

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Twelfth  
Legislature***

OF THE

**STATE OF MAINE**

**Volume II**

**FIRST REGULAR SESSION**

**December 5, 1984 - June 20, 1985**

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ABSENT:—Carrier, Connors, Hepburn, Kane, Kimball, Macomber, Michael, Nicholson, Racine, Rolde, Scarpino, Stetson, Weymouth. 63 having voted in the affirmative and 75 in the negative with 13 being absent, the motion did not prevail.

Whereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance (S.P. 485) (L.D. 1313) (H. "A" H-337)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Include the Term 'Sexual Orientation' in the Maine Human Rights Act" (S.P. 446) (L.D. 1249) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-221) on same Bill, which was tabled earlier in the day and later today assigned pending the motion to accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask that someone table this to a time certain, Monday at ten o'clock. The good gentleman from Westbrook would like to debate this bill. I believe the majority of the people in this House realize that he does have a concern. I told him I would ask that this bill be tabled.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: Though I realize the concerns just expressed by the Representative from Madawaska, I would urge you all not to make a motion to table this bill.

As you can all see from today's calendar, this is a Divided Report. As you can also see from today's calendar, I am on the Majority "Ought Not to Pass" side of that report, the same side as the gentleman from Westbrook. Our committee has met briefly today to discuss the possibility of tabling this bill and, regardless of the side of these issues that we are on and

regardless of the side of the political party that we are in, we have all agreed that we would like to run this bill today.

I can assure you that the members of the Judiciary Committee have fully explored both sides of this issue. We have heard, thoroughly, through the mail, on the telephone, in the halls and in committee arguments on both sides of the issue as I am sure all of you have.

So, we hope very much that we are able to deal with this issue today, regardless of what side you are on, that we discuss the issue at hand and we do it today. I might add though, in previous debate, some illusion has been made to the committees lack of good faith in certain issues. I can assure you that the gentleman from Westbrook did not discuss nor ask any member of our committee any kind of courtesy with regards to tabling this bill. He was here yesterday and knew full well that this bill would come before us today.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not accept the Minority Report today so that you can accept the Majority "Ought Not to Pass" Report.

I request a roll call.

Representative McHenry of Madawaska moved the matter be tabled until Monday morning at ten o'clock a.m., time certain.

Representative Hayden of Durham requested a division on the tabling motion.

The SPEAKER: A division has been requested. The pending question is to table this matter to a time certain. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

15 having voted in the affirmative and 100 in the negative, the motion to table did not prevail.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker and Members of the House: I have perhaps addressed this chamber on the record dozens of times in the last seven years. This is perhaps the most nervous I have ever been addressing you, my friends, about an issue of importance.

I have voted three previous times regarding this legislation, as a freshman member, as a second term member, as a third term member, and I voted against it. I voted against it for reasons I thought were right. I still have the same reasons today. But today, I stand before you as a signer of the Minority "Ought to Pass" Report. I think you have every right to know why I signed that report. It is not a change of heart as to how I feel about homosexuality, of gay rights. It has nothing to do with my moral beliefs. They are the same today as they were yesterday or a year ago or five years ago. My church is very clear on this matter. I do not condone, encourage, or accept homosexual behavior in any form whatsoever. It is personally repugnant to me and I find it distasteful.

The issue here is not accepting this type of behavior, it is one of tolerance, one of discrimination, of people who are like you and I in this very chamber. They are the same type of people, they are human beings created by God. Because of that, I think they have a sacred worth. I wouldn't stand before you today and say that if I didn't believe it with every ounce of fibre in my body, every ounce of moral courage, whatever I have, to believe in it.

If you read Committee Amendment "A" of the Minority Report, especially the Statement of Fact, I didn't make a speech this morning to give to you, so I kind of rely on some notes. The Statement of Fact I read about three o'clock this morning at home. It kind of reiterated for me what the argument would be for this bill. I ask you to keep an open mind.

The most sensitive part of the bill as

presented to the committee had to do with employment. I think there might be valid reasons for concern because it addresses such a large wide area of concern to everyone. That was amended out. What we have today is a limited housing section. Let me read this. This amendment does not take a moral stand on homosexuality. The question of morality is left to the judgment of each person as it should be. What the amendment does say, with regard to some economic activities, the extension of credit, the provision of services for the public and the provision of housing as a profession is that discrimination on account of sexual orientation is against public policy, in the same way that discrimination on account of race or religion is against public policy. For the state to prohibit discrimination on account of sexual orientation in these economic areas of life does not mean that the state condones homosexuality, just as the state, by prohibiting discrimination against the Buddhist or the Moslems, does not put its stamp of approval on those religions. The amendment does not interfere with how individuals, whether they approve of homosexuality or whether they do not, order their individual lives, rather the amendment focuses only on businesses serving the public. It states only that all members of the Maine public are entitled to equal opportunity to purchase or avail themselves of those business services. I don't think that it is far reaching, not here in 1985 in the State of Maine.

