

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

INDEX

FIRST SPECIAL SESSION

AUGUST 3, 1981

INDEX

FIRST CONFIRMATION SESSION

AUGUST 28, 1981

INDEX

SECOND SPECIAL SESSION

SEPTEMBER 25, 1981

INDEX

THIRD SPECIAL SESSION

DECEMBER 9, 1981

INDEX

bill, after bill, after bill that removes people from elective processes. I feel strongly about it.

I move the Indefinite Postponement of this Bill and all its accompanying papers.

The PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Ault.

Senator AULT: Mr. President and Members of the Senate, as a member of the Local and County Government Committee that reported this bill out, I shared, and the rest of the Committee shared, the Senator's concerned about taking elective office away from the people. That's why we did add the referendum onto the Bill to allow them to say whether they wanted to do so or not. I hope you'd vote against Indefinite Postponement.

The PRESIDENT: The Chair will order a Division.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator O'Leary, that LD 44 be Indefinitely Postponed, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

4 Senators having voted in the affirmative, and 20 Senators having voted in the negative, the motion to Indefinitely Postpone LD 44 does not prevail.

Which was Passed to be Enacted and having been signed by the President was by the Secretary presented to the Governor for his approval.

Emergency

AN ACT to Amend the Charter of the Kennebec Light and Power District. (H.P. 951) (L.D. 1127)

This being an emergency measure and having received the affirmative votes of 25 members of the Senate with No Senators having voted in the negative, was Passed to be enacted and having been signed by the President, was by the Secretary presented to the Governor for his approval.

Orders of the Day

The President laid before the Senate the first Tabled and specially assigned matter:

SENATE REPORT — from the Committee on Agriculture — Bill, "An Act to Promote the Maine Potato Industry." (S.P. 517) (L.D. 1439) Leave to Withdraw

Tabled—May 6, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Report.

On motion by Senator Collins of Knox, retabled for 1 Legislative Day.

The President laid before the Senate the second Tabled and specially assigned matter:

SENATE REPORTS — from the Committee on Judiciary — Bill, "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act." (S.P. 331) (L.D. 961) MAJORITY REPORT Ought Not to Pass; MINORITY REPORT Ought to Pass.

Tabled—May 7, 1981 by Senator COLLINS of Knox.

Pending—Acceptance of Either Report.

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

Senator DEVOE: Thank you very much, Mr. President. Mr. President and Members of the Senate, I move the Acceptance of the Majority Ought Not to Pass Report and would speak to my motion.

The PRESIDENT: The Senator has the floor.

Senator DEVOE: Thank you, Mr. President. Members of the Senate, this Bill has been an extremely difficult Bill to consider, because it's a situation where, many of us on the committee, and I think many of you here in this Body, have conflicting emotions and conflicting thoughts. It's a situation where, for many people, your heart wants to go one way and your mind wants to go another way.

I think the reason I came down on the Majori-

ty Ought Not to Pass Report, after much thought and deliberation, was that for the first time, we would be asked to put into the statute a behavioral position, which we're asking acceptance of. If you take the time and the trouble to look at the Human Rights Act, you will find that it deals with employment, housing. These are things that are objective in nature. Discrimination on the grounds of sex, that's prohibited, and I think rightly so.

Here, we are being asked to place under the statutes of this State a standard which deals with behavior. It has nothing to do with race, color, creed, or sex, or national origin. It deals with behavior. I think that's the key reason why I opposed this Bill, after much deliberation.

I think we also have to consider that there is a matter of public perception that is involved in this issue. We know that when we decriminalized marijuana, there was a perception by many members of the public, that it was no longer criminal to use marijuana. That wasn't what the law said. That was the public perception. Whether we like it or not, I think we have to admit that.

If this Bill were to pass in its present form, it will be, perhaps wrongly, but nevertheless it is a fact, it will be perceived and interpreted by the general public, that the Legislature is favoring homosexual activity. That will not be the case, but we have to take that into consideration when we vote on this matter.

We're asking the Human Rights Commission to become the group in the State to carry the ball for enforcing the rights of a behavioral minority.

