

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred And Fourteenth Legislature
OF THE
State Of Maine

VOLUME II

FIRST REGULAR SESSION

May 10, 1989 to June 14, 1989

An Act Relating to the Disclosure of Information Concerning Used Motor Vehicles at the Time of Sale or Transfer (H.P. 903) (L.D. 1260) (C. "A" H-165)
 TABLED - May 17, 1989 by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

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

The Chair laid before the House the fifth tabled and today assigned matter:

An Act to Facilitate Treatment of Abused and Neglected Children (H.P. 745) (L.D. 1028) (C. "A" H-138)

TABLED - May 17, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1028 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-138) was adopted.

The same Representative offered House Amendment "A" (H-216) to Committee Amendment "A" (H-138) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto and sent up for concurrence.

BILL HELD

Bill "An Act to Provide Disabled Veterans with Free Drivers' Licenses" (H.P. 842) (L.D. 1174)

- In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-197).

HELD at the Request of Representative GWADOSKY of Fairfield.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 1174 was passed to be engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

(At Ease)

The House was called to order by the Speaker.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

The Chair laid before the House the following matter: Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-211) on Bill "An Act to Prevent Discrimination" (H.P. 413) (L.D. 556) and Minority report of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Paradis of Augusta that the House accept the Majority "Ought to Pass" Report.

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

Representative CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak in favor of the Majority Report, which I am a member of the majority that sent this to this body. As I was thinking of my remarks today, I couldn't help but think back to probably about ten years ago when I was still in college and my father was a member of the other body. It was about this time of year and I was sitting around the kitchen table with one of my younger siblings (one of the 12), he was about 15 at the time and my mother, who like many of the spouses, (both men and women of the members of this body) was playing her very favorite role of administrative assistant to my father -- fielding numerous calls from his constituents. Of course, he was not around to have to answer. It was about the third call which came in about this bill (very similar to the one that is before us now) and my brother being a very nosy 15 year old, listening in on these phone calls, could tell that my mother was in defense of my father's fairly unpopular position at the time that we ought to pass a gay rights bill and she was explaining why he was in favor of this. So, my 15 year old brother looks over at my mother after the third call, probably upset about the interference with our discussion about the Red Sox who were in first place or thereabout at this time of year as they always are, and he said to my mother, "Ma, why does Dad want to give all these rights to these gay people?" My mother looked at my brother and said, "Donny, you are wrong about that, he doesn't want to give all these rights to these gay people. He wants to give them the very same rights which you and I have." With that my brother said, "Oh" and we went back to talking about the Red Sox. As simple as that, she summed up what this bill has always been about and what it is about today, a very simple bill to extend the same rights that you and I enjoy as citizens of this great state, to people who don't enjoy the same rights.

You know, thinking back again on the history of this bill, things have not always been so easy. When a member of this body, who was a sponsor of this legislation and is now deceased, Representative Laurence Connolly, used to bring this bill up for public hearing and debate in this chamber, it was not so popular. At the first hearing on this bill, there were about ten people in favor of the bill, very courageous gay people who came to express their desires and needs for this legislation and there were probably about 250 people who were there in opposition to it, largely coming in from small conservative churches in the southern and central part of this state. In 12 short years, which is exactly when this bill was first introduced -- I think it may have been passed once in the Senate, it may have been passed once in the House, always defeated but always, through time and understanding most importantly, people coming to understand what this piece of legislation is all about. It is now before us today.

At the public hearing on this matter, which was held probably three weeks ago, to show you how times have changed, people who spoke in support of this legislation were the Attorney General of this state, the Executive Director of the Maine Human Rights Commission, the Portland Police Chief, Michael Chitwood, a Roman Catholic priest, other members of the clergy including a retired Episcopalian Bishop, as well as many other concerned citizens. And, as opposed to the first hearing on this bill, there were, instead of 250 opponents, about ten opponents.

Myself being the prime sponsor of this bill, from a time when people who sponsored this bill or spoke in favor of it were called gutsy, are now at a point where I feel like I am honored to sponsor this piece of legislation.