You know, if you were in a restaurant and you knew that someone was a registered member of the communist party, you could not object to the manager and say, I object to that person being next to me and my wife and my family because that person is a communist. There is no legal justification for that.

If you knew that another person was a child molester, had served time and been convicted and was now out, you couldn't say that. I object because that is a child molester, that person went to prison. But you could say that because a person is gay, I object, that person is gay, he is having lunch at that counter. I just cannot, in my own conscience, reconcile that with being correct. No matter what type of person you are, you have a right to certain basic necessities of life and enjoyments of life, public accommodations, a bowling alley, a restaurant, a theater. How about buying a car or buying a home? Isn't that basic to what we believe life to be here in the State of Maine? You make a moral judgment on the person, if that person should not get credit at a credit union or a bank or some other lending authority because the person is gay? Don't gay people pay taxes? Don't they need automobiles for transportation? Don't they enjoy movies in the theater and of free association?

You know I don't, in any way, want to see this bill made into a moral argument. I am very ready to discuss morality with anyone. I have had some schooling in moral law. I can remember my scripture classes telling me in the seminary that homosexuality is not the worst sin in the Bible, you can see that very quickly and very easily, pride was. Lucifer fell because of pride. Judas fell because of pride, not because they were gay. That is the worst sin. So, if we want to talk about sin, we have to be very careful. The issue is not morality, the issue is tolerance.

In the State of Wisconsin a few years ago, they passed similar legislation we are asking you to approve today. How many complaints did they get after this legislation was passed? According to the statistics I have, about 100 complaints out of about 4,000. That is one quarter of one percent that had to do with sexual orientation complaints. I submit to you that is not a very great number.

I don't know how those problems were adjudicated but regardless of how they were adjudicated before the Wisconsin Human Rights

Commission, it is not a very great number. There are millions of people, I think Wisconsin has about eight times more people in their state than we do here in the State of Maine.

The amendment has stripped the bill of the emotional provisions of employment and the parts of housing having to do with landlord living in that apartment building. What is left is purely economic. No Maine citizen should have any fewer economic rights than any other.

I am not going to bore you any longer with my remarks. I felt very comfortable signing this report after listening to the debate in the workshops on the bill. I would have signed it out alone. I think that any of the other signers of that report would have done the same. We don't put our signature on something we don't agree. We don't put our signature on something we are not willing to explain in debate on this floor.

Just by coincidence, my fellow colleagues, a few days ago I reviewed in the mail from the Maine State Prison a quote for something that had nothing to do with this at all. I believe it is called the Phoenix Magazine from the inmates of the Maine State Prison. The quote they used really kind of struck me. I want to share it with you. "If we accept and acquiesce in the face of discrimination, we accept the responsibility ourselves and allow those responsible to sell their conscience by believing that they have our acceptance and concurrence. We should therefore protest openly everything that smacks of discrimination or slander." That was written by Mary McCloud Berthume, who died a few years ago. That is about how I feel about the bill. I do not regret my past votes on this legislation whatsoever, but I could not vote that way today. But after listening to the debate and after questioning members of my family as to how they felt and people that I trust in the community, whose judgment I trust, whose judgment I value, I signed out "Ought to Pass." I hope, ladies and gentlemen of this House, that you will accept the Minority "Ought to Pass" Report.

**THE SPEAKER:** The Chair recognizes the Representative from Cumberland, Representative Dillenback.

**Representative DILLENBACK:** Mr. Speaker, Ladies and Gentlemen of the House: I am not going to debate this subject. It is a beautiful day outside, I appreciate the comments that have been made, but there isn't going to be one vote changed in this House today regardless of what you say.

Representative Allen of Washington moved indefinite postponement of the Bill and all accompanying paper.

The same Representative requested a roll call vote on the motion.

**THE SPEAKER:** The Chair recognizes the Representative from Portland, Representative Connolly.

**Representative CONNOLLY:** Mr. Speaker, and Members of the House: by way of introduction, I hadn't intended to say this and I don't want to make this debate personal, but Representative Paradis, you are beautiful.

The issue that is presented in this amendment to the Human Rights Act is the same issue as the time it was first before the legislature back during the 108th. It is one of fundamental human rights. Despite any misleading attempts that might be made to color the issue otherwise, it is a civil rights issue that is rooted in the basic principles of fairness and justice upon which this country was founded.

Initially for the Judiciary committee and now for the full legislature, to act favorable upon this bill, the committee and now we had to be convinced that there was in fact a compelling need to provide the protections of the Human Rights Act to gay men and lesbians because there was widespread discrimination against them in the State of Maine.

