LEGISLATIVE RECORD

OF THE

One Hundred and Ninth
Legislature

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION
January 3, 1979 to May 4, 1979
HOUSE

Wednesday, January 24, 1979

The House, according to adjournment and was called to order by the Speaker.

Prayer by the Reverend Howell Lind of the Winthrop Street Universalist Church, Augusta. Reverend LIND: Sustain the spirit of life. We invoke the blessings of life upon these men and women as they prepare to conduct the business of this State. Grant them insight and understanding, moderation and patience, and grant to them an awareness of the very real needs of the people they represent. As we stand at the beginning of this session, may we all grow in the knowledge and purpose of our gathering, that these dedicated men and women meet to be of service to others; may their actions achieve this desire. In the spirit of service they gathered, and in this spirit do we pray. Amen.

The journal of yesterday was read and approved.

Papers from the Senate

The following Joint Order, An Expression of Legislative Sentiment recognizing that: George Stevenson, who guided Gorham High School to two state soccer titles, has been selected New England Soccer Coach of the Year by the National Soccer Coaches Association of America. (S. P. 79)

Came from the Senate, Read and Passed.

In the House, the Order was Read and Passed in concurrence.

The following Joint Order, An Expression of Legislative Sentiment recognizing that: Kirk Butterfield, fullback of the Gorham High School Championship Soccer Team, has been selected by the National Soccer Coaches Association of America to its All-American team (S. P. 71)

Came from the Senate, Read and Passed.

In the House, the Order was Read and Passed in concurrence.

Bill "An Act to Provide Birth Certificates for Foreign-born Citizens Adopted by Maine Parents." (S. P. 72) (L. D. 126)

Came from the Senate referred to the Committee on Health and Institutional Services and ordered printed.

In the House, referred to the Committee on Health and Institutional Services in concurrence.

Bill "An Act to Amend the Procedure of the State Board of Arbitration and Conciliation" (S. P. 73) (L. D. 127)

Came from the Senate referred to the Committee on Labor and ordered printed.

In the House, referred to the Committee on Labor in concurrence.

Non-Concurrent Matter

Bill "An Act to Establish the Maine State Indoor Air Act" (H. P. 99) (L. D. 125) which was referred to the Committee on Energy and Natural Resources in the House on January 18, 1979.

Came from the Senate, referred to the Committee on Health and Institutional Services in non-concurrence.

In the House: The House voted to recede and concur.

Non-Concurrent Matter

Joint Order (H. P. 95) Relative to Mass Mailings by State Agencies to Legislators' Residences which was Read and Passed in the House, January 8, 1979.

Came from the Senate, Indefinitely Postponed in non-concurrence.

In the House: The SPEAKER: The Chair recognizes the gentleman from Lisbon Falls, Mr. Tierney.

Mr. TIERNEY: Mr. Speaker, Men and Women of the House: This is the order presented by the gentleman from Portland, Mr. Vincent, several days ago in regard to the mailing practices of State agencies. Upon further examination, we discovered that Mr. Vincent had just touched the tip of the iceberg and the Legislative Council will be taking Civil Matter up in greater detail at a later time and in a more comprehensive fashion than originally anticipated in the order. So with the agreement of the Members, I move that the House recede and concur.

Thereupon, on motion of Mr. Tierney of Lisbon Falls, the House voted to recede and concur.

Petitions, Bills and Resolves Requiring Reference

The following Bills and Resolves were received and referred to the following Committees:

Judiciary

Bill "An Act Relating to Avoidance of Contracts Made on the Lord's Day" (H. P. 136) (Presented by Mrs. Damien of Belgrade) (Ordered Printed)

Sent up for concurrence.

Legal Affairs

RESOLVE, Authorizing Burton L. Lockhart or his Legal Representatives to bring Civil Action against the State of Maine (H. P. 137) (Presented by Mr. Bunker of Gouldsboro) (Cosponsor: Mr. Silsby of Ellsworth) Committee on Legal Affairs was suggested.