Mr. President, for these reasons, I move that the Majority Ought Not to Pass Report be Accepted.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President and Members of the Senate, I am the sponsor of this bill. I might say that I used a, and I'm ashamed, that I am the sponsor of this Bill. I'm ashamed that legislation such as this has to be introduced into the Maine Legislature, that the citizens of this State would be given the same human rights that are justifiably yours and mine.

There should be no need for this legislation. LD 961 is very simple bill, It would include the term "Sexual or Affectional Orientation" in the Maine Human Rights Act. The effect of this would be to make it unlawful to discriminate against a person in the areas of employment, housing, access to public accommodations and credit, merely on the grounds of that person's Sexual or Affectional Orientation.

It's that simple.

It's a Human Rights Act. It's not, as some would have you believe, an act to promote homosexuality. I do not promote homosexuality. The legislature will not be promoting homosexuality. It does not give this Legislature's stamp of approval to gay lifestyles.

It does say to all our people, straight and gay, that in the eyes of the law, we all share these basic rights. To a roof over our heads, a livelihood, participation in our economic system.

Some may say that we will be fostering homosexuality. Encouraging it, by this bill. Let me remind you there have been homosexuals throughout history. Whether tolerated or persecuted, gays have always made up a certain portion of our society. Since Kinsey did his studies, we've known that approximately 10% of the American people are homosexual. This is a fact that will not go away. Based on the report and applying those statistics to Maine would mean approximately 100,000 citizens of this state are homosexuals.

Throughout history, homosexuals have led productive lives. I'm sure each of you, like myself, is a friend or knows some gay people, and you know them to be as hardworking, dedicated, and as stable as the rest of us. Doubtless they will continue to be so, in spite of great

intolerance, whether we pass this Legislation or not, all human beings deserve the same human rights, the same rights as you, or me, or any other minority.

Without this bill, gays, won't enjoy those basic civil liberties, we heard testimony at the hearing the last time the bill was presented in another session, by a young woman who was fired because her boss discovered she was gay when she declined his advances. She hadn't made an issue of her sexual preference, but she lost her job nonetheless.

In another incident a person was asked about her job qualifications for a mere 15 minutes in her job interview, and then was drilled for two hours about her sexual orientation. Needless to say, she was discouraged from pursuing that job.

A gay person in Belfast testified that his house was stoned last year. Some folks were merely upset with some of his public positions, but the kind of hate that resorts to throwing stones into people's houses doesn't say much for the decency of those opponents. Because homosexuals have no legal remedy for this kind of persecution, they live in constant fear that some unguarded action might reveal to their co-workers, or boss, or landlord, or realtor that they're gay.

Now there are some who will tell you we cannot permit homosexuals to teach in the schools. Don't they know that gays are teaching in our schools right now? Always have been. Apparently no one has noticed the difference. That sexuality is irrelevant to a teacher's job performance has been pointed out by the United Federation of Teachers as well as the American Federation of Teachers.

The argument is given that these people will molest our children, for one thing you can be sure that where it's known, they are watched more closely than their straight counterparts, and frankly, as the father of a lovely 14 year old daughter, I'd worry more about some male heterosexual teacher taking liberties with her and when you lay sensationism aside, the day-in, day-out statistics bear me out. Most of what we might call rape or molesting of children is done by heterosexuals.

I would state that this is a very emotional bill and I think that looking at this discrimination in an historical perspective may help us all to let emotion give ground to reason.

It is no secret that Jews have been persecuted since early Biblical days: It is no secret that when my father was growing up on the streets of Portland that "Help Wanted" signs in some city businesses donned the caveat "Irish Catholic Need Not Apply"; It is no secret that until the late 1960's the black parents of this country were forced to send their children to segregated, substandard schools, and they, themselves, were forced to ride in the backs of buses for no reason other than the color of their skin: It is no secret that women have not been given the same opportunities as men.

All of these injustices are being corrected for the most part, and, in the ever growing shadow of history it is hard to believe that they were ever tolerated or condoned, but for the victims of these instances of discrimination, though they have been given full citizenship which was rightfully theirs from the beginning, the hurt still lingers, and for gay members of our Maine communities the pain is more immediate, for it is no secret that unlike the Jews of history, the Irish of old, the Blacks of late, or the women of the 70's, they are still discriminated against. They do not enjoy the full rights of American citizenship which are as rightfully theirs as they are yours or mine.

