

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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inspections at all.

So in summary of these facts, there appears to be no conclusive evidence that semi-annual inspections are anymore effective than annual inspections, so I hope you will vote against the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker and Members of the House: I feel I have some qualifications to say a few words about this bill this morning having run an inspection station for over 20 years.

When you got your car inspected for 50 cents for a good many years, you got your car inspected, because each garage had to do something to earn their money. In other words, the 50 cents was for the sticker and they sold you some tires or they aligned your brakes or did something on your car and they got plenty per hour so they made some money. Today, they get a lot more money, \$3 or so, to lap the sticker so it made a lot of good inspection stations nothing but sticker lappers, so the two inspections we have now are not accomplishing anything. I would go for the one, but that is not necessary either.

The record shows that as far as safety goes, the states that had no inspections had the same safety record we have.

It hasn't been pointed out here this morning that in that length of time we have doubled the police force on the highways, just doubled it from what it was when the sticker was 50 cents, and anytime they see a car on the road that doesn't qualify to be on the road, might have just a crack in the windshield that you can't cover with your finger, the law says your finger, he can put the car off the road if he so desires and write up a ticket.

Another misstatement was made this morning about 30 days grace—that is not so. You have 30 days grace if your car is okay, but if there is something wrong with your car, you get a ticket immediately. So the reason people are not inspected, it is because they have got something wrong with their car as a rule; once in a while you will find someone who forgot but the majority of the people, their cars aren't inspected and the reason they aren't inspected is because there is something wrong with them, and in this case, the officer gives them a ticket, he has no 30 days grace. The 30 days grace only applies to a car that is perfect.

I could go on and talk on this for a long time, but this House ruined the inspection when they raised the price for the stickers, and I call them sticker lappers because they don't have to do anything now to make money, line them up and run them through and get \$3 or so a head, they don't have to sell them any tires or anything. I think we are going in the wrong direction. I think eventually we shouldn't have any inspections. With as many police as we have got on the highways—and while I am on the subject of police, I must remind you again that this state has more police per capita and per acre than any state in the union, and this should help us when it comes to seeing cars on the road that are unfit to easily put them off. They have just got to write them up a ticket. They might not have the time, but taking into consideration that we have more police than any state in union, it makes it easy to write up cars that don't pass. And we have got a lot of ticketing things in that inspection—seat belts, the tread of your tires, it was 3/32 but someone may have cut it down to two, and this is measurable in the thinnest place in the tire. So because the chain is no stronger than its weakest link, if the officer stops you he has got to roll the car ahead a little to make sure there are no smooth spots in the tire. This takes time while some criminal is robbing a bank and he gets away because our officers are busy measuring treads on tires.

I think we are going in the wrong direction. I support one inspection a year, but I would also

go with no inspection at all, and the proof is in the statistics where the states that don't have any inspections have the same safety record we do. I am not going to bore you anymore, and usually I don't talk this long, but I get carried away once in awhile like the rest of you do.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I am the one that signed the minority report. There wasn't anything said about the old people that have cars and have to drive four or five times a week to try to get an inspection sticker. It is very easy to tell an old lady or old man that they need a couple of stop light bulbs and usually they get them for \$20 or \$25 everytime they go have an inspection.

Another thing, I had a few trucks and I had to drive 40 miles to get one of those trucks inspected because most places don't have—you can't get them into a garage to get them inspected, they don't have the equipment to do it with.

I think we ought to go for the minority report.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out to you that the average age of a car on the highways in Maine today is about six years old. I know in the case of the car that I am driving myself, it is a five year old car and it has pretty near 140,000 miles on it, averaging a little better than 30,000 miles a year. Should that car go 60,000 miles before anybody looks at it?

The previous speaker, I remember mentioning it to him in the committee room, asked what the average mileage is on a lot of these trucks we see on Maine's highways, and it is over 100,000 miles a year. The trucks are going to go over 100,000 miles before they are inspected. I just wish you would stop and think of that this morning.

The system we have is working good; let's leave it alone. Mr. Speaker, I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker and Members of the House: I appreciate the gentleman on the other side of the House, but these trucks that go 100,000 miles a year are inspected once a day when they leave the garage by the ICC rules and regulations. There are no trucks that leave a terminal without being inspected by a mechanic, so we can rule out the 100,000 or 150,000 miles a year. Some of my trucks have got over a million miles on them and I will put them up against any new truck that is running up and down the highways today.

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

Mr. MACOMBER: Mr. Speaker and Members of the House: So there is no misunderstanding, under the present system, there is the 30 days grace period. Mr. Dudley was correct when he said "if a car is in violation, of course it is ticketed then and there." Under the present system there is a 30 day grace period, and just to set the records straight, under this new bill there is no grace period.

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the good gentleman from South Portland. In our deliberations on this new draft, we had discussed taking the grace period out. It was a decision of the minority on this committee that we would leave the grace period in.

I would also tell you that my feeling on this is that going to once a year is going to give us as good an inspection as we have at the present time and it won't inconvenience the people

across the state.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those desiring a roll call vote will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: The State of Connecticut automobiles travel statewide in this state in the summer months, and I asked for information as to what accidents the State of Connecticut's vehicles had been in when we talk about highway safety. I discovered that the people of Connecticut are not having anymore accidents than the people in Maine that are on twice a year inspections. The State of Connecticut doesn't have twice a year inspections. As a matter of fact, they did away with them.

