

# MAINE STATE LEGISLATURE

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# **Legislative Record**

**SPECIAL SESSION**

**JULY 22, 1940**

**SENATE**

Friday, July 26, 1940.

The Senate was called to order by the President.

Prayer by the Reverend H. E. P. Pressey of Augusta.

Journal of yesterday read and approved.

From the House:

Joint Order Relative to Governor and Council granting John W. Healy a hearing re removal from office of Chief of Police. (H. P. 2286)

(On motion by Mr. Spear of Cumberland tabled pending passage in concurrence.)

Joint Order relative to Chief of State Police instigating proceedings leading to trial by court martial of Burtis F. Fowler. (H. P. 2284)

Which was read and passed in concurrence.

Joint Order directing the Secretary of State to investigate re dismissal of Mrs. Agnes Faulkner. (H. P. 2285)

Which was read and passed in concurrence.

From the House:

"Resolve Proposing an Amendment to the Constitution Repealing the Constitutional Provisions Relating to the Office of Treasurer of State." (S. P. 770) (L. D. 1254)

(In the Senate on July 25 passed to be engrossed as amended by Senate Amendment "B" in non-concurrence.)

Comes from the House, indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Spear of Cumberland, that Body voted to insist and ask for a Committee of Conference.

The PRESIDENT: The Chair will defer the appointment of the Committee for the time being.

**Orders of the Day**

On motion by Mr. Tompkins of Aroostook, the Senate voted to take from the table bill An Act Creating a Legislative Committee (L. D. 1258) tabled by that Senator on July 24, pending assignment for second reading; and on further motion by the same Senator, under suspension of the rules, the bill was given its second reading and passed to be engrossed.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland

Recessed until the sound of the gavel.

**After Recess**

The Senate was called to order by the President.

The Chair appointed as members, on the part of the Senate, on the Committee of Conference on Resolve Proposing An Amendment to the Constitution Repealing the Constitutional Provision Relating to the Treasurer of State (S. P. 770) (L. D. 1254) Senators Sanborn of Cumberland, Laughlin of Cumberland and Beckett of Washington.

On motion by Mr. Spear of Cumberland, the Senate voted to take from the table Joint Order Relative to Governor and Council granting John W. Healy a hearing re removal from office of Chief of Police (H. P. 2286) tabled by that Senator earlier in today's session, pending passage in concurrence, and that Senator offered Senate Amendment A:—

"Senate Amendment A to House Paper 2286. Amend said Joint Order by striking out in the sixth line thereof the word "directed" and inserting in place thereof the word "requested."

Senate Amendment A was adopted and the Joint Order as amended by Senate Amendment A was passed in non-concurrence.

Sent down for concurrence.

Mr. TOMPKINS of Aroostook: Mr. President, I would like to inquire if the final adjournment order has been prepared?

The PRESIDENT: The Chair would announce that the adjournment order has been prepared.

**Order****(Out of Order)**

On motion by Mr. Spear of Cumberland, it was

ORDERED, the House concurring that when the Senate and House adjourn they adjourn to meet on Monday, the 21st day of October A. D. 1940 at three P. M. Eastern Standard Time.

Sent down for concurrence.

**Passed to be Enacted**

Bill "An Act Relating to the State Museum (S. P. 737) (L. D. 1233)

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

On motion by Mr. Spear of Cumberland

Recessed until the sound of the gavel.

**After Recess**

The Senate was called to order by the President.

**Emergency Measures****(Out of Order)**

Bill "An Act Amending the Unemployment Compensation Law Relating to Employer Liability and Coverage." (H. P. 2277) (L. D. 1261)

Which bill being an emergency measure and having received the affirmative vote of 25 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act Relating to Employees in Military Service." (H. P. 2281) (L. D. 1265)

Which bill being an emergency measure and having received the affirmative vote of 25 members of the Senate and none opposed, was passed to be enacted.

Bill "An Act Relating to Registration of Veterans' Graves." (S. P. 774)

Which bill being an emergency measure and having received the affirmative vote of 24 members of the Senate and none opposed, was passed to be enacted.

From the House:

Bill "An Act Creating a Legislative Investigating Committee." (S. P. 782) (L. D. 1258)

(In the Senate on July 26, passed to be engrossed.)

Comes from the House, bill and report indefinitely postponed in non-concurrence.

In the Senate, on motion by Mr. Tompkins of Aroostook that body voted to recede and concur with the House in the indefinite postponement of the bill.

**Committee Report****(Out of Order)**

The Committee of Conference on the disagreeing action of the two branches of the Legislature on "Resolve Proposing an Amendment to the Constitution Repealing the Constitutional Provisions Relating to the Office of Treasurer of State," (S. P. 770) (L. D. 1254) reported that they are unable to agree.

On motion by Mr. Sanborn of Cumberland the report of the committee was accepted.

Sent down for concurrence.