Throughout this past winter, the Maine Civil Liberties Union and the Maine Gay Lesbian

Political Alliance conducted a rather extensive survey of gays in Maine about the whole question of discrimination. The result of that survey, I am not going to bore you with numbers, but the results of that particular survey have been passed out to you along with some letters from church groups and I think that if you take the time to see them, the numbers would speak for themselves. The results of the survey demonstrate, not only is there significant discrimination against gays in the State of Maine, but there is also a vast majority of people who are gay who conceal their sexual orientation because they are afraid of the violence and harassment and discrimination that is practiced towards gays.

The results of the survey, which were rather reluctantly agreed to by the Christian Civic League, also show that in the State of Maine gays are the targets of abuse and bigotry that frequently result in personal harassment and sometimes in physical violence.

The fact that discrimination, prejudice and intolerance exists is, I think, in the minds of most people who have looked at this issue, undeniable. Sometimes that intolerance is very subtle but more often than not it is very open, it is very cruel and sometimes it can be very vicious.

The Constitution of the State of Maine — I will just read one sentence from Article I, Section I, Declaration of Rights: it says, "all men," and it doesn't qualify that in any way. It says, "all men are born equally free and independent and have certain natural and inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring possessing and protecting property, and of pursuing and obtaining safety and happiness." That really is what the issue is all about in this bill as it has been amended by the committee.

Discrimination against gays in the State of Maine does exist. Under the Constitution, we as legislators, have an obligation to prohibit it insofar as we are able to do that.

When you consider the historical arguments that have been made against this bill and are the same arguments that are used again this year, they were used in the committee, I think that it is legitimate to separate into two categories, two groups of people, those folks who are against this legislation. The first group are those people who consider that homosexuality is immoral and that it is a sin and that it shouldn't be given any level of acceptability by passing legislation such as that that we have before us. For these people, it is a matter of their religious beliefs and their own personal convictions and their attitudes.

But a very extraordinary thing has happened since this Legislature convened last December, the National Organization for Women and the Maine Gay Lesbian Political Alliance began to hold a series of coffees, breakfasts, and teas, both in our home districts and also here in Augusta. For many legislators it was the first time that we sat down face to face with someone who said, I am a homosexual and began to talk about the issue of discrimination against homosexuals. I think that out of those meetings that were held most, if not all of the legislators who attended, came away with the feeling that they are the same kinds of folks as Representative Paradis said, as you and I. They smile and they cry, they feel, they hurt and they have the same needs for love, personal dignity as the rest of us. That is what the issue in this legislation is all about.

If we also listen carefully to those folks who were talking with us at those meetings, we also discovered that there is, in the State of Maine, as across the rest of the country, an unacceptable level of prejudice and intolerance against people who are gays.

There were two specific incidences of testimony that were presented to the committee at the very long hearing that was held a couple of weeks ago. I would just like to sum-

marize these two. The first was a fellow who was an emergency Medical Technician. He was working for some company in a rural part of the state. He identified himself as a gay man. He said, that when it became publicly known in his community that he was gay, that he was fired from his job — the way he put it at the hearing, I don't give gay CPR and then to other people give straight CPR, I give CPR. The reason that I was fired had nothing to do with the way I performed my job, it had to do with the fact that I was gay.

Then there was another incident, a mother and a son testified. A young man got up and said that he was a homosexual and he began to realize it when he was in his early teens that he was different from other people. When it finally occurred to him, discovered that he was a homosexual, he didn't know how to deal with it. He was afraid to talk to people about it, he was afraid to talk to his friends about it, a result, he attempted suicide. His mother got up and spoke after he spoke and told about going to the hospital to see him after he had attempted to take his life. It wasn't until that point that she realized that he was a homosexual. She said, I was overwhelmed with emotion and with grief, not because he was a homosexual, but because of the prejudice and the intolerance that I know he will have to suffer for the rest of his life because he is gay and there is absolutely nothing that he can do about it.

Human rights, as Representative Paradis said, don't depend on morality. The point of this bill is not whether homosexuality is admirable but whether discrimination is intolerable.

There is a quote from Justice Alexander that I was going to read to you and I am not going to take the time to do that now, but those of you who are familiar with the intolerance day situation in Madison, if you read what Justice Alexander had to say and understand that he makes the best argument of anybody that I have heard so far, who is not gay, as to why this legislation is necessary. Because there is no enforceable law in the State of Maine that he had no other choice but to rule that it was okay to stop the intolerance day discussion that was to take place in Madison.

In 1980 or 1981, Mayor Koch in the City of New York issued an executive order in which he said that any agency, nonprofit organization or other agency in the City of New York, who received money from the City of New York, would be prohibited against discriminating against gays. That particular executive order was challenged by, amongst other, the Catholic Church. The Supreme Court in New York, in ruling on that challenge, said that Mayor Koch not only had a right to issue that executive order but that he had an obligation under the law as the court saw it to protect people against discrimination.