Ladies and Gentlemen of this Senate, it is time to open our minds and be sensitive to the humiliation and unfair treatment which these people have been subjected to over the years. It is time to lay prejudice and bias aside and let the values of justice and equality guide us in

this moment of decision.

It is time for us to realize that there are some things in life which we may neither understand nor have the power to change, but which we are obligated to sanction and protect because of a deep belief in individual freedom and the power of a man or woman to make his or her own decisions in life. Let these be the rays of light which guide us today, and let the faulty reasoning, which has permitted us to label homosexuals with the ugly badge of discrimination, be swept into the shadows of history along with the similar types of reasoning behind the discrimination against the Jews, the Irish, the Black and the women. This is where it rightfully belongs.

I would urge this Senate to vote against the pending motion.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Kennebec, Senator Bustin.

Senator BUSTIN: I would like to just, I couldn't agree more heartily with the good Senator from Cumberland, Senator Conley. I commend the strength of his convictions in submitting this Legislation.

I also would like to quote from the minister of my church, when he gave testimony to the Committee. His name is Reverend Douglas Morgan Strong. I won't bore you with all of the details of his letter, but he does have some good points to make that I would like to share with you.

He is talking about hating. "What is the desperate need that some people have to continue hating? Last month, one of the leaders of the moral majority in San Francisco stated, the only good gay is a dead gay. During the McCarthy years, it was "kill a commie for Christ." Even in our own New England history, we look at horror at the Salem witch hunts. The victims more than not were young girls, who the eager crowd wanted to hang, or burn, or mutilate, all in the name of Christianity.

The task before you is an arduous one, for you will have to determine if homosexuals are human. For to not pass this Legislation will mean two things. One, that in the eyes of the law, homosexuals are not fully human. The second is equally serious. Not passing this Legislation means that we are reinforcing and nourishing people's needs to have a hate group. It means that is okay to hunt out, attack, harass, mistreat 10 percent of our population, neighbors, parents, friends.

I speak as a religious leader to invite you to help transcend the need people have to hate, to not buy into their perversion, their sin, their ugly, sick need to hate some persons." Thank you.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, Ladies and Gentlemen of the Senate, I hadn't wanted to get involved in this debate or issue. I thought long and hard about it. The good proponents of the Bill say, let's not be emotional. The rhetoric I've heard so far is nothing but emotion.

The good Senator from Cumberland, Senator Conley, said that there is no need for this Bill. He's absolutely correct. There is no need for this bill. It's inconceivable to me that we would be even discussing the possibility of adding this new dimension to our current Human Rights Law. Race is understandable. Color is understandable. Creed is understandable. Sex, in the context that's it now in the law, is understandable. Homosexuality, as part of the Human Rights Law, is completely not understandable.

I've heard all this about hate. This has nothing to do with hate. This Bill is not a bill to eliminate hate. I detest hate as much as anyone does here. This Bill is not going to do away with hate. It's not going to do away with discrimination of homosexuals.

We should have the right to choose a minister of our church who is not a homosexual, if we so

desire. Maybe not because he's black, maybe not because it's a woman minister, maybe not because they're of a different branch of our particular religious philosophy, but certainly we must have the right to reject them if we want to, because they're homosexuals. It doesn't mean that we can not accept them as our minister, if they are. The good Senator's right, I bet there's very few of us that don't have homosexual friends, and some good friends.

That's not what we're talking about and that's not what this Bill is about. All the horror stories that I've heard are not going to be corrected by this Bill. God knows I wish they could be corrected. I wish I thought this Bill could correct them. I don't believe they can. I don't feel comfortable objecting to the intent of this Legislation, at all. I can not, in good conscience, accept it. I hope you can't either.

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

Senator HICHENS: Mr. President, as I thought about this Bill, I weighed in my own mind and conscience as to whether I should mention the Holy Bible. Yesterday we received a letter from the Catholic Diocese in Portland. Today we have another one from the priests advocating acceptance of this Bill. I feel that I should refer to the Holy Bible, which clearly defines the laws regarding man's relationship with women, men's relationship with man, and women's relationship with women. On the other hand, we cannot condone the actions of homosexuals and lesbians.

