STATE OF MAINE
One Hundred and Ninth Legislature
JOURNAL OF THE SENATE
January 25, 1979
Senate called to Order by the President.

Prayer by Senator Bennett D. Katz of Augus­tus.
Senator KATZ: Let us pray. Lord, bless the members of this Senate, as we attempt to do God's work and the work of the Maine People; Bless the members of our staff who help us to do our work in a pleasant and effective environment. Bless the members of the press who, in effect, are a bridge between our work and the People of the State; Bless our families, many of whom undergo many hardships, so that we may be here. Amen.

Reading of the Journal of yesterday.

Out of Order and Under Suspension of the Rules:
On motion by Senator Pierce of Kennebec.
ORDERED, that the House concurring, that when the House and Senate adjourn, they ad­journ to Tuesday, January 30, at ten o'clock in the morning. (S. P. 97)
Which was Read and Passed.
Sent down forthwith for concurrence.

On motion by Senator Pierce of Kennebec. Recessed until the sound of the bell.

SENATE CALLS TO ORDER

Papers from the House
House Papers
Bill, "An Act to Allow Prison Inmates to Attend the Funeral of a Brother or Sister." (H. P. 1001) (L. D. 146)
Reference to the Committee on Health and Institutional Services is suggested.

Comes from the House, referred to the Select Committee on Correctional Institutions and Ordered Printed. (S. P. 92)
On motion by Senator Katz of Kennebec, referred to the Committee on Health and Institutional Services and Ordered Printed, in concurrence.
Sent down for concurrence.

Come from the House, referred to the Committee on Judiciary and Ordered Printed.
Which were referred to the Committee on Ju­diiciary and Ordered Printed, in concurrence.

RESOLVE, Authorizing Burton L. Lockhart or his Legal Representatives to bring Civil Action Against the State of Maine. (H. P. 157) (L. D. 159)
Committee on Judiciary suggested.
Comes from the House, referred to the Commit­tee on Legal Affairs and Ordered Printed.
Which was referred to the Committee on Legal Affairs and Ordered Printed, in concurrence.

Bill, "An Act to Require Personnel Files to Include Medical Records and Nurses' Station Notes." (H. P. 139) (L. D. 158)
Bill, "An Act to Provide Time for the Employee and Employer to Consider Payment of Compensation by Agreement." (H. P. 141) (L. D. 161)
Bill, "An Act Relating to Arbitration under the State Employees Labor Relations Act." (H. P. 142) (L. D. 162)
Come from the House, referred to the Com­mittee on Labor and Ordered Printed.
Which were referred to the Committee on Labor and Ordered Printed, in concurrence.

Bill, "An Act Concerning Expenditure of County Funds." (H. P. 143) (L. D. 149)
Bill, "An Act Concerning County Commis­sioners' Disbursements and Powers Regarding Grants Placed in County Budgets." (H. P. 144) (L. D. 151)
Bill, "An Act Converting Mount Chase Plantation into the Town of Mount Chase." (Emer­gency) (H. P. 145) (L. D. 163)
Come from the House, referred to the Com­mittee on Local and County Government and Ordered Printed.
Which were referred to the Committee on Local and County Government and Ordered Printed, in concurrence.

Bill, "An Act to Provide a Trade-in Credit for Musical Instruments." (H. P. 146) (L. D. 147)
Come from the House, referred to the Com­mittee on Taxation and Ordered Printed.
Which were referred to the Committee on Taxation and Ordered Printed, in concurrence.

Bill, "An Act to Revise the Service Charge (or Local Vehicle Registration Agents." (H. P. 147) (L. D. 150)
Bill, "An Act to Exempt Trucks Hauling Bulk Milk and Food from Certain Weight Limits on State, County and Municipal Roads." (Emergency) (H. P. 148) (L. D. 164)
Come from the House, referred to the Com­mittee on Transportation and Ordered Printed.
Which were referred to the Committee on Transportation and Ordered Printed, in concurrence.

Which was referred to the Committee on Election Laws and Ordered Printed.
Sent down for concurrence.

Which was referred to the Committee on Labor and Ordered Printed.
Sent down for concurrence.

Which was referred to the Committee on Taxation and Ordered Printed.
Sent down for concurrence.

ORDER
An Expression of Legislative Sentiment rec­ognizing that: Mrs. Wellington Higgins of Winthrop will celebrate, on January 25, 1979, the 100th anniver­sary of his birth... (S. P. 98) is presented by Senator Ault of Kennebec; Co-sponsored by Representative Davis of Falmouth.
Which was Read and Passed.
Sent down forthwith for concurrence.

Committee Report
House
Divided Report
The Majority of the Committee on Judiciary on, Bill, "An Act to Reinstatethe Death Penalty." (H. P. 28) (L. D. 45) Reported that the same Ought Not to Pass.
Signed:
Senators:
COLLINS of Knox
DEVOE of Penobscot
TRAFON of Androscoggin
Representatives:
HOBINS of KSCO
SEWALL of Newcastle
HUGHES of Auburn
JOYCE of Portland
W.H. SMIR of Lewiston
The Minority of the same Committee on the same subject Matter Reported that the same Ought to Pass.
Signed:
Representatives:
LAFFIN of Westbrook
STETSON of Wiscasset
CARRIER of Wells
SILSBY of Ellsworth
GRAY of Rockland