The second group of people, if you divide the opponents into categories who are opposed to this legislation or who will not vote for it today when we have the roll call, are those people who, if it were a secret ballot, would probably vote for it but see a vote, particularly a roll call vote, a political liability. It is easy for me to speak because I come from the city of Portland from a district that most people — at least when they talk to me up here — describe as a fairly liberal district and I haven't been opposed for the last several times that I ran, but I can give you the figures of the 103 that have voted for this legislation since 1978 and only six of those people who have voted for this have ever been defeated and their defeat had nothing to do with this political issue. I can talk to you about what happened in Wisconsin where they passed legislation which was basically a rural Republican conservative legislature and nobody there has suffered defeat as a result of their vote.

I can tell you the story about the fellow from Aroostook County named James McBrearty,

who in the last session of the legislature, for the first time since he has been here, voted for this legislation and the last week before the election occurred his opponent took out ads in a weekly newspaper to try to defame him over this issue and Senator McBreaity, who voted for this bill again yesterday, won by the biggest margin that he has ever won in his political career.

Those arguments aside, even if it were true that a vote for this bill is a political liability, when we came here in December, we took an oath of office to uphold the Constitution of the United States and there comes a time on certain issues when we simply have to do what is right. I think that I will end there and I would hope that you would vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't like talking on this bill for the simple reason that, a few years ago, I offered a solution. I figured, why not come up with a solution to the problem of the young man that had no one to turn to, he had no confessor, he had no parent that wanted to talk to him, he had no friends to turn to, I suggested that maybe we should have a help line in the State of Maine to help these young people that have no one to turn to. You know, I was laughed at. As a matter of fact, I was laughed at by a doctor, a person who supposedly is very intelligent, a doctor from the University of Maine. I will not name him, he knows who he is, he said that I put myself in the same position as the gentleman from Bangor, Buddy Franklin. He said, in the odorous presence of Buddy Franklin.

Now, this person has no love in his heart in my opinion. I look at the problem with love in my heart and I really don't believe that we are looking for a solution. Where does this end? Do we say, my son who is 15 should have that right to decide what he wants to do with his body, what he wants to do with his life. He is not at an age, we say, that he can decide moral issues. Five year olds, who are being abused by older people and a five year old may say, they enjoy this, they may. Where do we draw the line? That is my position, where do we draw the line? When do we say, this is right, this is wrong. Should we have pornography shown to young children? Where do we draw the line? This is not dealing with the subject but should we not discuss moral issues? I believe we should. That is my feeling.

You know, beauty is in the eye of the beholder as well as sin. Human beings are the ones that decide what is sinful. What is sinful to one may not be sinful to another. I feel that I must represent the majority of my people and I just cannot vote for this. I will vote for indefinite postponement because I really don't believe there is any true solution to this problem. It has been around since human beings have been on earth.

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

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

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: I rise here with hesitation. I know that a lot of people have emotion on this subject but I wanted to mention a few things in the debate that have come up so far. Gays and lesbians are allying themselves in a minority group as the blacks

and Hispanics did in the 60's and landmark civil rights legislation was passed. If Martin Luther King was here with us today, what would be say if blacks can be discriminated against and under six units of housing, that is okay, I want the bill passed, or blacks can go in Class B restaurants but not Class A restaurants. To me, that is implying discrimination, that is putting it into law. I feel that our laws in the State of Maine deal with this "minority of people". I see no movie theaters that say, no gays or lesbians, although our history books, in our near recent past, showed movie theaters that said, no blacks. So, I see no parallel between that. I see implied discrimination here.

The laws that we have on the books in the State of Maine deal with assault on any group in our state. They apply equally. I am concerned about the influence of legislating intended discrimination for these people. I served my country for the rights of everyone to be equal. I did that without hesitation, but I will not support legislation that elevates one group of people above everybody else.

I urge you to support the indefinite postponement motion.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Baker.

Representative BAKER: Mr. Speaker and Members of the House: There is another person also wishing to serve their country, a young woman by the name of Dianne Matthews. You might recall that she was, at one point, dismissed from the Reserve Officers Training Corps because she was an open lesbian. I bring that point out because I think it is important to keep in perspective, that while there may be no signs that say no gays are wanted here, there is certainly a policy in terms of the armed services that is just as clear as if you were to post a sign to say that we don't want gays. While this particular bill does not deal with that aspect of discrimination, I think it is important to point out.

I would also like to respond to the comments from the gentleman from Cumberland, Representative Dillenback. There is a climate that very often governs our debate on very controversial issues. I have been involved with this issue ever since I was a member of this body. There has always been a climate of fear and intimidation in regards to whether or not we can discuss this issue as a matter of public debate. I recall that as a freshman legislator, when I had introduced this legislation, I was laughed at by many of my fellow legislators. I was the butt of many jokes, one of them being that I was a two term legislator, that this was my first term and my last term.

