

# MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

*One Hundred and Sixth  
Legislature*

OF THE

STATE OF MAINE

**Volume II**

**April 23, 1973 to June 5, 1973**

KENNEBEC JOURNAL  
AUGUSTA, MAINE

you would vote against his motion and, subsequently, for the passage of the bill.

The PRESIDENT: The Chair recognizes the Senator from Hancock, Senator Anderson.

Mr. ANDERSON: Mr. President, I move the vote be taken by division.

The PRESIDENT: A division has been requested.

The Chair recognizes the Senator from Aroostook, Senator Peabody.

Mr. PEABODY: Mr. President and Members of the Senate: I rise in opposition to the motion by Senator Fortier. This title as it appears before you here is rather deceiving, because it lists farm machinery and equipment. Tractors and any self-propelled combines are exempt at this time. All this includes is plows, harrows, or anything. Also it includes dairy refrigeration equipment. Now, most of these materials, outside the dairy equipment, are only used about two or three weeks during the year, and the sales that you might have, for instance, a plow, that plow may be in your possession at least seven to eight years before it is traded in again. Therefore, I hope you will go along with the Ought to Pass Report. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Danton.

Mr. DANTON: Mr. President, I move this lie on the table one legislative day.

The PRESIDENT: The Senator from York, Senator Danton, moves that Bill, "An Act Relating to Sales Tax on Farm Machinery and Equipment", be tabled one legislative day, pending the motion of the Senator from Oxford, Senator Fortier, to accept the Minority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Berry.

On motion by Mr. Berry of Cumberland, a division was had. Eight Senators having voted in the affirmative, and 18 Senators having voted in the negative, the tabling motion did not prevail.

The PRESIDENT: The pending motion before the Senate is the

motion of the Senator from Oxford, Senator Fortier, that the Senate accept the Minority Ought Not to Pass Report of the Committee on Bill, "An Act Relating to Sales Tax on Farm Machinery and Equipment." As many Senators as are in favor of accepting the Ought Not to Pass Report will please rise and remain standing until counted. All those opposed will please rise and remain standing until counted.

A division was had. 11 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought to Pass Report of the Committee was Accepted in concurrence, the Bill Read Once and Tomorrow Assigned for Second Reading.

#### Divided Report

The Majority of the Committee on Judiciary on, Bill, "An Act to Make Murder Punishable by Death." (H. P. 979) (L. D. 1293)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot  
SPEERS of Kennebec  
BRENNAN of Cumberland

Representatives:

BAKER of Orrington  
PERKINS of So. Portland  
WHITE of Gualford  
KILROY of Portland  
McKERNAN of Bangor  
DUNLEAVY

of Presque Isle

WHEELER of Portland

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-472).

Signed:

Representatives:

CARRIER of Westbrook  
GAUTHIER of Sanford  
HENLEY of Norway

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed as Amended by Committee Amendment "A".

Which reports were Read.

Mr. Hichens of York then moved that the Senate accept the Minority

Ought to Pass as Amended Report of the Committee.

The PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Tanous.

Mr. TANOUS: Mr. President and Members of the Senate: I oppose my good friend, Senator Hichens from York, on this particular bill. I have many, many times listened to the debate of my good friend, Senator Hichens, and knowing his background, he is the type of a man that is forgiving and a man that believes in rehabilitation. Certainly your actions this morning do not tend to reflect your true feelings, and I would oppose your motion.

The bill, as perhaps you are aware, was amended to do away with life imprisonment for death and instead it provides for imprisonment for life without parole. This would be completely contradictory to other sections of the statute which deal with probation and parole. Those other sections should have well been amended by the individual who desired this amendment, because it would be completely contradictory to other areas of our probation and parole laws, and it would really create some confusion, believe me.

In any event, we have not in the State of Maine had one individual that was released after fifteen years or twenty years on parole from the State's prison, who has been rehabilitated, there has been no record at all in fifty years, to my knowledge, of a second offense in this area. So if we do believe in the rehabilitative procedures that we have endorsed in this state, then certainly we should not favor this bill. Thank you.

The PRESIDENT: The Chair recognizes the Senator from York, Senator Hichens.

Mr. HICHENS: Mr. President and Members of the Senate: I want to thank the Senator from Penobscot, Senator Tanous, for his kind words. I hope I can live up to that reputation that I am forgiving, but I also feel that punishment comes along with forgiving.