We have this letter from the Senate of Priests, quoting the pastoral letter, "to live in Jesus Christ".

I think you are all familiar with the story of the woman who was brought before Christ for committing adultery, and was going to be stoned to death, and how Christ faced the crown and got down, and wrote something in the sand, and then got up and made the statement that those who have not sinned cast the first stone. The crowd melted away. As he stood alone with the woman, he said, "They do not condemn thee, neither do I condemn thee." Then he added, "Go and sin no more."

I would not endorse the throwing of stones, but I do not feel that we should recognize these people who ignore God's laws as accepted members of our society. The Diocese of Portland has stressed that these people are victims of weakness. There are others who have a weakness, some to steal, some to lie, and some to do other things which are against our law and the Ten Commandments. The law says we should not steal as well as other categories in the books of our courts.

I do not hate homosexuals, but I do not want my children and my grandchildren to grow up believing that such practices are an accepted part of our life.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President and Members of the Senate, I don't see the good Senator from Oxford in his seat, but as he spoke, I couldn't help but wonder what the members of his church might require of a minister, or what his or her duties might be, that a person's sexual preference might be a strong consideration.

I thought that it might be helpful to remind the Senate of what the preamble of the Human Rights Act that's currently in our statutes. It states, "it is the policy of this State to keep continually in review all practices infringing on the basic human right to a life with dignity and the causes of such practices, so the corrective measures may, where possible, be promptly recommended and implemented."

Well, corrective measures are necessary in this instance, and that they're being recommended. It's up to us now to implement. In the nine years since I've been in the Legislature, this Human Rights Act has been amended in

practically every regular session. For one more category or condition of human life that society has unfairly discriminated against. In 1973, it was discrimination because of sex was prohibited. In 1977, physical handicaps, 1979, discrimination in employment because of age, which had to do with our mandatory retirement age.

Homosexuality is one of the few remaining human conditions affecting significant numbers of our population, for which this State still allows discrimination in housing, and employment, and credit, and public accommodations, etc. There is one other I might mention, and that's children in housing, which we have widespread discrimination against.

Every time that we fail to pass this Legislation, we are, in effect, telling the public that it's okay to discriminate against homosexuals in housing and in employment. Since at least the days of Franklin Roosevelt, it has been the policy of this land that every American is entitled to decent, affordable housing, and surely no one is saying that homosexuals are not Americans. I'm sure there are some who believe that homosexuality is un-American, but that has nothing to do with this issue.

Every candidate for elective office of both parties at the State and Federal level as far back as I can remember, has preached the importance and value and benefits that work, jobs for everyone fit and able. Everyone needs a roof over their heads and someplace to go Monday morning.

I heard many people here say, I heard one good Senator from Penobscot, Senator Devoe say, that, oh sorry. Some people believe that if we practice discrimination against homosexuals, perhaps it will go away. In other words, if we make life tough enough for them, subject them to ridicule, and show them our contempt, they will change their errant ways.

On the other hand, as the good Senator from Penobscot, Senator Devoe, said, if we prohibit discrimination based on sexual preference, if we ease up, back off in the slightest way, we will somehow be perceived as condoning homosexuality. Others think that perhaps then it will flourish. Everyone will want to convert.

Actually, we know very little about the condition of homosexuality. In spite of centuries of medical and psychiatric investigations, its causes still remain profoundly mysterious. Psychiatrists today appear to be in agreement on one aspect of homosexuality. That is, that conversion to heterosexuality is about as likely to occur as frogs turning to handsome princes.

For years, the mentally ill were abused and avoided because of fear and ignorance. The mentally retarded, until relatively recently, were hidden from public view and rejected because their families were ashamed of them. We have progressed in our attitude and understanding and knowledge towards these two groups. We have opened our hearts and our institutions to these unfortunate individuals. We now offer them the projection and resources of the State to improve their lives, if possible, and at a minimum, to make their lives as close to normal as we can, if not much more obtainable.