I just want to remind you that I am very conscious about highway safety. I realize we have a great responsibility, but we deliberated in our committee for a long period of time and that is the reason why you have two reports.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from South Portland, Mr. Macomber, that L.D. 24 be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Baker, Beaulieu, Bell, Benoit, Brannigan, Brodeur, Brown, A.K.; Cahill, Carroll, D.P.; Connolly, Davis, Diamond, Drinkwater, Foster, Handy, Higgins, L.M.; Ingraham, LaPlante, Lehoux, MacBride, Macomber, Manning, Masterman, Matthews, K.L.; McPherson, Mitchell, E.H.; Murphy, T.W.; Nadeau, Perkins, Perry, Pines, Racine, Reeves, P.; Roderick, Salsbury, Scarpino, Smith, C.W.; Swazey, Thompson, Weymouth.

NAY—Ainsworth, Allen, Anderson, Andrews, Armstrong, Bonney, Bost, Bott, Brown, D.N.; Brown, K.L.; Callahan, Carrier, Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connors, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Dexter, Dillenback, Dudley, Erwin, Greenlaw, Gwadnoski, Hall, Hayden, Hickey, Hobbins, Holloway, Jackson, Jacques, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lebowitz, Lewis, Lisnik, Livesay, Locke, MacEachern, Martin, A.C.; Martin, H.C.; Masterton, Matthews, Z.E.; Maybury, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, J.; Moholland, Murphy, E.M.; Murray, Nelson, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pouliot, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Rolde, Sherburne, Smith, C.B.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Willey, Zirkilton.

ABSENT—Curtis, Gauvreau, Higgins, H.C.; Jalbert, Mahany, Norton, Rotondi, Seavey, Small, The Speaker.

Yes, 40; No, 100; Absent, 10; Vacant, 1.

The SPEAKER: Forty having voted in the affirmative and one hundred having voted in the negative, with ten being absent and one vacant, the motion does not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted in concurrence, the New Draft read once and assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-117) on Bill "An Act to Include the Term 'Sexual of Affective Orientation' in the Maine Human Rights Act" (S. P. 237) (L. D. 679)

Report was signed by the following members:
Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

— of the Senate.

Representatives:

SOULE of Westport
HAYDEN of Durham
HOBBS of Saco
DRINKWATER of Belfast
BENOIT of South Portland

— of the House.

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

Report was signed by the following members:

Representatives:

JOYCE of Portland
LIVESAY of Brunswick
FOSTER of Ellsworth
REEVES of Newport
CARRIER of Westbrook

— of the House.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-117) as amended by Senate Amendment "A" (S-123) thereto.

In the House: The Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Ladies and Gentlemen of the House: I move the acceptance of the Majority "Ought to Pass" Report.

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

Mr. CARRIER: Mr. Speaker, I move that L. D. 679 and all its papers be indefinitely postponed and I would ask for a roll call.

The SPEAKER: The gentleman from Westbrook, Mr. Carrier, moves that this bill and all its accompanying papers be indefinitely postponed in non-concurrence.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: I stand as a cosponsor of this particular L. D. and would ask you to support the strong majority report of the Committee on Judiciary and vote against the motion for indefinite postponement.

This legislation, despite many misleading attempts to color it otherwise, is a fundamental human rights—civil rights issue with its roots at our principles of equality and justice.

In considering your vote today, it is extremely important to understand precisely what this bill will and will not accomplish. The bill will extend the protection of the state's human rights amendment that was enacted in 1969 to gay citizens in the state the same protections that are now guaranteed to other minorities in the state. The bill will prohibit discrimination in the areas of employment, housing, credit and public accommodations when the issue is solely an individual's sexual preference.

The bill does not, however, require landlords to rent to gay tenants, it will not require employers to hire gay employees. It will not, as some have consistently suggested throughout debates on this subject, promote or encourage homosexuality nor will it extend the concept of affirmative action to homosexuals. The Bill is very simply and very straight forwardly an anti-discrimination measure.

National authoritative studies have determined that 10 percent of the population of this country is made up of homosexuals, and that translates into just about 100,000 people in the State of Maine. That figure represents a very significant minority of our population.

The need for the protection that is offered by this legislation has always been quite clear. Public testimony at the Judiciary Committee hearing four weeks ago demonstrated that people have been fired from their jobs, have

not been able to get employment for jobs for which they were qualified and have been refused housing solely because they were homosexuals.

The fact that prejudice against gays exists is undeniable. Sometimes that prejudice is very subtle but very often it is open, it is very cruel, and it is very vicious. It is that type of discrimination that this particular bill seeks to prevent.

Among the arguments that you have heard in the letters and the telephone calls that you have already received and I suspect that you will hear today from the opponents on this bill, that if the bill is passed, there will be a strong contingent of teachers hired by the public schools and that those teachers, once in the classroom, will advocate a gay lifestyle and that that will have a very serious negative effect upon impressionable young school children.

One of the organizations that is in support of this legislation is the Maine Teachers Association, and they in testimony to the Judiciary Committee have made it very clear that if any teacher advocates in a classroom any particular lifestyle or any particular religious belief, that teacher can be fired under just cause provisions. Whether we have this bill or not that situation is not going to change, so that particular fear and that particular argument that is used by the opponents is unfounded.

Opponents argue that the passage of this bill will legitimize homosexuality and somehow make it an acceptable way of life. Such an argument, I think, is irrational and without merit.

If the bill is enacted, we will continue to have statutes on the books in this state pertaining to inappropriate and illegal conduct there will continue to be sanctions against child molesters and we will continue to have laws prohibiting sexual misconduct. None of that will change because of the passage of this legislation.

One of the more insidious arguments that is used to try to defeat this bill is the not so subtle suggestion that if the bill were to pass, it will result in an increase in incidences of perversion and incidences of child molestation.

Last week, members of the House had distributed to them this particular flyer. It is a copy of the Maine Sunday Telegram article describing the very tragic case of a 23 year old young Rockland man who now faces execution in the gas chamber in the state of California. The handout has underlined several paragraphs and several sentences that deal with the charges for which the young man was convicted, rape and murder, and also lined passages dealing with incidences of molestation when this boy was very young. On the back of the handout is printed in "Would L. D. 679 have helped or hindered this young man?"