The arguments in favor of this bill are well-known, people here have heard them all. If you look at a packet of material that has been passed out by myself and some of the other sponsors, which includes an editorial in support from the KJ, an editorial in support from the Sunday Telegram by Jim Brunelle, and some fact sheets about some of the incidents of discrimination which gays have been subjected to across this state, the case is well-documented for the need for this bill. The problem is real, the need is great, the solution is simple and it is here before us today. The arguments against are rooted in fear and ignorance. What we have here is the need for something which my mother recognized 12 years ago, something so simple, just to extend to these people the same rights which we have, the right to a job, the right to a roof over their heads and the right to participate in our economic system.

We in this state, in this body in particular, have a great record in the area of civil rights as we were one of the first states to speak out strongly against slavery in the 1860's and before. We now have one of the strongest human rights acts in the country. We believe that discrimination in any form cannot be tolerated and the problems of discrimination in the area against gays cannot be disputed. From the testimony at our hearing, which I wish everyone in here could have had the benefit of, there was testimony of incidents of violence all the way down to people claiming that they were not allowed to check into the inn. It runs the gamut. I say it is time that we take this badge of discrimination which has been hung on members of the gay community and put it into the shadows of history along with the same badges of discrimination which we have hung on Jews, Blacks and women in this society. It is time for us to realize that there are many things in life which we may neither understand nor have the ability to change but which, because of our great belief in individual freedom, we have the obligation to protect.

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

Representative MACBRIDE: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and I request a roll call.

Mr. Speaker, Ladies and Gentlemen of the House: The issue which we are all debating today is a most emotional one as we all know, as well as being a most controversial one, both for those of us in this chamber and for our constituents at home. So, it is important that we examine this issue carefully before we vote. Those in favor of this bill ask you to extend to all citizens regardless of sexual preference or orientation the same civil rights protection now guaranteed to all citizens of Maine on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Ladies and gentlemen, all of us regardless of our life-styles or sexual orientation have these rights today.

I was interested this week to read in the Legislative Record the passage of the act that created the Human Rights Commission and the Human Rights Act in this legislature. The Bill was introduced in the Legislature on May 11, 1971 and went through many changes from "Ought to Pass",

"Ought Not to Pass", and indefinitely postpone many, many times. Finally on June 24, 1971, it was passed into law. It must have been a proud day for all of those involved. This was most important legislation and we can all be proud that our legislature and legislators had the understanding and felt the necessity to assure civil rights protection to all the people of Maine. It was a carefully drafted piece of legislation, drafted to protect all people but it did not include any special interests, any special life-styles, any special preferences, just protection for us all, for you and me and for all of the people of Maine. It guarantees civil rights protection regardless of race, not any one particular race, but people of all races. It guarantees protection to citizens regardless of color, not just those who are Black or those who are white, but all colors, ladies and gentlemen.

It lists religion, not those who are Catholic or those who are Protestant or Jewish or Baptist or Methodist but all religions. If it had selected one special religion, none of us would have been happy if ours had not been listed.

Age is another criteria, not protection only for babies or youths or elderly, but all ages from birth to death, just age.

National origin, no matter where you came from, it could have listed hundreds of places, but it did not, just any national origin.

The last criteria was physical and mental handicap. It did not prevent discrimination just against paraplegics or those in wheelchairs, not someone with mental depression or schizophrenia, but all people who have a mental handicap or a physical handicap.

Our civil rights laws have been written for us all. The law does not say it is protecting the poor or the rich or the homeless, it just deals in general categories of all people. If you give preferential treatment to one life-style, then there will be many excluded.

According to the definition of sexual orientation which the bill would have you include, sexual orientation means having a preference of heterosexuality, homosexuality, bisexuality, having a history of that preference or being identified with that preference. This intrusion would be a marked change in our Human Rights Act.

I do not think anyone should be discriminated against in life and in the various areas of pursuit of life as long as they are not harming anyone else of course. If people are discriminated against, then our laws should be better enforced to protect them. We have our Constitution of which we are all so proud, in which our freedoms are carefully guaranteed. Among them it states, "No state shall deprive any person of life, liberty or property without the process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

In addition, we have our Human Rights Commission, our Human Rights Act.

Last year, we passed into law our Harassment Act, which we are amending again this year. We pass laws every day for the protection of all of us.

