted in a liberal and sympathetic manner in selling me this township. It sold to me only because it was willing to help me to carry out my Park project. It would not have sold to any other party, and I deeply appreciate the action of its President and Board of Directors.

Although this township doubtless will be cut over during the above mentioned period, in a few years thereafter it will completely reforest itself and will then be covered with a new growth of trees. Nature will heal all the wounds.

BAXTER STATE PARK will remain the property of the people of Maine as long as the State of Maine exists. It is a long range project and township five (5) range ten (10) will be forever a place of recreation for our people and a sanctuary and home for the creatures of the wild.

I now present to you an Act of Acceptance and request your Excellency and your Honorable Bodies to approve and accept this Gift of Conveyance to the State of Maine as Trustee in Trust for the people of Maine.

Respectfully,

(Signed)

PERCIVAL PROCTOR BAXTER.

Came 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 24,682 acres of land in township 5, range 10, W. E. L. S. Piscataquis County, Baxter State Park." (S. P. 500)

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

In the House, was received by unanimous consent, and under suspension of the rules given its three several readings without reference to a committee and passed to be engrossed in 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 twenty-four thousand six hundred eighty-two (24,682) acres in township 5 (5), range ten (10), W. E. L. S. Piscataquis County (BAXTER STATE PARK) be complete and in enduring form, the communication dated April seventeenth, 1944, addressed by said Baxter to the Honorable Sumner Sewall, Governor, and to the Honorable Senate and House of Representatives of the Ninety-first Legislature, together with the message of Governor Sumner Sewall transmitting the said communication to this Legislature, be printed in the Laws of Maine for 1944-45. (S. P. 501)

Came from the Senate, read and passed.

In the House, was taken up out of order and under suspension of the rules, read and passed in concurrence.

#### Order Tabled

Mr. Sleeper of Rockland, presented the following Order:

ORDERED, the Senate concurring, that no bill or resolve be received at this Special Session unless by unanimous consent in the body in which it is introduced, except such as relate directly to the voting by the members of the armed forces of the United States or are serving in the Merchant Marine of the

United States; or are attached to and serving with the armed forces of the United States as members of the American Red Cross, the Society of Friends, the Women's Auxiliary Service Pilots, or the United Service Organizations

AND IT IS FURTHER ORDERED, the Senate concurring, that any bill or resolve which shall be received in either branch of this Legislature by unanimous consent shall be referred to the 92nd Legislature if unanimous consent for its reception is not given in the other body in concurrence.

These Orders shall not apply to such bills or resolves as are intended only to facilitate the business of the 91st Legislature. (H. P. 1378)

On motion by Mr. Sleeper, the Order was tabled and specially assigned for 10:30 tomorrow morning.

The following papers from the Senate were taken up out of order and under suspension of the rules:

From the Senate: The following Order:

ORDERED, the House concurring, that three hundred and fifty copies of the Legislative Record for this Special Session of 1944, convened on April 17th, be printed and bound, one copy each for the members and officers of the Senate and House of Representatives, and the remainder to be deposited in the State Library for exchange and library purposes; and be it further

ORDERED, that three hundred and fifty copies of the Legislative Record be printed in pamphlet form for distribution from day to day to members of the Legislature and the departments, under the direction of the Document Clerk (S. P. 496)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Secretary of the Senate and Clerk of the House be directed to furnish to each member and officer of the Senate and House a copy of the State newspaper each morning during the present special session of the legislature (S. P. 502)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that one thousand copies of the Governor's message be printed (S. P. 497)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that the Superintendent of Buildings is hereby given charge of all assignments of rooms for hearings in the Capitol Building, and that all applications for rooms for hearings must be made to him in writing (S. P. 498)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

From the Senate: The following Order:

ORDERED, the House concurring, that when the Senate and House adjourn today, they adjourn to meet on Tuesday morning, April 18, 1944, at ten-thirty o'clock (S. P. 505)

Came from the Senate, read and passed.

In the House, read and passed in concurrence.

The Speaker: The Chair recognizes the gentleman from Calais, Mr. Murchie.

Mr. MURCHIE: Mr. Speaker, out of order, perhaps, and under suspension of the rules, I desire to present a measure entitled "An Act to Appropriate Monies for the Expenditures of State Government for the fiscal year ending June 30th, 1944. I think you will agree with me that I am not trying to upset the order which is before us. This is simply to take care of the expenses of the special session, and I suggest that it be immediately referred to the Committee on Appropriations and Financial Affairs.

Thereupon, Mr. Murchie presented the following Bill:

Bill "An Act to Appropriate Monies for the Expenditure of State Government for the Fiscal Year ending June 30, 1944" (H. P. 1376)

The bill was received under suspension of the rules, referred to the Committee on Appropriations and



Financial Affairs and sent up for concurrence.

The SPEAKER: The Chair recognizes the gentleman from Boothbay Harbor, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, out of order and under suspension of the rules, I would like to introduce Bill "An Act to Facilitate Voting by Duly Qualified Registered and Enrolled Voters in the Armed Forces of Our Country, the Merchant Marine, and other services necessary to the Successful Prosecution of Wars against Germany and Japan."

It comes clearly within the provisions of the Order.

Thereupon, Mr. Perkins presented the following Bill:

Bill "An Act to Facilitate Voting by Duly Qualified Registered and Enrolled Voters in the Armed Forces of Our Country, the Merchant Marine, and other services necessary to the Successful Prosecution of Wars against Germany and Japan (H. P. 1377)

The Bill was received under suspension of the rules, referred to the Committees on Judiciary and Legal Affairs jointly, 1000 copies ordered printed and sent up for concurrence.

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

From the Senate: Bill "An Act to Facilitate Voting by Men and Women serving in, connected with, or about to become Members of the Armed Forces (S. P. 506)

Came from the Senate, referred to the Committees on Judiciary and Legal Affairs jointly, and ordered printed.

In the House, referred to the Committees on Judiciary and Legal Affairs jointly in concurrence.

On motion by Mr. Sleeper of Rockland,

Adjourned until 10:30 o'clock tomorrow morning.