On motion of Mr. Violette of Van Buren, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act Relating to the Use of Force in Defense of Premises" (H. P. 138) (Presented by Mr. Drinkwater of Belfast) (Cosponsor: Mr. Lowe of Winterport) (Ordered Printed)

Sent up for concurrence.

Labor

Bill "An Act to Require Personnel Files to Include Medical Records and Nurses Station Notes" (H. P. 139) (Presented by Mrs. Mitchell of Vassalboro)

Bill "An Act to Amend the Maine State Apprenticeship Council to State Apprenticeship and Training Institute to Conform with Federal Recommendations under the Labor Laws" (H. P. 140) (Presented by Mr. MacEachern of Lincoln)

Bill "An Act to Provide Time for the Employer and Employer to Consider Payment of Compensation by Agreement" (H. P. 141) (Presented by Mr. Pelletier of Houlton) (Cosponsor: Mr. McPherson of Ellsworth)

Bill "An Act Relating to Arbitration under the State Employees Labor Relations Act" (H. P. 142) (Presented by Mr. Birt of East Millinocket) Committee was suggested.

On motion of Mr. Violette of Van Buren, referred to the Committee on Legal Affairs, ordered printed and sent up for concurrence.

Local and County Government

Bill "An Act Concerning Expenditure of County Funds" (H. P. 143) (Presented by Miss Brown of Bethel)

Bill "An Act Concerning County Commissioners' Discretionary Powers Regarding Grants Placed in County Budgets" (H. P. 144) (Presented by Miss Brown of Bethel)

Bill "An Act Concerning County Governments' Allowances for Expenses Incurred in and in Connection with the County Government" (H. P. 145) (Presented by Mr. Birt of East Millinocket) (Ordered Printed)

Sent up for concurrence.

Taxation

Bill "An Act to Provide a Trade-in Credit for Musical Instruments" (H. P. 146) (Presented by Mr. Jackson of Yorkmouth) (Cosponsors: Mrs. Cowan of Standish, Mrs. Nelson of Portland, Mrs. Lewis of Auburn) (Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Revise the Service Charge for Local Vehicle Registration Agents" (H. P. 147) (Presented by Mr. MacEachern of Lincoln)

Bill "An Act to Exempt Trucks Hauling Bulk Milk and Feed from Certain Weight Limits on State, County and Municipal Roads" (Emergency) (H. P. 148) (Presented by Mrs. Locke of Sebec) (Cosponsor: Mr. Torrey of Poland) (Ordered Printed)

Sent up for concurrence.

Orders

On motion of Mr. Cox of Brewer, it was ORDERED, that Marjorie Hutchings of Lincolnville be excused January 23 for health reasons;

AND BE IT FURTHER ORDERED, that Nancy Masterton of Cape Elizabeth be excused January 18 for personal reasons;

AND BE IT FURTHER ORDERED, that Frank Carter of Bangor be excused January 18 for personal reasons;

AND BE IT FURTHER ORDERED, that Donald Strout of East Corinth be excused for personal reasons;

AND BE IT FURTHER ORDERED, that Glenn Torrey of Auburn be excused January 18 for personal reasons;

AND BE IT FURTHER ORDERED, that Guy Lewis of Auburn be excused January 18 for personal reasons;

AND BE IT FURTHER ORDERED, that Sidney Maxwell of Jay be excused January 23 for personal reasons.

On motion of Mr. Labonte of Sabattus, the following Joint Order: (H. P. 135)

ORDERED, the Senate convening, that the Joint Standing Committee on Local and County Government be directed to submit legislation revising the salaries of county officials to bring out a Report or Resolves for Laying of the County Taxes for the year 1979.

The Order was Read and Passed and sent up for concurrence.

House Reports of Committees

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Repeal the Death Penalty" (H. P. 28) (L. D. 45)

Report was signed by the following members:

Messrs. COLLINS of Knox
DEVOE of Penobscot
Mrs. TRAFTON of Androscoggin
Mr. HOBBS of Saco
Mrs. SEWALL of Newcastle
Messrs. HUGHES of Auburn
JOYCE of Portland
SIMON of Lewiston

of the House.

