

Hello, and welcome to our Death Penalty Information Center podcast, examining the status of the death penalty in each of the states. In this podcast, we will examine the history of the death penalty in Maine.

In the nearly two hundred years between European settlement and the granting of statehood in 1820, the territory of Maine carried out only ten executions – nine for murder and one for treason.

In 1868, the governor of Maine ended a thirty-two year unofficial moratorium on the death penalty by informing the legislature that unless capital punishment was formally abolished, he would begin signing death warrants. One year later, he took action on three pending death penalty cases. He commuted the sentences of two white prisoners who had been on death row for twelve years. On the very same day, he signed the death warrant for Clifton Harris, a black man who had been convicted two years earlier of the murder of two white women. Newspapers accused the governor of racism and the attorney general spoke out in opposition to the execution. State Senator John Stevens responded by introducing a bill to abolish the death penalty, but it did not pass, and Harris was hanged. After his execution, further evidence emerged to support Harris' claim of innocence. Six years later, Louis Wagner, a Prussian immigrant who was sentenced to death despite his strong claims of innocence, was executed. Even the warden who oversaw the execution said, "I cannot rid myself of the conviction that he is innocent." The doubt cast by these two executions pushed the legislature to abolish the death penalty in 1876.

In 1883, just seven years after abolishing capital punishment, Maine reinstated it when the governor drew attention to what he called "cold blooded murders." Three executions were carried out over the following four years. The three hangings were botched and gruesome descriptions were published in newspapers throughout the state. Meanwhile, the attorney general observed that murderers were not being deterred by the specter of execution. He said, "When a

person commits the crime of homicide...the question of the results of such acts is but little thought of, and the murderer little expects being brought to justice and sentenced when the crime is committed.” After a brief reinstatement period of four years, the legislature abolished the death penalty once again. Only eleven executions were carried out between Maine’s gaining statehood in 1820 and its second abolition in 1887. It became the third state to abolish the death penalty without further reinstatement.

For almost a century, the death penalty was little discussed in Maine. Only two reinstatement bills were proposed between the 1880s and 1960s, and neither received any legislative action. During this period, newspapers and state officials noted the strong public sentiment against capital punishment. After the Supreme Court’s 1972 ruling in *Furman v. Georgia*, Maine, like many other states, saw legislative proposals to reinstate the death penalty. Even though these bills would have allowed the death penalty for only one crime, the murder of a law enforcement officer, they were widely unpopular. In 1973, the legislature defeated a reinstatement bill by more than a 2 to 1 margin. During the 1970s, one legislator proposed a reinstatement bill in every legislative session but these attempts were all defeated. Occasional proposals to bring back the death penalty since the 1980s have been defeated by arguments about the high cost of the death penalty, the lack of deterrent effect, especially in a state with one of the lowest murder rates in the U.S., and continuing concerns about the risk of executing innocent people.

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