The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Mills.

Mr. MILLS: Mr. Speaker, Ladies and Gentlemen of the House: For your knowledge and edification, in Washington county we are a five-man delegation. Four of that delegation have voted against this bill. The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Gillis, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken. Whereupon, Mr. Nelson of Roque Bluffs requested a roll call vote.

The SPEAKER: For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question is on the motion of the gentleman from Calais, Mr. Gillis, that the House recede and concur. All those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL


Yes, 89; No, 48; Absent, 18.

The SPEAKER: Eighty-nine having voted in the affirmative and forty-five in the negative, with sixteen being absent, the motion does prevail.

The Chair laid before the House the sixth tabled and today assigned matter:

"An Act Concerning the Crime of Prostitution" (H. P. 629) (L. D. 770) — In House. Passed to be Enacted on May 2. — In Senate, Indefinitely Postponed.

Tabled — May 4, 1977 by Mr. Tyner of Lisbon Falls.

Pending — Further Consideration.

On motion of Mr. Quinn of Gorham, rebuffed pending further consideration and specially assigned for Monday, May 9.

The Chair laid before the House the seventh tabled and today assigned matter:


Pending — Passage to be Enacted.

On motion of Mr. Birt of East Millinocket, rebuffed pending further consideration and tomorrow assigned.

The Chair laid before the House the eighth tabled and today assigned matter:

"RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1977, (Emergency)" (H. P. 1463) (L. D. 1986) — In House. Passed to be Enacted on May 2.

Tabled — May 4, 1977 by Mr. Henderson of Bangor.

Pending — Final Passage.

The SPEAKER: The Chair recognizes the gentleman from Owls Head, Mrs. Post.

Mrs. POST: Mr. Speaker, Men and Women of the House: We in the county delegation feel a need to have a meeting to consider this amendment which we may put on this, so I would ask that it be tabled for two legislative days. Thereupon, on motion of Mr. Henderson of Bangor, amendment to bill tabled and specially assigned for Monday, May 9.

The Chair laid before the House the following matter:

House Divided Report — Majority (12) ("Ought Not to Pass" — Minority (12) "Ought to Pass" — Committee on Judiciary on bill "An Act to Repeal the Death Penalty" (H. P. 943) (L. D. 1156) which was tabled earlier in the day and later today assigned pending the motion of Mr. Spencer of Standish to accept the Majority's report on the bill.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: Pursuant to joint Rule 20 calling for fiscal note, I noticed that this does not have a fiscal note on the bill andJoint Rule says that it shall.

The SPEAKER: The gentleman from Old Town, Mr. Pearson, has posed a question to the Chair in reference to the interpretation of Joint Rule 20 in reference to fiscal note. The Chair would call to the attention of the gentleman from Old Town and the members of the House that at this point the bill, in fact, would be in violation of Joint Rule 20 since a fiscal note will not be filed until after the bill passes both the House and Senate.

The fiscal note can be added at second reading. Therefore, at this point, the Chair would rule that the debate on the matter may proceed.

The Chair recognizes the gentleman from Westbrook, Mr. Laffin.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: Most of us who, after long, careful consideration, still advocate capital punishment for the most heinous crimes, do not do so because we lack compassion or abhor the very idea of killing. Most of us have never killed and abhor the very idea of killing. It is because we are compassionatethat we advocate the death penalty as a necessary force for the protection of life. We cherish life, liberty, and property and cannot tolerate those who want only to destroy what we revere. We believe killing in self defense and even war is morally permissible; it is only in cases of the most heinous crimes that we believe killing in self defense and even war is morally permissible. Rather it is an effort to focus on the deterrent value of the death penalty for the most heinous crimes. do not do so because we lack compassion or abhor the very idea of killing. Most of us who, after long, careful consideration, still advocate capital punishment for the most heinous crimes, do not do so because we lack compassion or abhor the very idea of killing. Most of us have never killed and abhor the very idea of killing. It is because we are compassionate that we advocate the death penalty as a necessary force for the protection of life. We cherish life, liberty, and property and cannot tolerate those who want only to destroy what we revere. We believe killing in self defense and even war is morally permissible; it is only in cases of the most heinous crimes that we believe killing in self defense and even war is morally permissible. Rather it is an effort to focus on the deterrent value of the death penalty for the most heinous crimes.
the hypocrisy of a significant number of citizens who condone abortion but fight the death penalty even for premeditated murder. If they can rationalize killing a defenseless human fetus at any time after conception, an act which until only recently was universally recognized as both criminal and immoral, how can they contend for a guilty murderer?