With homosexuals, we act in such a way as to increase their suffering. Anyone who has talked with them, or read anything about them knows that they do suffer, and their parents, too. Some day we may find some answers. We may discover for certain that homosexuality has a genetic origin, an imbalance of certain hormones, perhaps, a different chromosome, for example. It is in no more their power to change than a club foot or a cleft palate.

To paraphrase the American Psychiatric Association's position on homosexuality, they say "homosexuality, per se, implies no impairment in judgement, stability, reliability, or general social or vocational capabilities. Therefore, no burden of proof of such judgement, capacity or reliability should be placed

upon homosexuals greater than that imposed upon any other person."

I hope the Members of this Senate will be sympathetic to their plight, and tolerant enough to extend the State's protection to this class of citizens in the areas of housing, employment, public accommodation, and credit. Thank you.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senate from York, Senator Kerry.

Senator KERRY: Mr. President and Ladies and Gentlemen of the Senate, I think this particular Bill, which I signed out of Committee Ought to Pass in the Minority, has been the most difficult by far that I have had to deliberate upon as a member of the Judiciary Committee. Even signing the Bill Out of Committee Ought to Pass, I spoke with several members of the Committee and other people, stating that I wasn't sure how I would vote on the Floor of the Senate, because of the gravity of the situation, because of the difficulty and the complexity of the issue.

I think the opening remarks presented by Senator Devoe crystalized why it is so difficult and complex. Complexity of the situation is that we are not dealing strictly with the printed word in LD 961. We are dealing more with the more universal concepts and principles of man and woman, as we see them. We're dealing with, as he said, with behavior, and accepted public policy with regard to that behavior or perceived behavior.

That was why I had such difficulty making up my mind with regards to voting on this Bill, because I realized the issue was not the Bill itself. It's one of those primary issues, those basic issues, the issues of great principle that we often have to vote on, where there are no simple answers. Most of the time, people have already made up their minds, before they even consider the issue. Usually our minds are made up, not because we want to be prejudicial, but because the issue is so complex, and our knowledge is usually limited with regards to the issue itself.

During the deliberations of the Committee, and after listening to many of the people who came before our Committee when we had a public hearing, I decided that I would look at this subject as objectively as I could, as unemotionally as I could, and as disinterested in the sense of a judicial sense of disinterest as I could. Trying to keep in mind not only my own personal views, but the view of my constituents, the views of friends and family, and even the well-being of my three children.

I found that, in looking at the Legislation, the key words are four key words. It says, "sexual or affectional orientation." It mentions nothing about activity or actions. I mention only about the issue of orientation, affectional orientation. I will have to admit that I was somewhat concerned about my lack of knowledge of homosexual affection or orientation. Being a heterosexual, I have to admit to maybe being somewhat fearful of trying to look into my own personal concepts of sexuality. I think that's really the issue, concepts of sexuality, not homosexuality, not heterosexuality, but sexuality itself.

Having a master's degree in social work and planning, and having done considerable work in psychology through college and graduate school, and actually having a lot of practical experience in the field in these areas, I had to admit that I really didn't understand the psychological or physiological ramification of homosexuality, certainly not the derivations of how they developed. I requested, through a few individuals, who knew homosexuality, some homosexuality much better than myself, if they would ask a few people to come to my home to sit down and discuss this. I sat a few hours with several people on a very personal level who spoke to me about the development of their

own homosexual orientation.

Somehow I seemed to have the parallels of back when I lived in Harlem when I was working on my master's degree. I happened to live with a black family, on 110th Street and Second Avenue. I happened to be the only white person there. I can recall that I always thought that I was not prejudicial, or biased, or bigoted, coming from the State of Maine, being a Christian, if you will. I realized that most of my friends and relatives cared only about black people when they were on the tube on a Sunday afternoon, to see how they played ball, or how they did this, or how they did that, how they responded to the individual what I would call White, Anglo Saxon, Protestant perspective that we have here in the State of Maine, and probably in our country.

I guess I somewhat regretted my own concern for my lack of perspective on the issue. I guess I realized it when I saw a black man drive up in a Cadillac in Harlem, dressed in a nice three piece suit, of course I may have one now, but I didn't have one then when I was in graduate school. I said, why does he have that Cadillac and a nice suit and a roll of money? That's how I realized that I was prejudiced, I felt at that time white people. It was a subconscious feeling of fear and hate and concern.