For the record, over 90 percent of the incidences of sexual assaults on children, not only in Maine but across the country, are perpetrated by adult males on young girls, not by homosexuals. To suggest that this bill is going to lead to increased incidences of this type is simply not true and is a very vicious type statement.

A week and a half ago, members of this House received a copy of Pastor Herman Frankland's epistle to his members describing the implications of this bill. In that statement, he describes homosexuals as "degenerates, perverts and the dregs of society" and suggests that the passage of this bill may eventually lead to similar protections being extended to murderers and to rapists and to other people of that sort.

The prime sponsor of this bill, I think, appropriately responded to that particular epistle in an editorial that appeared in the Bangor Daily News last Friday and suggested that Frankland's own views, in and of themselves, were sufficient reason for the need to pass this

type of legislation. In Pastor Frankland's message, he suggested that the bill has an increased chance of passing in this legislature because, to quote him: "The Democrats have the whole pie now in terms of control." In all the years that this type of legislation has been before the legislature, this is the first time that someone has seriously suggested that this bill is a partisan issue. That simply is not true. Democrats and Republicans have always been and will continue to be on both sides of this issue. To the degree that the Democratic Party has always stood up and fought for the rights of the minorities is reflected in Democratic support for this bill, but Republicans have a proud history also of fighting for the rights of minorities and they, too, stand in support of this legislation. This, I think the members of this body can understand very quickly, is in no way a partisan issue.

This is a very difficult bill for members of the legislature to vote on. In some ways it is too bad that the vote couldn't be conducted by a secret ballot, because if it were, I suspect that it probably would pass overwhelmingly. The need for the bill is evident and I think that is reflected in the vote of the Judiciary Committee. There were very many people who had the courage to speak publicly at the public hearing but there were very many others who were afraid to show up, people are being forced to live lives of double identities, who live in constant fear and paranoia, who practice deception because of their sexual preference. It is those types of people that this legislation hopefully will help.

I would urge the members of this House to vote against the motion for indefinite postponement so that we may take a very historic and courageous step and finally enact this bill.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Members of the House: I will be very brief because I have already taken too much of your time this morning, and because I believe that this House will never vote for this measure, I am not going to waste a lot of your time. I have a two-page speech written here that if it goes further I might have to ask your indulgence with it but you have just heard one man's opinion. Now I am not going to pass an opinion at this time because you might think I was prejudiced, but I am going to tell you that I am here by a large majority vote from the district that I come from and I am not here representing minorities, I am here to represent the majority of the people that sent me here and perhaps that has something to do with my tenure here. I believe in government by the people, by the majority of the people, and I think that is probably the chief reason why I shall vote against this bill this morning.

I have tried to get a contention of the thoughts of my people back home and a lot of the people that I represent are quite religious and they believe that there was a great Creator back many years ago that created the universe and the people that are on it and having this been so, and which I don't quibble with, there would only have been a need to have one sex created, there wouldn't need to be two. That is one of the things they seem to believe, so with this in mind, I will not bore you with the two-page speech that might be interesting and might even make you have a little chuckle, but this morning I have confidence in this House that you are not going to vote for this bill but will vote to indefinitely postpone it, so why should I take a lot of your time?

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Almost four years to the day the National Board of Psychiatrists in the United States have ruled and have come to the conclusion that these gay people, it is a sickness, it is not something that you are born with, it is a sickness. I really believe that and I want

to be part of the solution and I thought of how we could take care of it—these people need help. We should treat it just like alcoholism, give them their rights but give them the right to be treated, give them a toll-free number so they can get help. I have seen plenty of these people, they are good people, but they do have a problem. They drink excessively, not all of them, but quite a few of them that I know are ashamed and they drink a lot and I really believe they need help. I would be willing to vote to help them but I am not going to vote for this because this is—we are not going to be encouraging them but we are condoning it and I don't believe that it should be condoned, no more than the alcoholics. We don't condone alcoholics, do we? It is a sickness and we know it and we are trying to help them. Let's try to help these people too, but let's not vote for this. Let's vote for indefinite postponement.

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

Mr. BAKER: Mr. Speaker, Members of the House: I would like to correct the member, Mr. McHenry. In the early 1970's, the American Psychiatric Association removed homosexuality from its list of disorders and diseases.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: I stand before you today as one of the eight signers of the Majority "Ought to Pass" Report from the Committee on Judiciary to speak in favor of this piece of legislation. This legislation seems to generate more fear than any other piece of legislation we will deal with this legislative session. This fear is not restricted to the opponents of the bill; it is felt on both sides of the issue.

The opponents of this bill are fearful of gay teachers in schools advocating a gay lifestyle, gay people being entitled to having special job protection and the decline of the family unit.

Passing this legislation would have no significant effect on any of these situations. Currently there are gay teachers in our schools and they will continue to be there whether or not this bill passes. The fear of the gay teachers will somehow recruit our young people to be homosexual is based on two assumptions; first, that homosexuality is a learned behavior. If that were a learned trait, it seems that there would be many fewer gay persons. They do not choose heterosexuality despite the constant presence and example of heterosexual parents and role models in their early years of socialization. As a noted columnist said, Russell Baker: "If he had been influenced by teachers, he would have grown up to be a nun." The final decision is not yet in as to why people are heterosexual or homosexual; however, I seriously doubt that thousands of Maine citizens, and I repeat that, thousands of Maine citizens, would actively choose a lifestyle that would place them in constant fear of losing their jobs, their homes or their credit.