At most, no more than 199 people have been ex­ecuted in this country in a single year (1936). There are an estimated 8,000 executions?Georgia, 44; Texas, 179; Indiana, 17; Illinois, 200. The number of executions in this country has fallen drastically since executions were halted in June, 1972. Times have changed, the population has increased since executions were halted in June, 1972. The number of executions has decreased sharply. The number of executions has decreased sharply.

"Who are the really compassionate in our midst?" Such questions are undoubtedly and probably most don't even consider themselves vengeful. Nevertheless, when a heinous crime occurs in their neighborhood, they normally and quite unnecessarily fear that the community will be threatened. For the sake of the neighbors, they have had a great deal to inhibit the population from retaliating.

The Constitutionality of capital punishment is no longer in question. In 1977, the United States Supreme Court in Gregg vs. Georgia held the death penalty constitutional. The court said: "We hold that the death penalty is not a form of punishment for which there is no other and adequate substitute. The court went on to say that it favored the constitutional statutes of Georgia, Texas and Florida: states which had adopted a procedure whereby a defendant's hearing is held after a murder conviction to consider mitigating facts and determine whether capital punishment is applicable in view of the unique set of circumstances of the particular case."

The Gregg case differed from the Furman case in that there were a number of persons who had committed capital crimes per 100,000 in capital punishment states as compared to non-capital punishment states or in the same state after capital punishment has been abolished or restored. No two states have a sufficient number of population, climate, geography and other conditions for meaningful statistical comparison. Sociologists maintain that although the murder rate has increased, if it had not been for the existence of capital punishment, it would have been far more than doubled, if it had not been for the existence of capital punishment, it would have been far more than doubled.

Obviously, no reliance can be placed on the contentions of murders who were not deterred, that just because they weren't others wouldn't be either. And those of us who for other reasons would never murder, but think the death penalty is no help and can't know that at least some others would not be deterred. No one can say how many thousands have been tempted to murder but stopped by fear of the death penalty. The act of repenting, society needs the assurance that those who commit an irrationally aggravated murder will, in absence of mitigating circumstances, be put to death. The Supreme Court agreed on July 2, 1978: "In part, capital punishment is an expression of society's moral outrage at particularly offensive conduct. This function may be unappealing to many, but it is an essential one. The system that asks its citizens to rely on legal processes rather than self-help to vindicate their wrongs."

It was taken from Gregg v. Georgia, 44 L. W. 500, and if any of you would like to check on that ruling, I am sure you will find it very interesting.

The Court said further that the"decision that capital punishment may be the appropriate sanction in extreme cases is an expression of the community's belief that certain crimes are themselves so grievous an affront to humanity that the only adequate response may be the penalty of death."

The overwhelming majority of Americans figured by the Gallup Poll figured about 70 or 90 percent when pressed, favor the death penalty. But the death penalty is so complex that we all have become somewhat brutalized by it. Heinous crimes are no longer considered sensational but rather another story in another situation. For example, the death penalty is a potential target for violence and murder. In a very real sense, we have all become perpetrators of violence, for if we tolerate any and in many instances even rewards the violent behavior of criminals.

We are really, seriously considering a parole for Charles Manson and other equal of notorious murders and brutal crimes that they have committed? Last year, Speck was eligible for parole after being sentenced for premeditated murder by jury, but he was not released. He will undoubtedly come back again. Next year, Charles Manson will be eligible for his parole to be reviewed also. To be sure, there are those who don't have to save $15,000 a year and release them back on to the streets. They will never do it again. The annual cost is far more important than holding them in prison.