I mentioned this to the gay people that I was speaking with. I spoke with them. They talked to me about the fact that they believe, and they studied the issue quite seriously, they believe most of our society, if it was honest with itself, if we were honest with ourselves, we would say, yes, we are fearful of gay people, of people who are different, because you pose a threat to us. You may point out reality and truth, you may even prove that you love more than we love. I think, that's what concerned me also.

Love does not know sex, God does not know sex. God does not know if you are homosexual or heterosexual or whatever. In fact, I would subscribe to the good Senator from York, Senator Hichens, who often times refers to the Bible, has no right to invoke the word of God, or the Bible, on this floor or any other floor, because God should speak for himself, and he speaks through the hearts of the people, in his own way.

I as an individual in trying to support or non-support of my positions would not invoke God to influence another legislator.

I think that is a matter of truth and justice that we are dealing with here today. The Truth will free us. The Truth frees everybody, my children, I am not fearful of my children recognizing that there are people who do not have the same sexual orientation that I have, or my wife, or any of my family members. I am not fearful that they realize that there are black people, and not every one is white, or there are yellow people, or any other color, but throughout our history, here in the State of Maine, as well as throughout the country and the world prejudice exists. We have our opportunity today to vote for what we think is proper, is uplifting, what is the truth.

It may not be palatable to ourselves because of the implications, and the implications are grave. I would say that the implications on this issue are grave, they are very serious, because there may be an opportunity and there is a chance, that the perception of the public will say that you approve of homosexual activities. I do not accept that I reject it, I categorically say that it is false.

The Bill deals with only orientations, and there is a reality in life that there are people who do have these orientations. I do not accept, or do not promote, or do I want anyone in this Body to believe that I think that homosexuality is a good.

I do believe that homosexuality exists. That is the key point, we cannot deny existence of reality. We have been doing that for years, we tried to deny the existence of black people for their blackness, but they are there, but they

are people. We are trying to deny that homosexuals do exist, and they came to the Civic Center, and they proved that they are alive. They proved that they love, that they hurt. Yes they proved that they even hate and have fear. They are human beings, there is only one God and there is only one Christ, and he nailed himself to the cross two thousand years ago. He allowed it to be done because he was the God and he was the Christ.

For us to state here today, that we can not answer the questions by ourselves would be accurate.

We might have asked all the people that we felt that knew more about the subject then ourselves to come to our conclusion. Even then we cannot be absolutely certain. There is one thing that I am certain of and I have read the Bible many times over, probably 7 or 8 times, both New and Old Testaments. The Knox version, the Gideon version, several versions. I found that after reading the Bible and having many theological scholars discuss the Bible with me, both in graduate school and after graduate school, I find that it is not up to the individual to interpret any specific element within the Old Testament that refers mostly to the homosexual orientation of people and activity, but to refer to, in the good words of the fine Senator from York, Senator Hichens, to Christ himself, and to God through his love.

I would say that this particular issue demands the people of this Senate and the people of this Body accept reality and not be fearful of it.

I have evolved from what would be a personal moral position, as a matter of conscience that I could not deny any individual their right to be. I cannot deny as a matter of public policy, within the codified laws of this State, the right for any citizens to be denied housing, employment, or any other public accommodations because of their orientation. I believe that many homosexual persons do not conduct their activities publicly. They are just like any one else as far as that is concerned. It is a matter of privacy on their own right.

Therefore, I would say that we have an opportunity today as a Body, to accept, yes to take a chance, I believe is risking everything to take a chance, and say yes we will accept the reality to grow, to realize that the State can do this and we will not discriminate.

I will say that it has been mentioned that several letters have come from the Catholic Diocese. I called several people at the Diocese because of my concern and they are not, they themselves are not all united on this issue. I think that it is a clear that it is a difficult issue to resolve. I think that as an individual and as a Senator that I would come down on the position of what I consider just for people as individuals. So I will vote the Minority Report.

The PRESIDENT: Is the Senate ready for the question?

The Chair recognizes the Senator from Cumberland, Senator Conley.

Senator CONLEY: Mr. President I request that when the vote is taken it be taken by the Yeas and Nays.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires 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.