The second assumption used against this bill is that all homosexuals, especially teachers, are evangelical in their approach. Luckily, we are protected from such behavior by our school boards' code of ethics, and, as the good gentleman from Portland said, by state statute, and in more extreme cases, ladies and gentlemen, by the criminal laws of the State of Maine.

This is not an affirmative action bill, it does not set quotas for hiring gays, it is only, ladies and gentlemen, an anti-discrimination bill. It simply states that homosexuality is no longer a valid reason to deny a person employment, housing or credit.

As for the concern over the breakdown of the family unit, this is a social problem that affects all of us and should concern all of us as well. To say that passage of this bill will somehow further exacerbate this problem is a fallacy. Negative social pressures towards gays encourage many homosexuals to enter hete-

rosexual relationships and unions, many of which later on cause divorce.

Now I would like to address, if I may, those of you who are sympathetic with the goals of this legislation yet you are fearful of voting for its passage and you are fearful of whether or not you would be reelected if you voted for this legislation. In fact, some of you who have voted for this measure in the past session, in fact the previous two sessions, had to defend your vote in campaigns. I can stand before you and tell you that that was the case with me in 1980. Fortunately, by a substantial margin I was reelected. In fact, it had such an impact in 1982 that I ran unopposed. This one issue will not win or lose an election for all of us; as you know, people are above that.

Others of you feel that there is no need for this legislation, that it is covered under other areas of the law. If that were so, why were over 50 potential discrimination cases which were presented to the Human Rights Commission turned away because of lack of jurisdiction?

We must all stop judging people's abilities to be good teachers, good employees, good neighbors and good credit risks by any other measures except their actions. As long as people do not impose their sexual preferences on others in any way prohibited by our criminal law, we have no place denying them the basic civil rights afforded to all citizens. The bottom line, ladies and gentlemen of this House, is that this is a basic civil rights issue. Historically, all prejudice and discrimination have been based on fear, and many of the arguments used today are similar to those arguments that were used in the past against the Irish, the Catholics, the blacks and women in their struggles for justice.

In my home town of Saco, my family was discriminated against because I am part Franco and because I am part Irish and because I am proud to be a Catholic. It was only 50 years ago that that happened in my home town. Fortunately, these struggles have subsided. It was less than 40 years ago that fear ruled this world and, in fact, I thought it only appropriate to share with you something that has stayed with me for many years, and that was the comments of a Protestant Minister who was imprisoned by the Third Reich, and he said very appropriately, "In Germany, they first came for the Communists, I did not speak because I was not a Communist; they then came for the Jews, I did not speak because I was not a Jew; they then came to fetch the workers, the members of the trade unions, I did not speak because I was not a trade unionist; afterwards they came for the Catholics, I did not say anything because I was a Protestant; eventually they came for me and there was no one left to speak."

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I have to agree partially with the comments that were made by the good Representative from Saco, Representative Hobbins, that no one should be denied any opportunity for jobs, housing and/or promotion, and I have to agree with that based on their sexual preference. However, I have to disagree with the intent of the bill, because if we do pass this bill, what we will be doing, we will be inviting all kinds of suits, complaints to the Human Rights Commission when someone is not selected for promotion or someone is not given the opportunity or refused a certain type of housing. What will happen is that they will holler discrimination and then this will place the individual on notice that he has to defend the action that he has taken. I have seen this happen before, not with gays or lesbians, but I have seen it with other minority groups. They always feel that if they are not promoted or someone else is selected, that whoever made the selection or was involved in the selection process was prejudiced and that is not the case. This will invite a lot of complaints to the

Human Rights Commission, and if we do pass this bill, I think we should increase the work force over there so they will be able to take care of all these complaints.

Over the weekend, for some reason I got quite a few phone calls from people that have a different sexual preference than I have, and when they called I asked them, can you tell me what this bill will do, why we need this? Can you tell me how you were discriminated? There was not one individual that was able to tell me that they were discriminated in jobs, housing or anything. So the problem may not be as profound as the proponents tend to make us believe that it is.

I hope that you will support the motion to indefinitely postpone this bill, we don't need it and then we can get on to some other business.

The SPEAKER: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I am trying to be too brief to get to the point, but the good gentleman from Portland has pointed out, Representative Baker, that in 1977 these people were taken off by the Board of National Psychiatrists, that is correct, and I said four years to the day, almost, they have proven that this can be cured. Psychiatrists have proven that it can be cured and that is why I am saying that it can be cured. For the people who want to be helped, there is help available, but they must take that first step just like alcoholics. If they do not want to be cured, they will never be cured. If we do not provide any help for them, there will be no help for them unless they go and seek it for themselves. Some people do, some people can be cured without help, but there are very few.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you not to indefinitely postpone this bill. I have sat in this seat for the past six years and I have voted consistently on the premise that we who sit in this body should never, ever take a position of denying anybody's civil rights and this is, indeed, a civil rights issue.

I also rise to speak to you as a mother and as a woman. The issue of sexual deviation of sexual preference is not unknown to the women in this state and throughout the country. I think the majority of women's groups support the argument that there should be no discrimination against anyone for any reason. I therefore ask you not to vote for indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from So. Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I have been sitting here listening to all the debate and it is extremely emotional. Some of the speaker have spoken so well that it is hard to even follow them but there are some issues that I would like to address. It is also difficult to address some of the issues because they become very personal.

Some of the comments that Representative Racine made, if we do pass this bill will the Maine Human Rights Commission be faced with a slew of suits or complaints that will come from gay people. You know something? That was the same thing that was said over ten years ago about the Blacks. It was the same thing that was said about women and some still say it and it just is not true. If there is discrimination, real discrimination, then there must be a body such as the Human Rights Commission that make a judgement on that. It is not assumed, there is evidence, testimony, etc., before a decision is made.