Ladies and gentlemen, the people of Maine strongly support these laws on our books today. I hope we will not change that carefully crafted legislation to add a special life-style that many of the citizens of Maine do not support.

I hope you will vote to indefinitely postpone this bill.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: It's very rare that I would rise twice in one day, but this is an issue that deeply affects my neighborhood in Portland. I had an incident that happened about four weeks ago, I was not at home but my teenage daughter and son were. Two members of the gay community who live next door in an apartment building, (wonderful friends of my family) quite an accomplished musician and people who enhance the community, were harassed. I was not home. Two car loads of very tough characters pulled up while my children were sitting on the doorstep, proceeded to get out and to dramatically harass these people. They physically got up on the porch where they were sitting and yelled obscenities. When I came home, I had a long talk with my son and daughter about discrimination and what it means -- they were visibly shook. When any type of discrimination is allowed, it comes right home to your own neighborhood.

First of all, I would like to say that I do rise in support of this legislation in the honor of someone who I have very deep respect for, the State Representative who held this seat before me and served in this House for 16 years, Larry Connolly. He was a real champion of people's rights and was the first one to introduce this legislation. So, I do stand in his honor in making this statement.

This legislation is another milestone that discrimination in all forms has no place in a Democratic society. This road traveled by our people towards a more just and fair society has been a long and difficult one. Before you vote today, I would hope that you would all look back in our not too distant past and remember that we had hundreds of marchers who had sheets on in Portland. They were called the Ku Klux Klan, marching against those of the Jewish and Catholic faith and also of our minorities. We had signs in Portland and other cities in Maine not too many years ago because people still remember where on store windows it said, "No Irish Need Apply." And well we remember in our state the over and sometimes subtle discrimination against our French population, even to the point of criticizing them in school systems for speaking the beautiful language that they knew how to speak. And, the long struggle of women to gain the rights in the courts to get equal pay for equal work. They were all milestones. We are not there yet, but we have achieved a lot. A truly great society is a tolerant society, above all else it recognizes the differences within its people.

What we are talking about is a group of citizens in our state who pay their taxes, who have jobs, who enhance our community and now are asking us for equal protection under the law. Only in great fairness would I ask you to consider your vote today, not whether you have to reflect to local prejudices within your community, but whether you have expansion of heart to say that in this truly great state, this very tolerant state, we can move another milestone today. I urge passage of this bill.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of L.D. 556 and ask you to prevent discrimination. I urge you not to vote to indefinitely postpone.

I am persuaded to support this bill by this argument -- the question is not, is homosexuality admirable, but is discrimination tolerable? I find it a strange advocacy to be for discrimination. My duty as a legislator is neither to condone nor condemn any person's life-style but to lend my

support to legislation which furthers good government in Maine.

This is not a personal preference issue. I personally prefer a polite society where everyone behaves as if they were sexually neutral. There are some things about people I really don't want to know. First on my list is how anyone chooses to clean his nose in the morning and second is his sexual preference. Indeed, I long for the days when everybody was uptight. I stand to be counted, not on sexual preference, but on discrimination. L.D. 556 deals with justice and an insistence on human dignity. It affirms every person's right to be treated as a full citizen under the law. It affirms this right without regard to sexual preference. It is honorable that we pass this legislation and it is time that we pass this legislation.

The SPEAKER: The Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: The heart of the opposition to this bill, as I hear it -- I heard it at the public hearing from Jasper Wyman, I heard it today from the good Representative from Presque Isle, my good friend Mary MacBride -- the heart of the opposition is the notion that by extending the Human Rights Act to persons of a different sexual orientation that we are somehow endorsing that life-style.