Minority Reports of the same Committee reporting "Ought Not to Pass" on the same Bill.

Report was signed by the following members:

Messrs. LAFFIN of Westbrook
STETSON of Wiscasset
CARRIER of Westbrook
SILSBY of Ellsworth
GRAY of Rockland

of the House.

Reports were read. The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins. Mr. HOBBS: Mr. Speaker, I urge the ac-
ception of the "Ought Not to Pass" Report and would speak to my motion.

The SPEAKER: The gentleman from Saco, Mr. Hobkins, moves that the Majority "Ought Not to Pass" be accepted.

The gentleman may proceed.

Mr. HOBBINS: Mr. Speaker and Members of the House: I understand and share the concern over violent crime and over violent crimes committed against human being. I am outraged by the vicious and senseless nature of these crimes which are reported to us every day in the media, but I do not believe that the use of the death penalty is the answer.

I recognize that opponents of capital punishment, such as myself and seven other members of the Judiciary Committee are viewed in light of being soft on crime and sympathetic with the criminal. In response, I would quote from the statement of Lord Gardiner during a debate in Parliament which led to the abolition of the death penalty in England. He said, "When we abolish the punishment for treason that you should be hanged and then cut down while still alive and then dismembered while still alive and then quartered, we did not abolish the punishment because we sympathized with the defenders but because we took the view that it would be punishment no longer consistent with our self-respect.

When the state puts a man or woman to death, it renders the judgment that that particular human being is utterly without a single redeeming quality. It says that a person to be executed is worthless, fit only for the disposition of being disposed with and not able to be rehabilitated.

Unfortunately some sentiments that are administered, the death penalty is a very unique one. If administered in error, unlike other punishments where restitution can be made, there is no way the penalty of death can be undone. An innocent man almost went to the gallows in 1867 in Maine for the gruesome, double murder slaying in West Auburn. In my research of this issue in the State Law Library, I discovered the following account of Luther J. Verrill's wrongful conviction, which undoubtedly hastened the abolition of capital punishment in Maine which occurred 20 years after.

In that account it says of Verrill that Verrill used the murder scene at the time of the slaying, and in court he said, "Every word is false and I can prove where I was and that I was not there." Eight witnesses paraded before the Androscoggin County jury and swore that the hapless Verrill did not leave his boarding house on the murder night. Yet, Verrill was found guilty on the testimony of an alleged accomplice, who also was sentenced to be hanged. Clifton Harris, a black, told of the going with Verrill to the farmhouse of a Mrs. Sarah Kinsley with the intent to commit robbery. He describes in detail how Verrill killed Mrs. Kinsley, raped her body and then mangled it with an axe. She horrified cries as she was attacked awakened a companion, a Miss Polly Caswell. She, too, was slain by Verrill, according to Harris.

A blustery northeast storm discouraged normal visitors to the lonely farmhouse. It was three days before the slayings were discovered.

The two defendants tried in vain to win freedom on exceptions to law and evidence at the trial in the State Supreme Court. The murder scene was preserved and both were finally taken to Thomaston to await their death.

Harris, who had expected to win his freedom by testifying against Verrill, was hanged. Verrill pointed that his death sentence was not overturned, and as the time for the hanging grew close, he sought out the warden and the minister, and he confessed that he, not Verrill, was the real murderer; yet the courts refused to set the verdict aside. Concern mounted in Lewiston and Auburn for the ill-starred Verrill, but a new motion was filed and the Supreme Court freed the accused.

Statistics compiled by the State Law Library over more than a century failed to support deterrents also. Between 1860 and 1876, a period when capital punishment was a recognized means of deterrent, the murder rate was the highest in the 19th Century. One of the telling points made by the opponents of the death penalty, as you will hear later in this morning. Thirdly, it is argued that the deterrence will be affected. In fact, the death penalty is instigated.

During the seven-year period from 1876 to 1883, when the penalty for death, capital punishment, was temporarily abolished, there were only 24 murders in the state, while in the four years after that, there were 32.