Miss LAUGHLIN of Cumberland: Mr. President, I move the Senate reconsider its action by which it passed Joint Order Directing the Secretary of State to investigate re dismissal of Mrs. Agnes Faulkner (H. P. 2285). I am asking for this reconsideration for the purpose of offering an amendment and I think it will save time if I explain the amendment. It is one of changing the idea of the 'must' legislation which we just changed on Chief Healy, and to substitute for the words 'whether or not her dismissal from the State is justified' the words, 'to determine what, if any action should be taken with respect to such derelictions of duty.' I believe with all the evidence that came before the committee, as has been suggested, this is altogether too drastic legislation. You will find the derelictions referred to on Page 37 and 38 of the Committee report and at the end of the statements, the committee made no recommendations in regard to Mrs. Faulkner but proceeded to make recommendations in regard to George O'Donnell. I think it is somewhat questionable in view of the committee report, for any legislator to take it upon himself to put in an order for her dismissal, but I do believe since it is here and there are certain derelictions, the Secretary of State should be requested to look into them and take what action is necessary. Mrs. Faulkner has been in the employ of the State for some 20 years. It may be found, in view of the services performed, it might not be advisable to consider these derelictions but in any event this amendment does request the Secretary of State to consider the derelictions and determine what action, if any, is necessary. It is

for that purpose I move reconsideration of the passage of the joint order, and I did think it just as well to explain it now.

Thereupon, the Senate voted to reconsider its action whereby it passed Joint Order directing the Secretary of State to investigate re dismissal of Mrs. Agnes Faulkner.

Miss Laughlin offered Senate Amendment 'A' and moved its adoption:

"Senate Amendment 'A'. Amend said order by striking out the words in the last and next to the last line, 'whether or not her dismissal from the service of the State is justified' and substitute therefor the words, 'what, if any action should be taken with respect to such dereliction of duty.' And substitute for the word 'directed' the word 'requested'."

Senate Amendment "A" was adopted, and the Joint Order as so amended, received passage.

The PRESIDENT: The order will be sent forthwith to the House.

Mr. MARDEN of Kennebec: Mr. President, I rise to a point of personal privilege.

The PRESIDENT: The Senator may state his point of personal privilege.

Mr. MARDEN: Mr. President, this Legislature for the past few weeks has directed a considerable amount of attention, and properly so, to military affairs. Today the 68th Coast Artillery of Portland, which is the Anti-Aircraft Regiment of the National Guard in the State of Maine, is spending the day at the local National Guard area, Camp Keyes, on the plateau which is west of the city and we would respectfully urge any member of the Legislature and any other interested person to take the opportunity to visit the encampment and familiarize themselves to any extent they wish with the equipment there about which we have been talking, and in any event to experience an informative half hour.

On motion by Miss Laughlin of Cumberland, the Senate voted to take from the table bill An Act Creating a Bureau of the Treasury and Assigning Certain duties thereto (L. D. 1253) tabled by that Senator earlier in the session pending consideration.

Miss LAUGHLIN: Mr. President, in view of the failure of the resolve for a constitutional amendment as well as for other reasons of course there is no place for that bill now and I move that the bill be indefinitely postponed.

The motion to indefinitely postpone prevailed.

Sent down for concurrence.

On motion by Mr. Spear of Cumberland

Recessed to the sound of the gavel.

### After Recess

The Senate was called to order by the President.

### Communication

State of Maine

EXECUTIVE DEPARTMENT

Augusta

July 26, 1940.

To the President and Members of the Senate:

To the Speaker and Members of the House:

At a public hearing before the special joint Investigating Committee of this Legislature, held in the Hall of the House, July 23, statements were made under direct testimony under oath which undoubtedly created the impression in the minds of every member of the Committee and every member of this Legislature in attendance that no effort had ever been made to follow regular court procedure in the matter of obtaining indictments on the basis of any known evidence.

Based undoubtedly in a measure upon such statements, certain press statements appeared Wednesday morning, July 24, to the effect that the Governor and the Attorney General opposed Auburn Robbery prosecutions.

For the purpose of having an official record before this Legislature, I enclose herewith, attached to and forming a part of this communication, a certified copy of the records of the Superior Court in the County of Androscoggin. The court record, I believe, speaks for itself.

Respectfully submitted,

(Signed) LEWIS O. BARROWS,  
Governor.

## State of Maine

Androscoggin, ss:

AT THE SUPERIOR COURT, begun and holden at Auburn, within and for the County of Androscoggin on the first Tuesday of June in the year of our Lord one thousand nine hundred and thirty-eight.

The within and following is a true and correct list of all witnesses who testified before the Grand Jury in each case presented at said term of said court begun and held aforesaid, together with a true and correct list of all cases in which said witnesses testified, and the same is herewith returned unto said Court.

Attest:

PHILIP H. MORTON, Foreman.  
FRANK T. POWERS, ATTORNEY  
for the State for said County.

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Geo. O'Donnell—Evidence to indict on any charge—

Bill No. (20)

Witnesses	Res. of Witnesses
W. Hood	Lewiston
Dana B. Hodgkins	Auburn
Elenor Cunningham	Augusta
Corriene Ouellette	Lewiston
Stanton Weed	Augusta
Leon Moore	Augusta
Daniel L. Stetson	Auburn

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I, Monona B. Clifford, Deputy Clerk of the Superior Court for the County of Androscoggin, hereby certify that the foregoing is a true copy of the Record of Witnesses before the Grand Jury as relates to the above named Geo. O'Donnell.

(Signed) MONONA B. CLIFFORD  
Deputy Clerk Superior Court  
Androscoggin County.

Thereupon, the communication was ordered placed on file in concurrence.

The PRESIDENT: The Chair would inform the Senate that the adjournment order passed earlier in today's session in the Senate has been returned from the House, that Body having concurred with the Senate, the order being that when the Senate and House adjourn, they adjourn to meet on Monday, the 21st day of October, 1940 at three o'clock P. M. Eastern Standard Time.

On motion by Mr. Spear of Cumberland, the Senate voted to adjourn pursuant to the adjournment order.