I was discouraged from presenting this legislation by the former chair of the committee I served on because he wanted me to maintain my credibility before this body.

There is this terrible reluctance among so many of us to confront this very controversial issue. We want to sweep it under the rug. We don't want to debate it because we have insisted that everybody's mind is made up. Might I suggest that public debates are not simply for the benefit of this body but also for the benefit of the public at large, that hopefully, the actions that we take as political leaders may help at some point stir a debate within the broader community of the issues that are important. This is one of those issues.

I want to just mention one other thing because it is an issue that has bothered me greatly. I, at one point, served as a member of an Anti-Defamation League and we had reviewed a lot of discriminatory material. I used to review Nazi propaganda and all sorts of other racist materials that had been printed and handed out. Sometime during the hearing, I had found some pamphlets that had been distributed that were very anti-homosexual. One of these pamphlets here shows a young girl cowering in a corner, a hand poised over her

with an ax. The title of the pamphlet is: "Murder, Violence and Homosexuality." The pamphlet then goes on to state a thesis that most of you are murderers of homosexuals.

This type of literature that serves no purpose but to poison the atmosphere of debate on a subject like this is clear proof that discrimination does exist for at least 10 percent of our state's population.

Ladies and gentlemen of this House, the gay community are people that we all know. They are our friends, they are our neighbors, the people that we work with. We should not permit or tolerate intolerance like this. One way to show that we, as a body, object to this would be is to vote against indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: A couple of things before I would like to give a short prepared statement. First of all, I am greatly concerned and find it quite disappointing, certainly for a freshman legislator, to hear a statement made by a veteran Representative that nothing that anybody says here today will change a single vote.

Secondly, a definition of tolerance according to Webster is a sympathy or indulgence for belief or practices differing from one's own.

I would like to preface my remarks by stressing that I am speaking on behalf of human rights, on behalf of civil rights. I am not speaking to the question of whether homosexuality is right or wrong but rather I am speaking simply to the bill before you which, when passed, will extend most of the protections outlined in the Maine Human Rights Act to all Maine citizens regardless of their sexual orientation. As you listen to my brief statement, please keep these words in mind, homosexual persons, no less than heterosexual persons, are individuals of sacred worth. Further, we insist that all persons are entitled to have their human and civil rights insured. Now, these are not my words, my fellow Representatives, although I agree with them, those are words from a booklet entitled, "Social Principles of the United Methodist Church" which each of us in the legislature received only recently. They are words that truly speak to the spirit and the intent of L.D. 1249, which I stress again, is the only question that can legitimately be considered here today.

Along with my five brothers, I was brought up to believe that in God's eye all human beings had worth. My wife Beverly and I have tried very hard to instill that over the years into our two children.

Over the centuries, people have fought and died to first gain and then hold on to certain rights and freedoms that they saw others created by that same God enjoying. Throughout all history, some group or another has been singled out as unworthy. There has always been some social category that we have looked down upon as less than fully human and its members have been robbed of respect, opportunity, basic human rights and yes, sometimes of even life itself. We ostracize them, we assault their dignity, we tear down their pride. We keep them away from us, we never listen to them and, as a result, we never get to know them. We never really try to understand and yet we keep referring to the Bible in our attacks on them. All the while claiming somehow to be loving our neighbor as ourselves. The homosexual person is our neighbor but we haven't acted like it but rather we have held a stereotype in our minds. Of course we have done this over the years also with other groups, women, Jews, blacks, native American Indians, various other ethnic groups, and the poor. We haven't understood them, so rather than try, we rush to condemn them. Rather than try to uplift them, we use the

Bible to push them down. Throughout our history, we have brought much hurt to our fellow human beings, while all the time claiming we were doing the work of God, that we were somehow carrying out his will. This damaging approach has especially governed our attitude toward the homosexuals.

Now today, we, the members of the 112th Legislature, can begin the slow process away from this debilitating hurtfulness by supporting in a strong voice this basic human rights bill. I believe that the citizens of Maine as a whole, while again not speaking to the question of homosexuality itself, are deeply disturbed by the implications of denying the civil rights of a person. Knowing, as I believe Maine people do know, that when one group has been deprived of its civil rights, the rights of other groups are placed in jeopardy as well.

On the subject of homosexuals and the law, and that is the issue, our goal should be for homosexuals to be treated with sensitivity and by the same standards as other persons. Homosexuals, like all other people, should not have their basic human rights denied because of prejudices. We have extended that reasonable belief to just about every other group we can think of without necessarily condoning what they do or stand for. I urge you to do so for this group.

I urge you to support this very basic human rights bill.

I want the record to show, Mr. Speaker, that Westbrook is represented here today.