Before I go on I would like to draw all of your attention to a handout that was put on your desks today and I would urge you all to read it. It was written by Senator Gerard Conley, President of the Senate, and I would like to quote just the very last line: "Toleration is good for all

or it is good for none. After all, we are all God's children."

I wish all of you could have attended the hearing on the gay rights bill. Some of the people that testified, it must have been very frightening and very difficult for them, not only for those that were gay but for people such as ministers and priests and mothers.

There was a mother that appeared before our committee and I want to read to you part of the testimony and she lives right here in Augusta and she gave us her name, she was not anonymous. "I have a son who is gay. I learned this when he was 18; he is 25 now. He said he thought his father and I had always known. I guess he thought he didn't know anything that we didn't know but we didn't. He is intelligent, good looking, tall, smooth, girls are always falling in love with him." She ended up by saying: "I wish the Judiciary Committee would send L. D. 679 to the legislature so that my son and all sons and daughters who are gay will get equal treatment. I want them to be able to rent apartments, I want them to be able to get credit so they can buy houses and whatever else they need. I especially want them to have an equal chance to get work and keep it, to be promoted as they deserve." I think this last line is one that we should all pay attention to—"Let me remind you that one person in ten is gay; everyone in this room has a relative or a friend who is gay." Some of us may not want to admit that but think about it. I can't imagine that there is a person who is gay, at least met a person, perhaps even been acquainted or perhaps even been good friends with a gay person, that does not mean that you condone his or her sexual behavior, that you encourage it or that you even approve of it but you can be friends with that person.

One of you addressed ministers, people from religious walks of life. We did have several ministers and priests that appeared before us. One was a Reverend from Whitefield; he said, "I did not always think of people of homosexual orientation as I do now; in fact, I used to feel very negative against them until I met a man who was homosexually oriented. I have become friends with him and admire his courage to stand up for his beliefs and rights. This person, plus a deeper look into God's word, has changed my mind and my outlook on homosexuality."

From a priest who said he had consoled a woman whose son had committed suicide because of homosexuality in his fear of discrimination. He said, "We do not judge the activity, it is the sexual orientation of homosexuality that makes this a legal question, not a moral question." He separated the sexual activity from the sexual orientation and went on to say that a person should not be discriminated against because of his or her orientation.

Before closing I would like to address that of teachers. As many of you may know, I resigned from teaching in November after having taught for nine years, so I think that gives me the right, because of my experience, to address this issue. While I taught in Portland during those nine years, I was certainly aware of those that I thought or suspected were homosexuals. I have to put it that way because I never really knew. I heard rumors and I had my own feelings about it, so for those of you who say that teachers 'may' affect your children, may impress them, may even recruit them, you don't even know whether teachers are homosexuals. I didn't know, I suspected some were but they may not have been, so where do we draw the line? Those that you suspect are homosexuals who are going to influence your children or those that some of you may know are and what do you think these teachers are going to do? They teach, they must abide by the same laws that you and I do.

In closing, I would urge you to please look into your hearts, I know that there are a lot of you who are very fearful of voting for this legis-

lation for whatever your reasons are, I don't know what they are but please look into your hearts and if you really believe that we should not discriminate against men and women who may have a different sexual preference than some of us do, please try to come forth and stand up and vote with the rest of us who will vote against indefinite postponement.

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

Mr. BAKER: Mr. Speaker, Men and Women of the House: Very rarely do I stand before you and identify myself as a sponsor or a co-sponsor of a piece of legislation but I am proud to say that I am a co-sponsor of this bill. I have sponsored and cosponsored this bill for the past three sessions that I have been here.

I would like to respond briefly to the member from Biddeford, Mr. Racine, who would suggest that people would bring frivolous charges before the Human Rights Commission on grounds of discrimination on sexual preference. I would like to assure the member from Biddeford and the other members of this body that nobody takes this issue frivolously or would use this issue to bring about a frivolous suit. There has been much pain and suffering that has gone on with the discrimination and the abuse that have been heaped upon gay people.

When I was in high school, I had the opportunity to caddy at a country club, it was the Scarsdale Country Club. It discriminated against almost everybody, but in my case it discriminated against me because I am Jewish. I sat on the bench for weeks never being called out to work. I was the butt of several unkind comments. You are probably saying that that doesn't have any relationship to homosexuality, after all, it is a different thing. However, I found that upon going to college and being a theater major, as most of you know I am, one often was accused on the subject of a witch hunt as to whether or not one was gay or straight.

How often have many teachers been accused or dismissed from their jobs simply on the grounds that someone 'thought' they might be gay? What recourse would they have to defend themselves? I think that reason alone would be reason enough to pass this legislation, and I urge you today to defeat this motion and take the courageous step of passing this bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one fifth of the members present and voting. All those in favor of a roll call will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the gentleman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: Here is one Republican who is supporting this bill and I would like to tell you why this morning.

Our discussion strikes at the very heart of American political philosophy—equal rights. The history of this country has been one long search for equality of rights, a counterpoint of philosophical statement on the one hand and practical application on the other. The key element has been time.

As we have dealt with the concept of equality over the past 200 years, the idea has expanded to include more and more initially excluded groups—blacks, women, American Indians, hispanics and now homosexuals. There are several milestones in our collective growth. The seed of equal rights was sown in the Declaration of Independence. It stated that every man is born equal, implied that every woman was born unequal, true at that time, the Fathers did not say that man is born

equal in strength or intelligence or inability to make a living, rather the Declaration implied that man is equal under the law. Inclusion of women would come much later.

The Federal Constitution, which was ratified in 1788, was amended in 1790 by the Bill of Rights, the first 10 amendments, but it wasn't until almost a century later that the 14th Amendment, specifically prohibited states from depriving any person of life, liberty or property without due process of law or denying to any person within its jurisdiction the equal protection of the laws.