comes from the House, Bill and Papers In­definitely Postponed.
Which was Read.
The PRESIDENT: Is it the pleasure of the Senate to accept the Majority Ought Not to Pass report of the Committee?
The Chair recognizes the Senator from Androscoggin Senator Minkowsky.
Senator MINKOWSKY; Mr. President and Members of the Senate, I have been evaluating, analyzing this particular document as it has been before us, the past, at least three ses­sions. My personal opinion is that the people of Maine should have an opportunity to vote on this particular issue. The sentiment of the people, has already been expressed, on a TV Poll I came across recently, which is basically non-official, but by a 4 to 1 margin. Presently, there are safeguards that are built into our very comprehensive Ju­dicial System in Maine, which protect the rights of murderers.
As you are aware, there are several states that have the death penalty provision, and have inmates on death row. To the best of my knowl­edge, there has been no mistakes made, insofar as, executions of these individuals.
My concern today is as a father and a citizen
of this State. I am convinced that all the Federal dollars and State dollars that have been poured into their widowed and rehabilitation system of criminals are just wasted tax dollars.

Have we addressed here in the State of Maine, the so-called term that’s been used, ‘The Men who are hired to kill or do we feel that we are immune from this particular category of individual? What about the several police officers who have lost their lives? Do we just respect their pension and forget about that particular point?

What the Legislature has said in the past, is to protect the rights of a criminal. Send him or her to jail or release them to do good behavior. Allow some of these prevented individuals to matriculate back into our society and prey again upon our citizens of this State. I wish to ask the Senate to consider the rights of a criminal.

The President: A Roll Call has been requested. Under the Constitution in order for the Chair to order a Roll Call it shall require the affirmative vote of at least one-fifth of those Senators present and voting.

Will all those Senators in favor of ordering a Roll Call please rise and remain standing until counted?

Obviously, more than one-fifth having arisen a Roll Call is ordered.

The President: The Chair recognizes the Senator from Cumberland, Senator Perkins.

Senator Perkins: Mr. President, I wish permission to pair my vote with the gentle lady from Cumberland, Senator Clark. Were she here, she would be voting Nay. And I would be voting Yeas.

The President: The Senator from Hancock, Senator Perkins, now requests Leave of the Senate, to pair his vote with the gentle lady from Cumberland, Senator Clark. If she were here, she would be voting Nay. And the Senator from Hancock would be voting Yeas. Is it the pleasure of the Senate to grant this leave? It is a vote.

The President: The pending question before the Senate, is the acceptance of the Majority Ought Not to Pass Report of the Committee.

A Yes vote will be in favor of accepting, the Majority Ought Not to Pass Report.

A Nay vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.


Yea— Ault, Chapman, Hichens, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Shute, Silverman, Sutton, Teague

Abstent— Cote, Danton

A Roll Call was had.

The President: The Chair recognizes the Senator from Hancock, Senator Perkins.

Senator Perkins: Mr. President, I wish the record to show, the Senator from Cumberland, Senator Clark, would vote Yes and I would vote No.

The President: The record will so indicate.

16 Senators having voted in the affirmative and 12 Senators in the negative, with 2 Senators pairing their vote, and 2 Senators being absent, the Motion to Accept the Ought Not to Pass Report does prevail.

The President: The Chair recognizes the Senators from Aroostook, Senator Katz.

Senator Katz: Having voted on the prevailing side. I now move reconsideration.

The President: The Senator from Kennebec, Senator Katz.

The Chair recognizes the Senator from Kennebec, Senator Katz.

Senator Katz: Mr. President, I move this item be tabled for one legislative day, pending the motion by the Senator from Kennebec. I move a vote.

The President: The Senator recognizes the Senator from Cumberland, Senator Conley.

Senator Conley: Mr. President, I request a Division and if my position is successful, I would urge that we send it to the Committee on State Government.

The President: The Chair recognizes the Senator from Oxford, Senator O'Leary.

Senator O'Leary: Mr. President, I would like to withdraw my motion.

On motion by Senator Katz of Kennebec, referred to the Committee on State Government and Ordered Printed.

Sent down for concurrence.

On motion by Senator Katz of Kennebec, the Senate voted to table:

Joint Order—Relative to Purchase of Supplies, Equipment, Etc. (S. P. 11)


Pending—Passage.

The President: The Senate has the floor.

Senator Katz: Mr. President, I move that this Joint Order be Indefinitely Postponed.

The President: The Senator from Kennebec, Senator Katz, now moves that this Joint Order (S. P. 11) be Indefinitely Postponed.

The President recognizes the Senator from Cumberland, Senator Conley.

Senator Conley: Mr. President and Members of the Senate: This motion has been on the table for some months, and I wonder if the Secretary might Read the Joint Order.

Which was Read:

The President: Is it now the pleasure of the Senate that this Joint Order be Indefinitely Postponed?

It is a vote.

On motion by Senator Katz of Kennebec, the Senate voted to take from the table:

Senate Order—Relative to 800 Telephone number

Tabled—January 11, 1979 by Senator Katz of Kennebec.

Pending—Passage.

The President: The Senate has the floor.

Senator Katz: Mr. President, I move that the Joint Order, P. 11 Indefinitely Postponed be reconsidered. As the Senators from Aroostook, Senator Katz.

I would like to charge him, however, gently, that probably he did not mean to impugn the motives of those of us who oppose this Senate Order.

The President: The Chair recognizes the Senator from Aroostook, Senator Katz.

Mr. President, I am impressed by the remarks of the Senator from Washington, Senator Silverman, and Senator Katz. I would urge that we consider the matter of the senators who are hired to kill or do we feel that probably we did not mean to impugn the motives of those of us who oppose this Senate Order.