It was reasoned by our predecessors, who sat in this particular chamber back nearly a hundred years ago, that the possibility of a death sentence did not deter a murderer from committing that offense. The evidence of deterrence has probably been the subject of more studies in the past 40 years than any other aspect of our criminal justice system. The most often discussed is the appendix to the Model Penal Code which found no correlation between murder rates in the existence or absence of the death penalty. This finally is re-inforced in 1972 by the National Research Committee, which concluded that a comparison of similar jurisdictions failed to demonstrate that capital punishment has a deterring effect to that of the death penalty.

I fully recognize that studies can be invoked to support virtually any points of view. It is significant, however, to note that Mr. Justice Stewart, in his opinion in the case of Furman v. Georgia, which declared the constitutionality of capital punishment, found the evidence of a deterring effect to be "inconclusive." Whether one believes that the evidence is inclusive or that the deterrence argument has been disproven, the case for the death penalty has taken a new direction to that of the record.

First, the resolution of this issue should depend upon our moral judgments as to what course of action is most consistent with the values of a civilized society. In closing I will leave you with the following thought as put by one famous writer - "The trouble with capital punishment is that it reduces a murderer to a state of what is known as 'cruel cutting.'" I urge you this morning to support my motion for the "ought not to pass" report.

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Laflin.

Mr. LAFLIN: Mr. Speaker, Ladies and Gentlemen of the House: Everyone is agreed about the death penalty, we have talked about it for years. We have used that across this country until they happen? Immediately state legislatures Realized the problems of the vicious murderers who commit the vicious crimes against society had to be dealt with. What did they do? They turned around and followed the guidelines that were laid down by the Supreme Court, and one of the biggest ones is two trials so that no innocent person, especially in our day when we protect all these murderers, so that they will never be put to death for a crime that they didn't commit. The first trial is guilty or innocent, and the second trial is to determine whether that person has committed a vicious crime that was bad enough to be sent to the death chamber.

All murderers are not punishable by death. I read in the paper the other day about this creepy crawler who murdered 29 to 32 young boys. Well, the state of Illinois had demanded the death penalty. That death penalty is for, these vicious crimes like the Sharon Tate murderers and those kind of people that commit vicious crimes against our people. Right here in Portland, a mother of a child, a man 75 years old, worked hard all his life, was brutally murdered by two young punks that never did a day's work for a few pieces of silver — brutally murdered, a 7 year old boy was a murderer by his mother's girl friend — a 12 year old boy by her stepfather.

Compasion, yes, we have compasion. This
legislature is one of the most compassionate groups of people that I have ever met. We help the poor, we help the sick and the shut-ins and we put up with the people that we have for them. We do all these things — why? Because it is the obligation of this State Legislature to protect the people and see that every one of these people that we have for them is taken care of. The Supreme Court has ruled that capital punishment — they could find no evidence that it was a deterrent, and that I will agree with, but I will point out that the supreme court sent up the death penalty from 1400 years in 1966, and 7000 people are alive, the dignity of the woman will be 24 hours on the death penalty and I fully intend to honor that, but there is one thing that I would like to bring to your attention. Ladies and gentlemen, if we are going to live in a society, I am asking you to send this referendum out to the people, let people decide, as the Supreme Court has decided that it is up to us to make our own decision. I say to you as the governing body of this state, let the people of Maine decide. If the people of Maine do not want the death penalty, they will tell us, and I can assure you that this issue will be dead in this state for generations to come. But when we have continuous murders, when people somebody takes your life, your daughter is raped and murdered, your wife is brutally raped and murdered, if a vicious person does that, the State of Maine will take your life — that is a protection.

I say to you, my friends, we will not be truly free as people until we can free ourselves of the three murderers that we have in our state. Murder is so common today there is no more notoriety — it doesn’t mean a thing. They even bury it on the back page in most papers. It is a sensation to have somebody take your life, your daughter is raped and murdered, a poor little kid murdered, a poor woman murdered. That is not sensational anymore; it is a way of life, we are living with it. We live with it everyday. That is in the city and the suburbs, we are all potential targets for violence and for murder. No longer is it just restricted to the city. No longer are we as individuals protected under the law by having so many police that we are all protected. No, we don’t have that anymore. We have nothing to deter a person.