The 14th Amendment was sufficiently vague, however, as to provide insufficient protection to black slaves. A few years later, the 15th Amendment guaranteed that the right to vote not be denied or abridged by state or nation on account of race, color, or previous condition of servitude.

In the years following the Civil War, the Blacks, in theory at least, had attained status and the rights guaranteed to all other Americans. The symbol was the ballot box. The women had taken over 50 years, well over 50 years; our day came in 1919 when the 19th Amendment to the Constitution granted women the right to vote. Theory was there; practical application was not there until later.

In the sixties, Blacks demanded their rightful place at the ballot box and at lunch counters, buses, jobs and schools. The Voting Rights Act of 1964 bore down on long-standing practices which prohibited Blacks from voting, finally activating the 15th Amendment.

The Equal Opportunity Act guaranteed equality to all minorities in the job market. The Equal Rights Amendments, the culmination of a hundred years of work, granted equal rights to women under the law as it passed Congress in the early seventies and went out to the states for ratification. Maine was one of the first states to ratify, and this year we applied those concepts to our own State Constitution.

Today, we are discussing discrimination against homosexuals and a bill to include them in the guarantee of rights of life, liberty, the pursuit of happiness and equality under the law. Given the historical concern over and the gradual movement towards equal rights for all, I cannot in all honesty deny this sizeable minority its fair share of equality. To the extent that they are denied, my own freedom and equality is diminished. So I urge you today to remember the past and how hard we have struggled to secure equality philosophically and practically.

We have a chance to write some history ourselves today. I hope, as the minister suggested in this morning's prayer, that you will temper your vote with justice and mercy and I urge you to vote against indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I have been hearing the argument that women now have equal rights and blacks have equal rights but, you know, it is easy to identify a woman and it is easy to identify a black, and my contention is that it is going to be almost impossible to identify yourself as a homosexual, so I would like to pose a question to the lawyers who are supporting this bill—how do you prove in court or to a jury that a man is truly homosexual?

The SPEAKER: The gentleman from Stockton Springs, Mr. Crowley, has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: My response—is how do you prove he is not?

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I wouldn't dare attempt to

answer the last question. I rise here today as a signer that was opposed to this bill. I stand proudly here before you today to tell you I oppose that bill.

This bill will, for the first time, put into the statutes a behavioral position. Discrimination on the grounds of sex, that is prohibited now under the Human Rights Bill, and justly so.

We are asked to place on the statutes of the great State of Maine a standard which deals with a behavior. This bill does not deal with race, color, creed, or sex or natural origin, it deals with a behavior.

Yes, I have problems with this bill, and as the gentelady from the gold coast in South Portland explained to you, she taught school for nine years. My children attended that school and they were often sad, after talking to other children, that they couldn't get into Ms. Benoit's class. They considered they were not one of the fortunates; she was an excellent teacher.

In those days, and that was long ago, nine years when she started, it might have been a little different. Teachers had their conferences every morning and every noon, but let me tell you what this bill will do and it seems to bother me right here (points to heart). Either I or any one of you could have a grandchild or a child in that third grade and by fate or by chance the teacher could be a homosexual. That teacher will not expound the virtue of his behavior, he will give them the three R's and the learning process will rarely be interrupted, but when this bill passes, if it passes, that teacher might someday make that remark, "I am a homosexual and I enjoy my lifestyle." I don't see that being wrong under the Human Rights Act. Where I have the problem is two weeks later when little Johnny is sitting around that table in his home and Uncle Bill has come up from Florida and he said right in the middle of dinner. Johnny, you have grown up and awful lot since I saw you last, three years ago. I remember how you told me you wanted to be a cowboy. Now, Johnny, tell me what you want to be. Johnny is all eager and Johnny says, well, Bill, I want to be a homosexual, my teacher is one and says it's great. I don't know what the response would be in that room; I think it would be tragic.

I have no problem with the Human Rights Bill the way it is now. I don't want to single out behaviors, I don't think it is necessary.

I was in the minority on that Judiciary Committee. I sat through every minute of the hearing. I talked to my constituents, both pro and con, and I will have no problem today to vote on this bill, and I will vote for the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker and Members of the House: May I say to Mr. Joyce, surely you jest. You couldn't possibly know what it is like to be in a classroom today. I was even very careful not to tell my students that I was a Democrat, let alone that I was a heterosexual. Now, would they go home and say they want to be a heterosexual? How many of you truly believe that a teacher is going to stand in front of a class, whether its a third grade or a junior high and say, yes children, I am a homosexual, it is a wonderful way of life? How many of you believe that? Today, a teacher is so careful of everything he or she says because believe me, the parents or the kid or the principal or someone will be at your door before you even know it. That is part of what has taken the joy of teaching out of teaching, because I did have to be so careful.

But assuming that a teacher did say that, how many of you believe that a child hearing one statement is going to become a homosexual? Homosexuality is not learned from a moment of knowledge. It is perhaps a lifetime of learning, and I might add that I did ask a physician who appeared at the hearing, what causes homosexuality? I was informed by her

and others that the experts do not know. I surely will not profess that I know.

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

Mr. ANDREWS: Mr. Speaker, Men and Women of the House: I will be extremely brief. I would just like to respond to two questions that were raised during the debate. First of all, to Representative Joyce, freedom of religion is a protection under the Human Rights Act. That is a behavioral category that is protected. Secondly, to Representative Crowley's question, there is no need under this bill to protect someone or to prove that someone is a homosexual or a heterosexual. The bottom line is whether one has been discriminated against on the basis of sexual orientation, whether or not that orientation is actual or suspected; therefore, a person who is not a homosexual who is suspected of being a homosexual and therefore discriminated against would also be protected by this bill.