There is, of course, no way we can revive the innocent victims of their unconscionable abuses against the dignity and right to human life, nor is there any way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families.

In denying their right to life by the imposition of the death penalty, we also declare as a people that whatever talent they may possess or might have gained through a lifetime of labor, whatever their qualifications and whatever special contributions they might otherwise have made to their fellow man, we choose not to be their beneficiary, for they have killed. They have killed.

Retribution alone may seem unworthy but it is in a system of criminal justice that has been long recognized. I strongly urge and support the views expressed in the editorial entitled "Is Society Ready to Sustain the New York University Law School when he asked this question, "Is human life the protection, the most credible threat to life?"

After all, the idea that the death penalty is contrary to human life, nor is there any way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families. But perhaps there is some way in which we, as a society, can compensate their victims' families.
have always been subject to greater pressure to commit crimes, but the fact of life is best corrected not by changing penalties assigned to crime, but by elevating the social status of the individual and rectifying the discrimination within the criminal system of justice.

It is my own opinion, it is my own personal belief that the death penalty is a deterrent to crimes. The prospect of the death penalty as a deterrent to those considered committing such heinous crimes for the people of Maine to vote on.

Between 1935 and 1965, when the death penalty was enforced nationwide, the number of murders remained fairly constant, between 7,000 and 9,000 a year. The death penalty has been in effect in Maine and the murder rate has almost tripled. There has been an average of 22,500 homicides each year. Also, if the death penalty is only imposed on those who have committed a homicide, it would deter those who commit such crimes as rape and kidnapping from murdering their victims to avoid identification for prosecution.

The U.S. Supreme Court in upholding this law, said that the capital punishment has been accepted by society as a means of deterring crime and does not violate the eight amendment ban on cruel and unusual punishment. Therefore, I feel that there is presently a need for the death penalty in our existing society today.

I have a great respect for some of the members of this House I am going to quote what one person had to say and then I am going to quote what another one had to say. This is from the Record. We are talking here about L. D. 1156, which is the bill before us today. This is a quote from Mrs. Najar, a Representative from Portland. In her speech she said, "The average person wonders what is the crime, what is the sentence size, what is there to be afraid of? Send it out and see your opinion upheld. Let's be cowards. Let's just put the question before them to decide and come what may. I thought that those were two very very important statements that have been made on the floor of this House.

We are not asking the members of this house to vote for the death penalty; we are not asking the members of this House to open the gate and start executions. We have a Supreme Court with integrity and L. D. 1156 is a guideline by the Supreme Court's own ruling. You're not talking about a first-year, law school student. You are talking about professional men and women who have studied the law. I can assure you, ladies and gentlemen, that the Supreme Court of the State of Maine, our highest court in this state, would not allow us to accept the death penalty statutes as the due process of law took effect. The guidelines of the Supreme Court made that very clear.

There are those who say, well, if the death penalty is not necessary now, why bother with it? I would say to you in return, many millionaires cheat on their income tax, they go to prison but they still cheat on it. Should we do away with it? Should we not have income tax law because they still do it? Should it be abolished because only the rich are convicted and the poor are never convicted? L. D. 1156 is a stepping stone in the right direction. L. D. 1156 is a piece of legislation that you can be proud to send out to the people. If you vote 'yes', you are the people. You could have the same chance to vote against a bill in the booth and no one will ever know how you voted.

I have put seven pages of my speech this morning to agree with the leadership and the Speaker of this House to not prolong this, but don't think for one minute because I voted down on the floor, because I do not believe in it. The people of Maine believe in it. The people of Maine want the death penalty, they want a chance to vote on it. I am asking you members to give them that chance.

The SPEAKER: The Chair would ask the Sergeant-at-Arms to escort the gentleman from Stonington, Mr. Greenlaw, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Speaker Martin retired from the Hall and Mr. Greenlaw of Stonington assumed the Chair as Speaker pro tem.

The SPEAKER pro tem: The Chair recognizes the gentleman from Old Town, Mr. Pearson.