The SPEAKER: The Chair recognizes the Representative Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I know how difficult this issue is for some of you here today in this body. I do understand. I understand about fear, I understand about intimidation. I am objecting to that intimidation.

Two years ago in this body, I voted for a bill that was similar to this. I was dismayed to the point of almost being angry at the few votes that came out of this body. I gave strong consideration to being a sponsor of this bill but I did have a heavy schedule and decided that I would not put my name to something that, in fact, I did not have time to fight for. I did speak at the public hearing and I am proud to say that I did.

Many of you have said to me that this does take political courage to vote for or to support this piece of legislation. You and I are here because we are perceived by some people to be leaders. I consider part of our leadership, not only to reacting to problems and concerns that we see in our home districts, but to become leaders and to address the problems of 10 percent of Maine citizens.

One of the Representative's here today said, there was not need for this legislation because, in fact, he did not see the signs on the doors that said, no gays allowed. Implied discrimination of any type is abhorrent to me whether it is against a black person, a Catholic, an Irishman, a Jewish person, a Lebanese person or any type of a person.

The survey that was done earlier this year to determine the quality of life for and of gay people in Maine showed that 20 percent of them responded experienced discrimination in housing, 24 percent of those persons in public accommodations and four percent in credit. So, there is proof that L.D. 1249 is a necessary piece of legislation.

You do not have to vote for this bill or against indefinite postponement because you will feel that you are condoning a life style but I ask you to vote against indefinite postponement because there is a need for this bill.

I want to share with you a letter that you have received on your desk from the Maine Council of Churches. The members of those churches being the Episcopal Diocese of Portland, the Unitarian Universalist Associa-

tion, the United Church of Christ, the United Methodist Church, Church Women United, the Continuing Congregational Church, the Greek Orthodox Church. I don't speak here lightly today, I feel much like the Representative from Augusta, but I did discuss this with my four children, four young adults, three males and one daughter, and they said, "Mum, we will be proud of you if you speak on this issue, because it was only in your generation that, in fact, this had been allowed. We don't see these things."

Getting back to this letter, the Maine Council of Churches expresses its support for affirmative action by the Maine Legislature on L.D. 1249. The council has given prayerful consideration to this bill and while there were some members concerned the support for this bill might be misconstrued as condoning homosexual activity, it was our will that action be taken to alleviate the discrimination and even persecution now being experienced by some members of our society because of their sexual orientation. At the May 23 hearing, we expressed our specific support.

The Maine Council of Churches supports the passage of L.D. 1249. The council is opposed to all types of discrimination including discrimination based on sexual orientation. While we are all aware of the emotional response that this bill elicits from many, we feel that the primary consideration must be to end the obvious suffering experienced by those whose sexual orientation is found reprehensible by others. The Christian faith above all else recognizes the sanctity of human life and God's will that all people will live in peace and love.

I urge you people to do what is right today. There are gay people in your district as well as in my district.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Members of the House: I rise before you today to speak on this issue, not from a personal point of view. I do not disagree with anything that has been presented to us as a body. I, too, have very strong feelings but my responsibility to my constituency is their voice in Augusta. The process and the only process for their voice to be heard is through the voting process. My vote will and does reflect that voice of my constituency.

Each vote we cast as Representatives should reflect a portion of the people of Maine. When allied assures that their voices have been heard through us, their Representatives. My vote, if a roll call is called on the bill, will be recorded as no, fulfilling my obligations to constituents. I have received no communications, telephone calls, letters, personal contact, to support the bill before us. I do not fear any political reprisals. Public policy I am concerned with. These are my personal feelings. If there were a secret ballot, I still would vote the same way because my purpose here is to represent my constituency, very small portion of the people of Maine, but their voice must be heard.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker and Members of the House: It is often said as a prelude to most of our floor speeches, I hadn't intended on getting up today and I sincerely hadn't until I read the testimony that was presented at the public hearing. Up until now, the debate has centered on protection for Maine's homosexual community. But what about those who may be of small physical build, those of us who like the arts and may participate in ballet? Those of us whose voices may not be of the low tones? Those of us who openly show our feelings and are not afraid to do so? Those of us who are not necessarily athletically inclined?

Distinguished men and women of the House, this bill will not help just that group that has

been spoken about today. This legislation will allow those of us who have been discriminated against because of someone's presumption. I stand before you today as one of those individuals. It is not something that I take lightly.

I would like to briefly read a line or two from a letter from Marvin M. Ellison, who is an associate professor of Christian Ethics at the Bangor Theological Seminary, and he is also a minister member of the Presbyterian Northern New England Presbyterian Church. I think he puts this quite nicely. "To condone or by silence to permit such patterns of abuse and degradation is to violate the democratic spirit of mutual tolerance and respect and to stand intentioned with a religious calling to extend care and loving support for the strangers in our midst. To fail to protect the basic human and civil rights of some members of our community prepares the way for the infringement of the rights and freedoms of any and all of us as well."