When I was a kid, I remember Specht killed eight girls in Chicago, they couldn’t do any more to him for killing the first one than when he killed the eighth one. He had a total of 1400 years in prison but he is still alive. He is in the city or in the suburbs, we are all potential targets for violence and for murder. No longer is it just restricted to the city. No longer are we as individuals protected under the law by having so many police that we are all protected. No, we don’t have that anymore. We have nothing to deter a person.

There is no way, of course, that we can reimburse the innocent victims of crime. There is no way that we can bring families and loved ones back into respect and dignity. We realize that in many instances, the families are not even entitled to the same benefit. A $200,000 trial is nothing to spend on a convicted murderer. We do that here in Maine. We see that this man, Specht, is a first grade murderer. He is proceeded under the law, but what has happened to the innocent people that are left. He has committed a vicious crime, the family is left without a father, a loving, good person, innocent people are put to death and they are not even exonerated.

Between 1935 and 1965, when the death penalty was nationwide and the number of murderers remained fairly constant, between 7,000 and 9,000 a year, the number of life in the death penalty, however, in 1966, as you know, we did not have the death penalty in this state, and it rose three times, 22,300 homicides the first year, 24 years. There are those who say there is no deterrent with the death penalty. Well, I say to you, my friends, there is a deterrent, there is a deterrent. There are still going to be some people, they are still going to commit vicious crimes and rob people, but if they leave that person alive, the dignity of the woman will be restored, the money that they stole can be put back, but at least that woman or that little boy will be left alive, and that is what the death penalty is all about — to save lives.

In this case, the Supreme Court ruled that capital punishment — they could find no evidence that it was a deterrent, and that I will agree with, but I will point out that the supreme court sent up the death penalty from 1400 years in 1966, and 7000 people are alive, the dignity of the woman will be rescued, the money that they stole can be put back.
As Representative Laffin indicated, the defendant in a capital case under this legislation would be afforded two trials. One trial would determine his guilt or innocence and one trial would determine if he committed any crime and not how he commit the crime or whether he suffers the death penalty. The Court or jury, depending on whether mitigating factors outweighed aggravating factors, could find that the defendant is guilty, and not just guilty or not guilty, but also that the defendant committed the crime that he was charged with. After trial, the judge, in his wisdom, could set aside the case or not put it to the jury for a death penalty determination if he didn't feel the defendant was guilty or if he didn't feel the defendant committed the crime. The jury could only determine that it was not a proper case for a death penalty.

I think this legislation represents a good-faith effort by the sponsor to put forth legislation into this state that would meet the guidelines as required by the United States Constitution.

We heard, of course, at this hearing, various arguments presented. I am all heard been hearing the religious argument, the argument that the death penalty in not a deterrent to crime, although much to my surprise at the hearing, one of the arguments presented that the evidence was inconclusive as to whether such legislation is, in fact, a deterrent to crime. The argument was presented that an innocent person might be executed, but I agree, add a further rebuttal to that argument is, when was last the time any of us in this House heard of anyone being released from Thompson or South Windham as improperly convicted of a crime? I, myself, have never heard of anybody.

I have heard the argument that Maine abolished the death penalty in the 1800's because an equal number of men were being executed as were being killed. I would like to hope that with the appeal system we have in our court system today, that if such an error was in fact made, it wouldn't be handled in the old days when sometimes drumhead justice prevailed.

Many people are opposed to this penalty, obviously, and they have a right to their convictions. I think we could go right down the rows in this hall and find people that are sincerely opposed to it; other people believe in it, and I certainly respect the judgment of everybody in this matter. I certainly respect the taxpayers of the state of Maine. I think we are reaching the point when the taxpayers need to make some determination and give the legislature some guidance as to whether we should go to capital punishment.