Mr. PEARSON: Mr. Speaker, Ladies and Gentlemen of the House: I have a question I would like to pose through the Chair to the sponsor of this bill, and it is, I wonder if you would have the wisdom to take the time to think about the fact of the absolute finality of death, and I am not saying this facetiously either. I would like to know which section of the bill deals with the possibility that an innocent man may be executed. And if it is not dealt with in the bill, how does the sponsor of the bill propose to deal with that possibility that very well might occur?

The SPEAKER pro tem: The gentleman from Old Town, Mr. Pearson, has posed a question through the Chair to the gentleman from Westbrook, Mr. Laffin, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: This question has probably been one of the strongest arguments against the death penalty, but we are living in a society today where the laws protect the guilty, they do not protect the innocent. They don't say a thing about the innocent. They don't say anything about the people they have murdered, but the courts will protect the guilty.

I say to you that in 1935, when we had 199 executions in this country, not one innocent person was ever convicted. Therefore, I felt I had to go an extra mile to protect the guilty. The people of Maine want the death penalty, they want a chance to vote on it. I am asking you members to give them that chance.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. Joyce: Mr. Speaker, Ladies and Gentlemen of the House: Speaking here.

The SPEAKER pro tem: The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. Joyce: Mr. Speaker, Ladies and Gentlemen of the House: Speaking here.

The SPEAKER: If the gentleman wishes to continue, the Chair will recognize him a second time.

Mr. Joyce: To cut down on parole, to cut down on escape from punishment. Why else would anyone want to vote for the death penalty? I think we should have a referendum on this bill in the booth and no one will ever know how you voted.

We failed the people of Maine on that. I felt I was personally hurt. I had arrested a man, sent him to prison for murder and met him at midnight out on the street one night. He told me he would go and beat me up again. He was one of the fortunate ones. He managed to stay out for a month.

I don't know, I am concerned about those scales that we have all look to when we talk about justice. You know, the goddess of justice and she is the one up there that holds those scales up, and if you ever take a good look at her, you will know that beautiful lady is blindfolded, yet she's got the judge to balance. She is a wonderful lady. Greek mythology will tell you that she actually worked on the 6th century B.C., but crime got so bad during the iron age when they started digging up the earth — she was truly the first environmentalist — she fled, and mythology tells you that she fled up to Mount Olympus but others disagree with that. She couldn't stand the way the world was being run. I wonder what she would have done if she was on this earth in 1969 when in this House here they decided murder was only 10 years and 18 months. What a tragedy! This bothered me.

I can understand when I went out and inquired about this bill that is before us how there was support for it. Even after the criminal code was put in, they are still having problems with murders. I studied it and I studied it depth and I studied it in depth when I went back and studied Greek mythology. You don't go back very much further than that.

Now, what I did, I read other L.D.'s printed. They are L.D.'s that will change the present law from 30 years in prison to 35 mandatory sentence for a first degree murder. I also prepared a L.D. — is that the way the world is being run. I wonder what she would have done if she was on this earth in 1969 when in this House here they decided murder was only 10 years and 18 months. What a tragedy! This bothered me.

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day on the streets like blown away, that person is going to waste you, where do people get that kind of sentiment? I hate to speak to an empty House but the facts are there, I don't believe in our judicial system, because over the years, one doctor asked me of my constituency and contained in that letter was the question dealing with the death penalty here in Maine and of those returned questionnaires to their local stacking for this bill, I would try to help support it, to get it in front of the people. I think it is one of the most important issues of our day and I feel that the people of this state should have a chance in referendum to vote for or against. To tell you the truth, if I was in the polling booth I would be undecided how I would vote on this issue, but because of the importance, because of the things that we read in the papers, because of the comments of the people on the street, I think it is time, on an important issue such as this, to give them a chance to voice their opinion.

The SPEAKER pro tern: The Chair recognizes the gentleman from Portland, Mr. Talbot.