My family members came from Poland. I ask you here today not to fall into the trap that my family members fell into and those of Nazi dominated eastern Europe and not speak out. Let us speak out today against discrimination of all types for all people.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Nelson.

Representative NELSON: Mr. Speaker, Men and Women of the House: For those people who will be reading this debate in years to come, I want to make it clear that there has been but just the sound of the person speaking in this hall today, that those of you who are here, and there are many, are listening hard. This is not an easy vote for many of you and I want those people in the future who read this to know that.

We are dealing with very serious things here. As a Jew, I understand prejudice from the other side. I don't look any different from you, although I am a woman, I don't look any different from most women. That is the famous Shylock speech, "when you tickle me, do I not laugh; if you prick me, do I not bleed?"

I understand what prejudice is all about. I know when people talk about my particular religion and then I tell them that I am a Jew and they say, "Oh, but you are different. I didn't mean that." It can be very embarrassing for the one who spreads that venom of prejudice and those who receive it.

We are talking here today about a human right. A right. That is what we must be focusing on. I am sure, if you were to read the debate in the Bundestag back in 1933-34, you would be hearing similar debates about, of course, the homosexuals because they were one of the first to go with their purple arm band. There was similar debate about the rights of the Jews, of the mentally ill, of the mentally retarded. Good people in Germany listened, and good people in the Bundestag voted and good people were quiet and let it happen. We are good people, all of us here. We all work hard at what we think is right. We do try to do what is right. We think of the people back home and we filter it through our own values.

I believe that today when I vote, I am not just voting for homosexual rights, which I think is a misnomer, I am voting on human rights. I am voting for the right of a person to live in a house that may have four or more apartments in it. I am voting for the right of a person to sit down and be served in a public place. I am voting for the right of a person if they can afford it to get credit. The right of that person.

If you remember at the time of the holocaust, I read something into the record about those victims and it is as appropriate today as it was then, I said that we should that we should remember and recall the cries of those people were dead and that we must pledge ourselves never again to be silent in the face of tyranny and injustice. We recall their unanswered cries

and we pledge ourselves never again to be silent of in the face tyranny or injustice. We must transform into compassion, we must give evidence of our remembering them, through acts of kindness and courage. It does take courage to vote for something you believe in. Some people find it easy, some people find it a little harder.

I carry something inside my wallet all the time because it makes a lot of sense to me and I believe it deeply, that if you rob someone so flagrantly of their rights, you are bound to lose some of your own.

Today, I am very proud and lucky because when my children and my grandchildren ask me, what did you do that day when peoples rights were at stake, I can say to them proudly that I stood on the floor of the House and I spoke my heart and I pleaded with my friends and my colleagues to vote with me to allow for this human right for all human beings at least in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have a six hour drive ahead of me, I don't care if we are here until midnight. There are some people that would like to see us not speak at all but I am willing to speak.

The Maine Council of Churches — I believe it was stated that the Portland Diocese of Roman Catholics — I am wondering how they voted on this, if it was unanimous or not. I recall the Roman Catholic Church was saying that they were for equal rights and, lo and behold, they were the ones that were fighting against it.

I never voted for it, I don't care what they say in these letters. Sometimes we are told things that aren't exactly true.

As far as the people that are for all these human rights, I assure you that these very same people, most of them, are the ones that are all for abortions. Now, where are the human rights? We, in the United States of America, preach human rights all over the world but we allow abortions left and right. I assure you those unborn children have a human right, they have rights also.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have the right to rise on this issue. My church was not included in that Council of Churches. I believe I know the reason.

I do feel this is a foot in the door approach and I feel the problem wouldn't be existing if they didn't flaunt the problem. It is written that marriage is both a physical and a spiritual union. Physical intimacy within a marriage bond is God's provision to meet our needs and carry out his purpose in populating the earth. Spiritual intimacy is the blending in love of two persons to establish a new relationship and assume new responsibilities in the fulfilling of God's will.

I finish with this thought. I wonder, who would be in this House today, if all our mothers had been gay?

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: I heard some people saying that they hadn't had any contact on this issue and I am here to tell you that I have on both sides of the issue. I had a very interesting conversation last evening for about three quarters of an hour with a young person who grew up in our neighborhood. I know the fellow quite well. He had called me asking my support for this legislation because he said he was gay. We discussed the issue from many different viewpoints. I can debate it from

a spiritual standpoint, I can debate it from a biological standpoint, I can debate it from a social standpoint and, although I don't have all the qualifications, there is a psychological standpoint that can be debated on. As we went through that exercise, as I have seen in the past, I couldn't find one point where it stood the test. I had to tell that gentleman that I am sorry I cannot support you.