In the early days of this legislation, a new committee was created, the Committee on Correctional Institutions, to study the jail and prison systems in the state of Maine in anticipation of major legislation, which I have to assume would be to find a solution to overcrowded conditions. We certainly have heard about it today with the newspaper articles on overcrowding in Thomaston and South Windham. I believe that this committee will ultimately resolve the problem and jail conditions will be adequate and that major overhauls will have to take place. Such overhauls will obviously cost the taxpayers public millions of dollars. Hancock County, for example, is going through this trauma where they are building a new jail. The county budget just went up $148,000 to pay for jail expenses. In all fairness, I would add that this is not the first county or the last county to have to face this problem with other offices, but essentially it is for the jail proper.

We have a problem with our county budget, and most other counties, mainly because of the substantial increase. The county commissioners did decrease the budget by some $80,000, but we are still high and the taxpayers came right out in force with such a disproportionate budget. I think we are going to find this same attitude prevailing all over the state if and when we go to new prisons, regional jails and things of that nature.

People across the country for some years have been trying to rehabilitate the criminal. The courts have been accused of being soft on criminals and that the capital rehabilitation trend and violent crime continues to grow. Do we continue to follow this approach and build more jails and prisons which are today not more than country clubs? And do we take a different tack, the use of capital punishment as a deterrent to crime, the idea being that capital punishment will not clean out the jail and will help give our citizens some respect for the law and order and the rights of those who wish to abide by the law.

I am only in my second term in this legislature, but I have been from the outset our tendency to enact legislation which has been previously passed in other jurisdictions, such as the billboard bill from Vermont. Some 38 states have enacted or re-enacted death penalty legislation since 1972. Are all those states wrong?

L.D. 45 is what I consider, in effect, people's legislation. It is not, in my opinion, passing the buck. We found the lottery a controversial piece of legislation and it was put before the people and we allow people to go to the ballot. I disagree with the referendum process has been used in the past to determine the will of the people. I believe that is an appropriate instance to use the referendum process. I urge my support of the legislation and to vote against the motion to indefinitely postpone it.

If it hasn't been requested, Mr. Speaker, I would want to talk about capital punishment.

The SPEAKER: The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker and Members of the House: I will be very brief because I think this is the kind of an issue that most people here have pretty much made up their minds on as to how they are going to vote.

At the outset, I would like to dispel a rumor that I heard in the back of the hall this morning that my seatmate, the gentleman from Westbrook, came into the hall early and had wired my seatmate, the gentleman from Rockland, speaking on the bill, and that is not true.

I would just like to make a couple of points. The major argument that is used by the proponents of this legislation is that this would be enacted and become law through the referendum process, it would act as a deterrent to violent crimes of murder, these proponents, with every good intention, and I do believe that in all sincerity that their intentions are good, it seems to me operated out of a certain fear and prejudice, and they believe that the threat of death will deter would-be murderers and somehow protect the general population from violent crimes of the nature talked about in the legislation. But as we have already heard, there has been no conclusive evidence that in states where capital punishment is allowed that the murder rate has decreased because there is legislation on the books that allows capital punishment.

Parity in jest, but also partly in a serious vein, I suggested to the sponsor of this legislation two or three weeks ago that were the bill to pass, the people should take the law into their own hands. The legislative process, I would hope that an amendment might be put on the bill taking the argument of deterrent one step further, that this bill to become law, that the executions, when they are held, would have to be held at high noon and televised so that all the public would have the opportunity to view the executions taking place. But they dismissed that proposal, saying that it would make a mockery of this particular piece of legislation. It seems to me that what they are saying is that it is all right for them on one hand, but it is not all right for people to witness that, that somehow that is wrong and that if we do have executions, it should take place in a back room somewhere at Thomaston or some other location in the state. They are not willing to take that argument of deterrent to the ultimate, it seems to me.

Were this bill to make its second reading tomorrow, I would offer that amendment and I would hope that it would be adopted. Again, I am an opponent of the legislation and I support the motion for indefinite postponement.