Finally, I am proud, ladies and gentlemen, as I read American history, that Americans have stood up despite their own personal views and have defended the fundamental principle of freedom and individual rights in this country, and as those Americans learned, freedom is more than just a catch phrase, it is a responsibility. I ask today that we accept the responsibility of freedom and reject the motion to indefinitely postpone this legislation.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: I have held back because I think you have listened to great speakers, people with great vocabularies and enunciation and everything else, but I think we have to face the blunt fact of what this is all about. The blunt fact is, ladies and gentlemen, this is not a discrimination bill, I don't believe it is. I think it is a serious bill and one which will require your conscience to actually make a decision today, a serious decision.

You have heard many reasons why you should or should not vote for this bill. Actually, I can give you many reasons why this bill should not even be here. I think when we get involved, contrary to what some people say here, I think this is a moral bill. We are not talking about discrimination in housing or sex or any other thing. You are talking about, as Mr. Joyce said so ably, a bill for behavior and I don't believe we should pass it for people or groups who do not behave according to the accepted standards of society.

I think this is a bad bill. I think without boring you with statistics, you should know at the offset and you should ask yourself, and you probably have, you should ask yourself what the cause of homosexuality is. This is plain and easy but it is too dirty to say on the floor of the House.

I felt sorry, I really did, at the hearing, and this was not my first hearing, I have been there for quite a few of these hearings, but I felt sorry for the woman who came and made an appeal to us to do something for her son who was a homosexual. She was not the first lady there as far as the bill was concerned, but she was the first this year but not other years, and this is about the only sad part of it that I see in this part of the homosexualities, that people, mothers come and beg us to do something about it.

Well, what do you want to do about it? I think it is a solution of self-discipline. If you want to be a drunk, if you want to be a liar, if you want to be a thief, if you want to be a crook, if you want to be a legislator, it is up to you to put yourself in that position, and I say to you that self discipline, I have been taught that for years and that is what I think this country and all of us need, some of us. But I will tell you something else, that people over here say discrimination, discrimination, they get all bent because of discrimination. In my lifetime, like many of you people, I have worn patches, have

had plenty to eat with hard work and determination, hard work and the family unity, and that is how we were brought up—no money. You say, well, today people have changed, they have changed because you have determined yourself, you have disciplined yourself to what your priorities should be, that you should go to school, that you should go to college. I worked eight hours a day and I went through college. This is not an unusual accomplishment, anybody in this House, anybody outside has a chance to do it. Give yourself time, be consistent, live a good moral life and the reward is there at the end.

I just want to make a few comments on the statistics. One of the statistics is, ladies and gentleman, in Portland about two years ago they had an election. There were, whatever you call them, gays, I don't see them as gay because they never smile, they have got that withdrawn look, you look at them face to face and there is no eye contact, maybe they don't want to, I feel sorry for those people because I think they can take care of their own problems. They don't have to come to us and tell us that we have to take care of them. Whatever we do won't help them.

But I want to say to you that a couple of years ago we had an election in Portland and a gay ran. How many votes did he get? Out of 3,000—in Portland three to six thousand people vote—he got just about 200 votes, that is all he got. That gives you a message, that gives you an indication as to where these people are accepted and not accepted, and Portland is the center of—is the dumping ground, actually. All the people that come from the other states, where do they end up first? They end up in Portland and it is the ideal place to be, because if you haven't got any money, if you haven't got anyplace to sleep, if you don't care what you are doing, this is the place for you because you are not going to sleep on the street. There is always someplace, somewhere, good people, the 24-hour club, they will take you. The ideal place to go is Portland. If I want a free meal today, I would go to Portland.

They say, well, this will bring a lot of discrimination cases. We don't need discrimination cases. I never believed in discrimination cases. Discrimination is the best thing that ever happened to me, and I will put my integrity and I will put my character against anybody in this House, and this is not the cause of discrimination but the cause of hard work and family unity and the belief that somewhere along the line the good life is there and that is where they should be.

I can't see upstairs and I don't care who is up there, but I can only say to them that I am 57 years old, I am not 40, I am not 20, I can't say, gee, I don't know what is going on, I do know what is going on. I know what has been going on, and I know that the great services of the United States get the best, when they object, they don't accept homosexuals, then that is the time you want to consider our way of life. There is a good life out there and all they have got to do is actually reach and search for it by changing their animalistic behavior—this is a bad word but this is what it is.

I just say, you can generalize, and I don't believe, no matter how you vote or who you like or who you don't like, somebody would see that type of behavior right here today and they would approve of it, laugh and do nothing about it. I don't believe that. I think we are all human beings with a good, decent background and I think that we cannot accept that and I don't think your constituents are really to accept that either.

I know you will use your good common sense and that you will vote for the indefinite postponement.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Westbrook, Mr. Carrier, that this bill and all its accompanying papers be

indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from Pittsfield, Mr. McGowan.

Mr. MCGOWAN: Mr. Speaker, I request permission to pair my vote with the gentleman from Durham, Mr. Hayden. If he were here, he would be voting no; if I were voting, I would be voting yes.

The SPEAKER: The Chair recognizes the gentleman from Rockland, Mrs. Melendy.

Mrs. MELENDY: Mr. Speaker, I request permission to pair my vote with the gentlewoman from Athens, Ms. Rotondi. If she were here, she would be voting yes; if I were voting, I would be voting no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Bell, Bonney, Bost, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Carter, Cashman, Clark, Conary, Connors, Cote, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Greenlaw, Gwadosky, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Joyce, Kane, Kelly, Kiesman, Kilcoyne, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Roderick, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wenthworth, Weymouth, Willey, Zirnkilton.