Mr. TALBOT: Mr. Speaker, Ladies and Gentlemen of the House: I don't really appreciate talking to an empty House and I didn't really plan on talking on this bill. I guess for the last week I have been telling the gentleman from Westbrook, Mr. Laffin, that I am going to support his bill. He knows better than that and so do I. I certainly don't believe in capital punishment or the death penalty in this state for several reasons, one being that I don't entirely believe in our judicial system, because over the last couple of years, and especially this last month, I read at least once a week, or maybe twice a month, where somebody is now being released from prison because they were convicted wrongly, because of new evidence they are now being released, because the wrong man has been convicted and the same thing can happen in the State of Maine. I guess the gentleman from Waterville, Mr. Boudreau, got me on my feet because I think he is entirely on the wrong track. I can answer his question as to how do we fight the people who get sentenced to death, the people who get sentenced to death because I, too, am disturbed at the rate of murders in this country and I would answer him by saying that we fight those kinds of conditions with better education, with less slums, that is where we start to fight so we won't have the overcrowded jails we do today, so we won't have an issue facing us as a legislature today dealing with capital punishment, that is where we start to fight the issue. There is nowhere in the bill where anybody has expressed that kind of sentiment. It is always after the fact. As an individual, I want to raise a question. I read an article in last night's paper where a court case was being heard in one of the western states where a step-father and a mother were being tried because they burned the words "I cry" on the youngsters back. That disturbs me also but I think it is time we as a responsible body start looking at the facts before we ever get involved. I hope you will indefinitely postpone this particular bill.

The SPEAKER pro tern: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, Ladies and Gentlemen of the House: Like the gentleman from Portland, Mr. Talbot, I hate to speak to an empty House but the facts are there, I don't even know if we have a quorum. You might say, how come a mild-mannered man like the gentleman from Lewiston, Mr. Cote, has asked me such a Bill. For many years I have heard about the death penalty. For many years I have heard the people on the street talk about it and I decided after Mr. Laffin gave me information on the bill that if there was a referendum on the bill, I would try to support it, to get it in front of the people. I think it is one of the most important issues of our day and I feel that the people of this state should have a chance in referendum to vote for or against. To tell you the truth, if I was in the polling booth I would be undecided how I would vote on this issue, but because of the importance, because of the things that we read in the papers, because of the comments of the people on the street, I think it is time, on an important issue such as this, to give them a chance to voice their opinion.

The SPEAKER pro tern: The Chair recognizes the gentleman from Millinocket, Mr. Marshall.

Mr. MARSHALL: Mr. Speaker, Ladies and Gentlemen of the House: I made my decision on this issue after much deliberation. I recently had the opportunity to ask Mr. Tierney what he would do for my constituency and contained in that letter was the question dealing with the death penalty here in Maine and of those returned questionnaires to their local stacking for this bill, I would try to help support it, to get it in front of the people. As an individual, I would make my decision regarding this issue in a ballot booth in November, but as a legislator today, I make my decision to send this issue to the people for their collective deliberation.

The SPEAKER pro tern: The Chair recognizes the gentlewoman from Hampden, Mrs. Prescott.

Mrs. PRESCOTT: Mr. Speaker, Ladies and Gentlemen of the House: I, too, sent out a survey to 500 people in my district. Over half of those people responded to me and 29 percent of those people said no to the death penalty but 62 percent of my people wanted the death penalty on the ballot.

The SPEAKER pro tern: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: I might as well put my four cents worth in. I, too, sent out a questionnaire to 500 people in my district. Over half of those people responded to me and 29 percent of those people said no to the death penalty but 62 percent of my people wanted the death penalty on the ballot.

The SPEAKER pro tern: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I feel, despite the empty seats here, that I cannot remain silent on this bill. We are asked to send this issue out and let the voters make the choice. People refer to the overwhelming number of their constituency that are in favor of it. In many cases, I am willing to follow the opinions of my constituency, but in this case, I will defy the wishes of my constituents. No man can command my conscience and 100 percent of my constituents cannot command my conscience on a question like this. Within each of us for as much as it is God, there is much of it as man, there is much as a pigmy groping in the mist and there is a small amount of beast in each of us.

The SPEAKER pro tern: The Chair recognizes the gentleman from Brewer, Mr. Cox.