(Off Record Remarks)

The PRESIDENT: The pending question before the Senate is the motion by the Senator from Penobscot, Senator Devoe, that the Senate Accept 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 No vote will be opposed.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Carpenter, Devoe, Dutremble, Emerson, Gill, Hichens, McBreairty, Minkowsky, O'Leary, Pray, Redmond, Shute, Sutton, Teague, Trotzky.

NAY—Brown, Bustin, Charette, Clark, Collins, Clark, Collins, Conley, Huber, Kerry, Najarian, Sewall, C.; Trafton, Violette, Wood.

ABSENT—Perkins, Pierce, Usher.

A Roll Call was had.

16 Senators having voted in the affirmative, and 13 Senators in the negative, with 3 Senators being absent, the motion to Accept the Majority Ought Not to Pass, does prevail.

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

Senator DEVOE: Thank you, Mr. President. Mr. President, having voted on the prevailing side, I move Reconsideration and ask the Senate to vote against me.

The PRESIDENT: The Senator from Penobscot, Senator Devoe moves that the Senate Reconsider its action whereby it Accepted the Majority Ought Not to Pass Report of the Committee.

The Chair recognizes the Senator from Cumberland, Senator Najarian.

Senator NAJARIAN: Mr. President, I move that the motion to Reconsider be Tabled for 1 Legislative Day.

The PRESIDENT: The Senator from Cumberland, Senator Najarian, moves that this be Tabled for 1 Legislative Day.

The Chair recognizes the Senator from Penobscot, Senator Devoe.

Senator DEVOE: I ask for a Division, Mr. President.

The PRESIDENT: A Division has been requested.

Will call those Senators in favor of the motion by the Senator from Cumberland, Senator Najarian, that LD 961 be Tabled for 1 Legislative Day, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

14 Senators having voted in the affirmative, and 15 Senators having voted in the negative, the motion to Table does not prevail.

The PRESIDENT: Will all those Senators in favor of the motion by the Senator from Penobscot, Senator Devoe of Reconsideration, please say "Yes."

Will all those Senators opposed, please say "No."

A Viva Voce Vote being had, the motion to Reconsider does not prevail.

Sent down for concurrence.

The PRESIDENT: The Chair recognizes the Senator from Knox, Senator Collins.

Senator COLLINS: Mr. President calling the Senate's attention to LD 1566, we have a technical error to correct, because of our Constitutional requirement for a two-thirds vote in this situation.

I therefore, move reconsideration of the Senate's action whereby LD 1566 was Enacted.

The PRESIDENT: The Senator from Knox, Senator Collins moves that the Senate Reconsider its action whereby Bill, An Act to Revise the State Personnel System. (H.P. 1395) (L.D. 1566) was Passed to be Enacted.

Senator COLLINS: Mr. President, I move for a Roll Call on Enactment.

The PRESIDENT: A Roll Call has been requested.

Under the Constitution in order for the Chair to order a Roll Call it requires 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 have arisen a Roll Call is ordered.

The pending motion before the Senate is Enactment of LD 1566 in accordance with Article 5, Part 1, Section 8 of the Constitution.

A Yes vote will be in favor of Enactment.

A No vote will be opposed.

The Doorkeeper will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEA—Ault, Brown, Bustin, Carpenter, Charette, Clark, Collins, Conley, Devoe, Dutremble, Emerson, Gill, Hichens, Huber, Kerry, McBreairty, Minkowsky, Najarian, O'Leary, Pray, Redmond, Sewall, C.; Shute, Sutton, Teague, Trafton, Trotzky, Violette, Wood.

NAY—None.

ABSENT—Perkins, Pierce, Usher.

A Roll Call was had.

29 Senators having voted in the affirmative, and No Senators in the negative, with 3 Senators being absent, LD 1566 was Passed to be Enacted, and having been signed by the President, was by the Secretary presented to the Governor for his approval.

The President laid before the Senate the third Tabled and specially assigned matter:

Bill, "An Act to Regulate Entrance Fees Charged by Mobile Home Parks. (H.P. 779) (L. D. 924)

Tabled—May 7, 1981 by Senator CONLEY of Cumberland.

Pending—Passage to be Engrossed.