For those people like myself who are opposed to capital punishment, it seems that the fear and prejudices that fuel the feelings of the proponents of this legislation are the same kinds of feelings that I have. I abhor and detest the idea of someone being murdered in the violent ways that Representative Laffin and others have suggested, but it is those feelings that we have when this kind of a crime occurs are the dark side of our nature. They appeal to our fears and to our prejudices, and because we have those fears, it doesn't mean that we can justify the taking of another person's life. It seems to me that we, men and women, have no right to pass judgment on the life of another individual. If these people, it would seem to me, has that right.

I got some references from my good friend from Pittsfield, Representative Wyman, some bibilical quotes. If you will recall, both in the Old Testament and the New Testament, you can pick out various quotations that would seem to support one side or the other of this issue, but it does say in the Bible, "I require mercy, not vengeance: vengeance is the Lord's and not man's." It seems to me that what is we are talking about when we are talking about capital punishment is the word of God and not the word of man.

One final point I would like to make. I have been inspired by some of the people who attended this matter should go to referendum because I would be afraid it would be approved by the people. I feel that, if it does go to referendum there is a good possibility that this legislation may become law. The reason, as I understand it, the referendum clause is attached to this piece of legislation is that it is a legimate legislative tactic, it is a tactic used by the sponsor of the legislation in an attempt to get it through here and get it out to the people for a vote.

Were the proponents of this legislation to believe that the bill would pass in the House and the Senate and the body and we become law, they would not put the referendum clause on this legislation. The only reason that it is there is in an attempt to get it through. Some people may vote for it, although they would be opposed to the idea of capital punishment, would vote for it in the belief that the people have the right to vote. I would just point our that these people who come before the House by collecting signatures. It has been done before. It takes a lot of work and a lot of effort. But if it truly is an issue that the people feel should be voted on in referendum, that is the only way that can be done, and that is through the initiative referendum process.

I would hope that you would support the motion of Representative Joyce for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mr. Gray.
Mr. GRAY: Mr. Speaker, Men and Women of the House: My remarks are going to be brief, and I mean it.

During the committee deliberations, the question of the enactment of the death penalty was not the pros and cons of a death penalty but whether or not I wanted to deny my constituents the opportunity to express themselves on a controversial issue that over the years has never been thoroughly discussed and nearly everyone can and will give you an opinion on.

During the 107th, I voted in favor of the death penalty. I am opposed to it. In my district, people that I have contacted, those that I have spoken to have reservations. I have been through our voters and nearly everyone can and will give you an opinion on.

During the 107th, I voted in favor of the death penalty. I am opposed to it. In my district, people that I have contacted, those that I have spoken to have reservations. I have been through our voters and nearly everyone can and will give you an opinion on.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.

Mr. Speaker, I recently returned from another state. We had a change of heart, not for the convicted criminal but for the citizens of that state. In Utah, the attention given to that state by the media, the anguish suffered by the good citizens of that state as the nation's eyes were focused on the proceedings of the trial of a boy who I hope will never get out because I don't think he should. I don't think anyone in this House will ever experience this type of legislation. I have had an experience, something which I don't think have been sufficiently dealt with. It was, like the uniform property tax and like the bottle bill. Should this go to referendum, I shall vote yes; those opposed will vote no.
doesn't make any difference to him whether it is wrong or right. He is going to do it anyway.

It has been said in court, right in front of the judge, even with the state psychologist suggest- ing that there could have been, and because of good doctors and the immediate attention he didn't have, but today I can take you to him and say to you, as I would to Thomas, put your finger over here and say, He is in no aggravated assualt. Even when you go to the law court and they try to bring it down from aggravated assualt to simple assault, and somebody was lying there and could have died, and because of good doctors and the immediate attention he didn't have, today I can take you to him and say to you, as I would to Thomas, put your finger over here and say, He is in no aggravated assualt.

I have something to offer, because in order to be a responsible citizen, I have something to offer, because in order to be a educated individuals and responsible citizens, I think we are exposed to what my wife and I were exposed to. I would really hate, and I gave notice to the judge, even with the state psychologist suggesting that this type of person, who is now in an institution for life, but our judicial system does not consider, that leads near my house or to my son's house, a referendum question. Even when you go to the law court and doesn't make any difference to him whether it is wrong or right. He is going to do it anyway.