Mr. COX: Mr. Speaker, Ladies and Gentlemen of the House: I feel, despite the empty seats here, that I cannot remain silent on this bill. We are asked to send this issue out and let the voters make the choice. People refer to the overwhelming number of their constituency that are in favor of it. In many cases, I am willing to follow the opinions of my constituency, but in this case, I will defy the wishes of my constituents. No man can command my conscience and 100 percent of my constituents cannot command my conscience on a question like this. Within each of us for as much as it is God, there is much of it as man, there is much as a pigmy groping in the mist and there is a small amount of beast in each of us. It is a beast in each of us that gives rise to the desire to commit murder. If I should be convicted of murder, it is not only I, I hope, that it is not only I, I hope, that I would be able to see that the state has failed to punish someone personal justification to take the law into his own hands. Since the state has said that certain people should die, then, the decision that certain people deserve to die, I think this advances the idea that each of us had the right to decide that a person should die. I believe that no person and no group of persons has the right to decide that someone shall die.

The SPEAKER pro tern: The Chair recognizes the gentleman from South Portland, Mr. Howe.

Mr. HOWE, Mr. Speaker, Ladies and Gentlemen of the House: Years ago, society literally got its pound of flesh, not only did society execute murderers, they cut off the hands of robbers. We couldn't stomach that cutting off the hands of criminals anymore, but some of us will propose taking a whole life. There are some people who commit such horrible crimes that they should be locked up for a very long time. Perhaps in some cases, they should even throw away the key.

The gentleman from Portland, Mr. Joyce, the voice of the people and the voice of this House, reassures my faith that there is 'reasonable left in the conservative community.

Two years ago, I was the chief opponent of the death penalty at public hearing before I was a legislator. I had a long legalistic speech and I have none now. The referendum provision does not change my mind. The death penalty is wrong and I won't vote to establish it if I can't vote that way in good conscience myself.

I would suggest to members of this House that there is no more flick the switch for this bill than they could personally flip the switch on the electric chair.

The SPEAKER pro tern: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE, Mr. Speaker, Ladies and Gentlemen of the House: I have very little to say, but I will say that for the bill for which has already been said. We are concerned with the murderer's fate. I honestly believe that we should be discussing what warning did the victim have before the fatal crime and no, we are perhaps giving a person who decided to kill that person the right to decide that someone shall die.

The SPEAKER pro tern: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tern: The Chair recognizes the gentleman from Lewiston, Mr. Cote.

Mr. COTE: Mr. Speaker, I wish to pair my vote. If the gentleman from Eagle Lake, Mr. Martin was here, he would be voting yes: I would be voting no.

The SPEAKER pro tern: The gentleman from Lewiston, Mr. Cote, wishes to pair his vote with the gentleman from Eagle Lake, Mr. Martin. Mr. Martin was here, he would be voting yes; Mr. Cote from Lewiston would be voting no.

The SPEAKER pro tern: The Chair recognizes the gentleman from Orleans, Mr. Ander,

Mr. Ander: Mr. Speaker, would like to pair with the gentleman from Lisbon Falls, Mr. Tierney. If Mr. Tierney were here, he would be voting yes: I would be voting no.
The SPEAKER pro temp: The gentleman from Hallowell, Mr. Stubbs, wishes to pair his vote with the gentleman from Lisbon Falls, Mr. Tierney. If the gentleman from Lisbon Falls, Mr. Tierney were here, he would be voting yes; Mr. Stubbs from Hallowell would be voting no.

The SPEAKER pro temp: The Chair recognizes the gentleman from Portland, Mr. Jensen.

Mr. JENSEN: Mr. Speaker, I would like to pair my vote with the gentleman from Bethel, Miss Brown. If she were here, she would be voting no and I would be voting yes.

The SPEAKER pro temp: The gentleman from Portland, Mr. Jensen would like to pair his vote with the gentleman from Bethel, Miss Brown. If Miss Brown were here, she would be voting no and Mr. Jensen would be voting yes.

The Chair recognizes the gentleman from Springvale, Mr. Wood.

Mr. WOOD: Mr. Speaker, I wish to pair my vote with the gentleman from Kennebunk, Mr. McMahon. If Mr. McMahon were here, he would be voting no and I would be voting yes.