When I see laws passed that allows a man who has maliciously handled someone and then murdered them, premeditated murder, eligible for parole at the end of seven or ten years, and then read in other states — perhaps Maine has been granted freedom from this thing — but in other states we have found that released murderers have done the same crime over again. In fact, last week as I returned from a short week-end visit to Nova Scotia, I read in a Nova Scotia paper relating to the escape of a murderer from a prison in Canada, how he had murdered two police officers before they finally recaptured him, and how the public has risen up against them putting him in for life imprisonment because he had murdered these two police officers.

When I listen to the Commissioner of Mental Health and Corrections saying that some of these murderers shouldn't even be imprisoned, that they should be turned over to the Department of Mental Health and Corrections for judgment rather than before a court judge, and some of them should be released the day after they have been convicted, I get very much disturbed. I think, personally, when a man premeditates murder, especially of a police officer or some other case such as that, life imprisonment is a pretty good penalty for his crime.

The PRESIDENT: Is the Senate ready for the question? The pending motion before the Senate is the motion of the Senator from York, Senator Hichens, that the Senate accept the Minority Ought to Pass as Amended Report of the Committee on Bill, "An Act to Make Murder Punishable by Death". The Chair will order a division. As many Senators as are in favor of the motion of the Senator from York, Senator Hichens, to accept the Minority Ought to Pass Report of the Committee will please rise and remain standing until counted. Those opposed will please rise and remain standing until counted.

A division was had. Five Senators having voted in the affirmative, and 19 Senators having

voted in the negative, the motion did not prevail.

Thereupon, the Majority Ought Not to Pass Report of the Committee was Accepted in non-concurrence.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Judiciary on Bill, "An Act Relating to Grounds for Judicial Separation." (H. P. 1224) (L. D. 1594)

Reported that the same Ought Not to Pass.

Signed:

Senators:

TANOUS of Penobscot  
BRENNAN

of Cumberland  
SPEERS of Kennebec

Representatives:

PERKINS  
of South Portland

CARRIER of Westbrook  
KILROY of Portland  
BAKER of Orrington  
WHEELER of Portland  
HENLEY of Norway  
WHITE of Guilford  
GAUTHIER of Sanford

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass.

Signed:

Representatives:

DUNLEAVY  
of Presque Isle  
McKERNAN of Bangor

Comes from the House, the Minority report Read and Accepted and the Bill Passed to be Engrossed.

Which reports were Read and the Majority Ought Not to Pass Report of the Committee Accepted in non-concurrence.

Sent down for concurrence.

**Divided Report**

The Majority of the Committee on Liquor Control on Bill, "An Act to Permit Sunday Sale of Beer in Restaurants and Taverns." (H. P. 1349) (L. D. 1782)

Reported that the same Ought Not to Pass.

Signed:

Senators:

OLFENE of Androscoggin  
SCHULTEN of Sagadahoc

FORTIER of Oxford

Representatives:

CHICK of Sanford  
CRESSEY

of North Berwick  
STILLINGS of Berwick  
FAUCHER of Solon  
FARNHAM of Hampden  
IMMONEN of West Paris  
GENEST of Waterville

The Minority of the same Committee on the same subject matter reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-473).

Signed:

Representatives:

TANGUAY of Lewiston  
RICKER of Lewiston  
KELLEHER of Bangor

Comes from the House, the Majority Ought Not to Pass Report of the Committee Accepted in concurrence.

**Senate**

The following Ought Not to Pass report shall be placed in the legislative files without further action pursuant to Rule 17-A of the Joint Rules:

Bill, "An Act to Provide a Homestead Tax Credit for Elderly Persons." (S. P. 527) (L. D. 1657)

**Ought to Pass**

Mr. Huber for the Committee on Marine Resources on, Bill, An Act Relating to Marine Fishery Regulations. (S. P. 287) (L. D. 834)

Reported that the same Ought to Pass.

Which report was Read and Accepted, the Bill Read Once and Tomorrow Assigned for Second Reading.

**Ought to Pass - As Amended**

Mr. Cox for the Committee on Business Legislation on, Bill, "An Act Providing for Suspensions of Domestic Corporations by the Secretary of State." (S. P. 398) (L. D. 1212)

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (S-199).

Mr. Clifford for the Committee on State Government on, Bill, "An Act to Establish a Committee on Problems of Corrections." (S. P. 407) (L. D. 1209)