The PRESIDENT: The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, I submit Senate Amendment "A" under filing number S-184 and move its adoption.

The PRESIDENT: The Senator from Oxford, Senator Sutton, offers Senate Amendment "A" to LD 924 and move its adoption.

Senate Amendment "A" (S-184) Read.

The PRESIDENT: The Senator has the floor.

Senator SUTTON: Ladies and Gentlemen of the Senate, very briefly, this is the Bill to eliminate fees charged in trailer parks, mobile home parks. We have discussed this. It was a unanimous, I think, it was a unanimous Report Out of Committee. Although there was some concern about it, especially on my part, and there's been a lot of discussion about it, especially in the hall, since then, as to the advisability of really doing away completely with the fee. This Amendment would allow the fee, but would set a cap on it. There have been several discussions about whether it should be two times the monthly rent, or four times, or six times, what have you. This is a compromise of four times. I hope you will accept this amendment.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Mr. President, Men and Women of the Senate, I would ask the good Chair of the Committee on Business Legislation whether indeed four times the amount of the monthly rent, the average rent is purported to be across the State, somewhere between \$60 and \$70 a month, where in my area of the State it's probably more nearly between \$70 and \$80 a month, whether four times that amount will indeed cover the cost of checking out a resident of a mobile home park, and/or qualifying the prospective tenant. What does, under the Statement of Fact of this Amendment under filing number S-184, what does qualifying the prospective tenant entail, that would justify the assessment of an entrance of four times the monthly rent, which would equal anywhere between \$300 and \$400?

The PRESIDENT: The Chair will order a Division.

The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: I request a Division.

The PRESIDENT: A Division has been requested.

Will all those Senators in favor of the motion by the Senator from Oxford, Senator Sutton, that the Senate Adopt Senate Amendment "A" to L. D. 924, please rise in their places to be counted.

Will all those Senators opposed, please rise in their places to be counted.

The Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: I request a Roll Call.

The PRESIDENT: A Roll Call has been requested. Under the Constitution, in order for the Chair to order a Roll Call it requires 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 Chair recognizes the Senator from Oxford, Senator Sutton.

Senator SUTTON: Mr. President, without getting into all the rhetoric on qualifying and checking out, entrance fees is income to a mobile home park. Not all mobile home parks charge entrance fees. Some of them are quite high. I think that's what prompted this particular piece of legislation.

If home park owners don't get this income from some place, they're going to get it from some place else. Unfortunately, the most logical place they're going to get it is from the raising the rent on people already in the park, or by raising substantially and/or adding a deposit, security deposit.

It's an upfront charge, the folks know about it. It's not hidden and it's not secret. It's income. There is some charge to checking people out. I wouldn't dare get into debate with the good Senator from Cumberland, Senator Clark, on how much it costs to checkout a person, but there are certain things, to keep the respectability, and the class of a mobile home park that an owner will go through. There are some costs to it.

Irregardless of that, it is an income that's going to have to be made up some place else by the park owner. It's seems reasonable to bring this Amendment in. It eliminates those that are putting high fees on.

Also, some park owners require that people, when they sell their trailers, move them out of the park so that they can get another fee when they come back in, and/or improvements. I would submit that doing away with the entrance fee is only going to increase that problem more than help it.

I wish you would seriously consider leaving the free enterprise, the free market place, to do its thing, and Adopt this Amendment. Thank you.

The PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Clark.

Senator CLARK: Thank you, Mr. President. Mr. President, Men and Women of the Senate, I'm not unalterably opposed to placing a cap of four times the amount of the monthly rent as an entrance fee. I just simply seek justification for the addition of an entrance fee to a Bill which would, in fact, or an entrance fee cap, to a Bill which would, in fact, prohibit entrance fees.

While I'm not questioning the germaneness of this Amendment, for I am fully aware that it probably has been examined on that issue. I simply would like some justification.

The Committee on Business Legislation did indeed report this LD 924 out with a unanimous Ought to Pass. I don't mean to be an impediment to its progress this afternoon. I'm just wondering if the mobile home park dealers in our State are going to assess an entrance fee no more than four times the monthly rent of a park unit on the people who rent those spaces, if those people buy their units from that mobile