The SPEAKER pro temp: The gentleman from Springvale, Mr. Wood, wishes to pair his vote with the gentleman from Kennebunk, Mr. McMahon. If Mr. McMahon were here, he would be no and Mr. Wood would be voting yes.

The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, I would like to pair my vote with the gentleman from Augusta, Mr. Bustin. If Mr. Bustin were here, he would be voting yes and I would be voting no.

The SPEAKER pro temp: The gentleman from Biddeford, Mr. Lizotte, pairs his vote with the gentleman from Augusta, Mr. Bustin. If Mr. Bustin were here, he would be voting yes; Mr. Lizotte of Biddeford would be voting no.

The Chair recognizes the gentleman from Wayne, Mr. Ault.

Mr. AULT: Mr. Speaker, I would like to pair my vote with Mr. LaBlanc from Van Buren. If he were here, he would vote yes and I would vote no.

The SPEAKER pro temp: The gentleman from Wayne, Mr. Ault, pairs his vote with the gentleman from Van Buren, Mr. LaBlanc. If Mr. LaBlanc were here and voting, he would be voting yes; if Mr. Ault were voting, he would be voting no.

The pending question is on the motion of the gentleman from Portland, Mr. Joyce, that this bill be receded and concurred on L.D. 1359. All those in favor of reconsideration will vote yes; those opposed will vote no.

Yeas, 87; No, 44; Absent, 10; Paired, 12.

The SPEAKER pro temp: Eighty-seven having voted in the affirmative and forty-four in the negative, with ten being absent and twelve paired, the motion does not prevail.

The Chair recognizes the gentleman from Brewer, Mr. Norris.

Mr. NORRIS: Mr. Speaker, having voted on the prevailing side, I now move we reconsider our action and hope you all vote against me.

The SPEAKER pro temp: The gentleman from Brewer, Mr. Norris, having voted on the prevailing side, now moves that the House reconsider its action whereby this bill was indefinitely postponed. All those in favor will say yes; those opposed will say no.

A viva voce vote being taken, the motion did not prevail.

Sent up for concurrence.

The SPEAKER pro temp: The Chair recognizes the gentleman from Biddeford, Mr. Lizotte.

Mr. LIZOTTE: Mr. Speaker, I move we reconsider our action of earlier whereby we voted to adhere on Bill "An Act Concerning the Penalty for Sale of Alcoholic Beverages to Minors," Senate Paper 249, L.D. 758, and I hope you all vote against me.

The SPEAKER pro temp: The Chair recognizes the gentleman from Rockland, Mr. Gray.

Mr. GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I have asked that this bill be held. I think we passed over it rather quickly. The other body has asked for a Committee of Conference, so I hope that perhaps we might reconsider our action on this bill and have an opportunity to have a Committee of Conference with the other body.

The SPEAKER: The pending question is on the motion of the gentleman from Biddeford, Mr. Lizotte, that the House reconsider its action of earlier in the day whereby it voted to adhere on L.D. 758. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

26 having voted in the affirmative and 54 having voted in the negative, the motion did not prevail.

The SPEAKER pro temp: The Chair recognizes the gentleman from Calais, Mr. Gillis.

Mr. GILLIS: Mr. Speaker, I move we reconsider our action on Bill "An Act to Provide County Commissioner Districts in Washington County," House Paper 1225, L.D. 1393, and ask that you all vote against it.

The SPEAKER: The Gentleman from Calais, Mr. Gillis, moves that the House reconsider its action of earlier in the day whereby it voted to recede and concur on L.D. 1393. All those in favor of reconsideration will vote yes; those opposed will vote no.

A vote of the House was taken.

24 having voted in the affirmative and 68 having voted in the negative, the motion did not prevail.

ROLL CALL


ABSENT — Bagley, Carey, Dudley, Dutrembrie, Jacques, LaPlante, Locke, Masterman, Maxwell, Tyndale.


Yes, 87; No, 44; Absent, 10; Paired, 12.

On motion of Mrs. Post of Owl's Head, Adjourned until one-thirty tomorrow afternoon.