The pending question is on the motion of the gentleman from Portland, Mr. Joyce, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

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

Mr. Joyce: Speaker, as a freshman, I am very reluctant to speak on such an important question. There is nothing funny about the death penalty. There is nothing funny when people lose your life or your family's life because of vicious crime, especially when out of hundreds of people in this state, they don't fear the laws of society that system, they don't fear the laws of society that they don't fear the laws of society.

The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. Joyce: Speaker, having voted on the prevailing side, I ask for reconsideration and I would like to pair my vote with Mr. Howe of South Portland. If we were here, I would be voting no and I would be voting yes.

ROLL CALL


ABSENT: - Dutremble, L.

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

The Chair recognizes the gentleman from Portland, Mr. Joyce.

Mr. Joyce: Speaker, having voted on the prevailing side, I ask for reconsideration and I would like to pair my vote with Mr. Howe of South Portland. If we were here, I would be voting no and I would be voting yes.

The Chair recognizes the gentleman from Fort Kent, Mr. Barry.

Mr. Barry: Speaker, I would like to pair my vote with Mr. Howe of South Portland. If we were here, I would be voting no and I would be voting yes.

ROLL CALL


ABSENT: - Dutremble, L.

The SPEAKER: The pending question is on the motion of the gentleman from Corinth, Mr. Strout. It is the motion that this matter be tabled for two legislative days pending the motion of Mr. Joyce of Portland to reconsider. All those in favor will vote yes, those opposed will vote no.

The Chair recognizes the gentleman from Fort Kent, Mr. Barry.

Mr. Barry: Speaker, I would like to pair my vote with Mr. Howe of South Portland. If we were here, I would be voting no and I would be voting yes.
whereby this Bill and all its accompanying papers were indefinitely postponed. All those in favor of reconsideration will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Fort Kent, Mr. Barry.

Mr. BARRY: Mr. Speaker, I would like to pair my vote with Mr. Howe from South Portland. If he were here, he would be voting no and I would be voting yea.

ROLL CALL


ABSENT — Dudley.

PAIRED — Barry-Howe.

Yes, 68: No. 80: Absent, 1: Paired, 2.

The SPEAKER: Sixty-eight having voted in the affirmative and eighty in the negative, with one being absent and two paired, the motion does not prevail.

Sent up for concurrence.

Orders of the Day

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

Bill, "An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister" (H. P. 100) (Committee on Health and Institutional Services suggested) Tabled—January 23, 1979 by Mrs. Prescott of Hampden.

Pending—Reference

On motion of Mrs. Prescott of Hampden, the Bill was referred to the Joint Select Committee on Corrections, ordered printed and sent up for concurrence.

(Off Record Remarks)

The SPEAKER: On the Committee on Election Laws, the Chair would remove the gentleman from East Millinocket, Mr. Birt, and in his stead appoint the gentlewoman from Newcastle, Mrs. Sewall.

On the Committee on Audit and Program Review, the Chair would remove the gentleman from Freeport, Mr. Fillmore, and replace in his stead the gentlewoman from Lincolnville, Mrs. Hutchings.

Mr. Laffin of Westbrook was granted unanimous consent to address the House.

Mr. LAFFIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank this House personally today for the fine support that they have shown the people. I want to thank my good friends in this House who disagree with me. I have talked to many of you. You certainly have been fine ladies and gentlemen. Although we may not agree on the issue, this issue is not dead, and I certainly want to thank each and every one of you for the part that you took.

The SPEAKER: The Chair would like to thank the gentleman from Westbrook. Mr. Laffin, also members of the House, for the conduct of themselves in that debate which, of course, is always one of those issues which is emotional and is, of course, of great concern to all of us. This is an example of one of those issues which is emotional and there are many more to come, and I appreciate your cooperation on the way the debate was handled today and appreciate your cooperation in the future.

On Motion of Mr. Laffin of Westbrook, 

Adjourned until ten o'clock tomorrow morning.