NAY—Andrews, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Brown, K.L.; Carroll, D.P.; Chonko, Connolly, Cooper, Cox, Diamond, Hall, Handy, Higgins, H.C.; Hobbins, Joseph, Kelleher, Ketover, LaPlante, Locke, MacEachern, Martin, A.C.; Masterton, Michael, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Pouliot, Reeves, P.; Rolde, Soule, Stevens, Thompson.

ABSENT—Bott, Carrier, Gauvreau, Jalbert, Mahany, Norton, Seavey, The Speaker.

PAIRED—Hayden—McGowan, Melendy—Rotondi.

Yes, 101; No, 37; Absent, 8; Paired, 4; Vacant, 1.

The SPEAKER: One hundred and one having voted in the affirmative and thirty-seven in the negative, with eight being absent, four paired and one vacant, the motion does prevail.

By unanimous consent, ordered sent forth with to the Senate.

(Off Record Remarks)

On motion of Mrs. Martin of Brunswick, Recessed until four o'clock in the afternoon.

**After Recess
4:00 p.m.**

The House was called to order by the Speaker.

**Study Report
Committee on Aging,
Retirement and Veterans**

Representative Hickey from the Committee on Aging, Retirement and Veterans to which was referred by the Legislative Council the study relative to Recodification of the State Military Laws have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Recodify the State Military Laws" (H. P. 1199) (L. D. 1593) be referred to this Committee for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, the Bill referred to the Committee on Aging, Retirement and Veterans, ordered printed and sent up for

concurrence.

By unanimous consent, ordered sent forth with to the Senate.

**House Reports of Committees
Unanimous Leave to Withdraw**

Representative Kiesman from the Committee on Energy and Natural Resources on Bill "An Act to Encourage Public Access to Shoreland" (H. P. 842) (L. D. 1092) reporting Leave to Withdraw

Representative Joyce from the Committee on Judiciary on Bill "An Act Relating to Termination of Tenancy at Will" (H. P. 401) (L. D. 484) reporting "Leave to Withdraw"

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

Ought to Pass in New Draft

Representative Brannigan from the Committee on Business Legislation on Bill "An Act to Authorize Out-of-state Credit Unions to Conduct Business in this State" (H. P. 948) (L. D. 1229) reporting "Ought to Pass" in New Draft (H. P. 1226) (L. D. 1620)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

Ought to Pass in New Draft/New Title

Representative Murphy from the Committee on Education on Bill "An Act to Provide for Self-insurance for State Elementary and Secondary School Buildings" (H. P. 625) (L. D. 777) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Authorizing the Department of Educational and Cultural Services to Conduct a Study of Self-insurance of Public School Properties (H. P. 1223) (L. D. 1619)

Report was read and accepted and the New Draft read once. Under suspension of the rules, the New Draft was read the second time, passed to be engrossed and sent up for concurrence.

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought Not to Pass" on Bill "An Act to Include the Poverty Tax Abatements in Net General Assistance Costs" (H. P. 242) (L. D. 289)

Report was signed by the following members:

Senators:
BUSTIN of Kennebec
GILL of Cumberland
— of the Senate.

Representatives:
WEBSTER of Farmington
SEAVEY of Kennebunkport
RICHARD of Madison
PINES of Limestone
MAYBURY of Brewer
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-242) on same Bill.

Report was signed by the following members:

Senator:
CARPENTER of Aroostook
— of the Senate.

Representatives:
BRODEUR of Auburn
CARROLL of Gray
MELENDY of Rockland
NELSON of Portland
MANNING of Portland
— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Mr. Speaker, Men and Women

of the House: I move that we accept Minority "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the Minority "Ought to Pass" Report be accepted. The gentlewoman may proceed.

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Under present law, municipalities who qualify because they reach their threshold in expenditures for welfare, which is .003 of the 1981 valuation, receive reimbursement from the state for 90 percent of their costs above the threshold; about a hundred communities qualify for those reimbursements. They are the larger communities plus many smaller towns in Aroostook, Kennebec, Oxford, Somerset, Piscataquis and Penobscot counties, and while the state reimburses for the cost of food, fuel, rent and the like, it does not pay when the town abates someone's taxes because a person is too infirmed or indigent to pay. This bill simply allows towns who receive state reimbursement to also claim tax abatements as a cost of general assistance to the poor.

I would hope that you would go along with the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you today to vote against the motion currently before this body by Representative Nelson of Portland. I would like to explain briefly that my position on this legislation and my opposition to it.

I believe that this legislation will be detrimental to small towns. As a matter of fact, Mr. Paul LeVecque from the Department of Human Services came to our committee and after being questioned, he, too, agreed that this could be detrimental to the small towns.

Currently, as Representative Nelson has said, approximately 100 towns of some 490 towns in this state receive reimbursement under the general assistance reimbursement system. Some towns allow tax abatements under general assistance and some towns do not. My concern is, why should the constituents of mine, who do not allow tax abatements under general assistance, be required to pay through their taxes, income and sales, for these people who have their taxes abated under some other city or town's ordinance. This legislation will allow any town who receives reimbursement under current law to virtually write off any bad debts, any property tax that they can't collect they will write off in general assistance.

I suggest that this legislation is, indeed, discriminatory. Why should some towns be allowed to write off their bad debts while others are not because they don't reach the magic plateau of general assistance that they have paid out?

To explain further, I oppose this measure because I don't feel that because some over-generous city council prefers to disallow property taxes, that my constituents and your constituents in those small towns should have to pay. In my town, I have no knowledge of any elderly person ever losing their home because they couldn't pay their taxes. Rather, in my district in Farmington, we would place a lien on an individual's property and work out some arrangement to pay the taxes. We are not going to every taxpayer in this state who pays sales and income tax asking you to pay for our bad debts.

Very simply, I feel very strongly that this issue should be defeated, I hope you will vote against this measure and I would ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Men and Women of the House: It seems as though the good gentleman from Farmington, Mr. Webs-