My friends, it has been alluded to that this is an uncomfortable issue for many of us and that is true. I think it was brought out by one of the gentlemen in the debate in reference to the Bible when he said, that the Bible is used by many to push people down. That may be true but I think I have to stand to defend that because I believe what offends most people the most and why there is so much pressure against the Bible, so many people don't want to accept it, is because it is designed to reveal us for what we are. It sets a standard and we have to compare ourselves with that standard but it doesn't stop there because it offers a way to get through that. Which brings me to the point of the young man that said, there was not hope for him, I don't believe that is true. I believe there is a way. My heart was with that person that I was talking with last night but there are two words that I think are important here, one is sympathy and one is compassion. If you look up the definition of those two words and you will see, although we may use them interchangeably, there is a marked difference. Sympathy means identifying with another person in their hardship, in their problem, in their situation. Compassion means having pity, sorrow, feelings for a person because of the situation they are in. I submit to you that it makes a big difference how you feel about that issue, how you vote.

My compassion was with that person I was talking to last night and I know I am going to talk to him again. It wasn't a violent, heated discussion. We had a good exchange. I know where he is coming from and he knows where I am coming from. But there is a line and I can't move beyond that line. My belief is that there is no gray area. My works from now on have to be, I suppose if I commit myself to this type of feeling of compassion, that I have got to be ready to stand to help that individual at any point, any way I can.

In thinking through this, I couldn't help but think about the words that, I believe, wasn't it Trevka in Fiddler on the Roof, when he saw what was happening in his family and how it was dissolving, his standards that he was trying to hold up were not being supported. He was going through the whole thing of what was happening and he came to the point where he said, — good land, check my notes but what he said — this isn't stage fright, — they say there are four things that happen to you as you get older, one is you lose your hair and you get wrinkles and I can't remember the other two, that is where I stand, but what he was saying was, on the other hand, and he would go and rationalize his thinking and bring himself back to the point where he could accept the situation. He finally reached the point where he said but, on the other hand, there is no other hand. Comfortable or uncomfortable, that is where I find myself today.

Ladies and gentlemen, I ask you to support the motion to indefinitely postpone this bill.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly. I think we all appreciated the remarks of the gentleman from Sidney just now. I just want to clear up what probably might be some confusion that my friend raised, the gentleman from Madawaska, the issue of equal rights with the Catholic Diocese of Portland and what they testified before the State Government Committee in February of 1983 for the Equal Rights

Amendment. It was passed by this chamber. Subsequently, Pennsylvania's Court of Appeals used the argument that the equal rights meant abortion funding. And the Bishop of Portland withdrew his support before the referendum campaign because of that. The issue has now been settled both in Pennsylvania and in Maine but there was no inconsistency on the Bishop's part as regards to that issue.

Secondly, the question was raised whether those who vote for gay rights today are really the same group that are voting for abortion rights, I would just counsel the gentleman that I am the cosponsor of the parental consent bill for the Maine Right to Life Committee and I am very comfortable doing both those things here today.

The SPEAKER: The pending question before the House is the motion of Representative Allen of Washington to indefinitely postpone the bill and all accompanying papers. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 162

YEAS:—Aliberti, Allen, Armstrong, Baker, A. L.; Begley, Bell, Bonney, Bost, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Cashman, Clark, Crouse, Crowley, Dagggett, Davis, Dexter, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadodsky, Hale, Harper, Hichborn, Higgins, L.M.; Hillock, Ingraham, Jackson, Jacques, Jalbert, Kane, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Paul, Perry, Pines, Randall, Rice, Richard, Ridley, Roberts, Rotondi, Salsbury, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Whitcomb, Zirkilton, The Speaker:

NAYS:—Baker, H.R.; Beaulieu, Boutilier, Brannigan, Brodeur, Carroll, Chonko, Coles, Connolly, Cooper, Cote, Dellert, Dextecoteaux, Diamond, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Joseph, LacCroix, Melendy, Michael, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Pouliot, Priest, Reeves, Rioux, Ruhlin, Rydell, Seavey, Simpson, Stevens, P.; Warren.

ABSENT:—Carrier, Conners, Hepburn, Holloway, Kimball, Nicholson, Racine, Rolde, Small, Stetson, Weymouth, Willey.

98 having voted in the affirmative and 41 in the negative with 12 being absent, the motion to indefinitely postpone did prevail.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent.

#### Papers from the Senate

The following Communication:  
The Senate of Maine  
Augusta

June 7, 1985

The Honorable Edwin H. Pert  
Clerk of the House  
112th Legislature  
Augusta, Maine 04333  
Dear Clerk Pert:

Please be advised the Senae Adhered to its previous action whereby it Indefinitely Postponed Bill, "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189).

Thank you.

Sincerely,

S/ JOY J. O'BRIEN  
Secretary of the Senate

Was read and ordered placed on file.

#### Divided Report

Majority Report of the Committee on Human