Quoting from Mr. Wyman in his letter to the editor as well as the testimony before us, the comment was, "We believe that passage of this bill would be tantamount to a legislative stamp of approval upon the orientation and conduct of homosexuality and we believe such approval would be wrong." Ladies and gentlemen that is a fallacy, that is a terrible fallacy and I would like to try to expose why I believe that is so. I do not endorse in any way the life-style of an Arabian Sheik nor do I endorse that of a native of the Punjab or for that matter an Italian mafioso, but I don't hesitate for a moment in agreeing with our Human Rights Act prohibition of discrimination on account of race or ancestry or national origin. You do not have to endorse what you are saying cannot be grounds for discrimination. I cannot, in good conscience, endorse the life-style or conduct of various religious groups. The Amish customs of raising their children leave me rather cold. The practices of many Mennonite groups, to say nothing of those of various Muslim sects will never gain either my approval or my support, yet I will defend their right to choose to be a practicing Muslim or Mennonite or Hutterite or Mormon or whatever and we have incorporated that into the Maine Human Rights Act. In short, there is a very basic distinction between prohibiting discrimination on the basis of religion or endorsing a set of religious beliefs or giving them in any sense a legislative stamp of approval. In like manner, I suggest to you there is no endorsement here of a gay life-style, that is not what is being asked of you today any more than this bill is an endorsement of a heterosexual life-style.

I would point out that this bill prohibits discrimination on account of heterosexuality as well as homosexuality or bisexuality.

All that is asked of you here today is, if Congressman Barney Frank or the former actor Rock Hudson came to Maine, do we give our stamp of approval on discriminating against either of them in their seeking public accommodations or housing or going into a restaurant? If Gertrude Stein or Holly Neer or Walt Whitman were growing up in Maine today,

would it be all right to discriminate against them in terms of educational opportunities or the extension of credit? If William Tilden, Lily Tomlin or supposing it was Cole Porter growing up in Maine today or they came here, would it be right to discriminate against them in housing and be able to say, "No, I will not grant you housing opportunities because you are gay." Ladies and gentlemen, that does not sit well with me, I hope that it does not sit well with you.

I would urge you not to look upon this with any sense of an endorsement of Tilden's life-style or Tennessee Williams life-style but rather of their dignity as a human being, their entitlement to be free from discrimination. That is a different thing.

I hope that you will join me in defeating the motion for indefinitely postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have never before spoken on this issue. I have just sat in my seat and quietly cast my vote against discrimination. Today, I would like to make several points. One of them that every society in the history of the world has had to deal with is the problem of homosexuality and every society deals with it in a different manner. There are some societies that I have read about, extremely warlike, perhaps macho societies such as Polynesians or the Plains Indians in America, the Sioux comes to mind particularly, that found a societal way to accept homosexuality and make it part of their society openly. There are societal attitudes such as the one that we have that is derived from a different type of society. We get many of our attitudes towards homosexuality from the Bible. The Bible is essentially the story of a Bedouin tribe from the Arabian desert called the Habiru in which we get the name Hebrew and that society, because of its particular situation, found that homosexuality was intolerable. So, the idea was to drive them underground, to establish death sentences where people would be stoned to death for committing homosexuality. That attitude has permeated our society and we are now in the process of coming to grips with what our former attitude was and what our new conditions in society have brought us to.

We also feel by allowing homosexuality to come out of its underground that we are somehow threatening our society.

Another question I would like to address has been raised by opponents and that is the question of choice, that these people accept this life-style by choice. I don't know whether that is true or not and I am not sure that science has really determined whether that is true or not but, even if it is, I would like to look at that particular philosophical argument and argue against it in this fashion. For example, one of my daughters has chosen to become a member of the Baptist Church. I would hate to see her discriminated against because of that choice. If that somehow seems farfetched, let me remind you that for many years in the history of this state, Baptists were persecuted because of their religion. In fact, Maine became a state partly because of that reason because of discrimination that Baptists were experiencing in Massachusetts, which was dominated by another religion. The genius of American society is that it evolves under the law, we change our attitudes. We have changed our attitude toward religion and we have, in many ways, perhaps not enough, changed our attitude towards people who are of a different skin color than ours and we have

milestones in our history as we come to that change. One of those was brought home to me the other day when we stood in tribute to a member of this body, the Passamaquoddy Representative, Representative Nicholas, and the Speaker reminded us of the time when we had to pass an Order through here to allow our Indian Representatives to be seated. I happened to have been the Majority Leader at that time, I stood in that corner and pushed hard for that Order to be passed. It was one of the prouder moments of my life. So, I hope today that we can pass another milestone in the evolution of our history in the state.

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

Representative RAND: Mr. Speaker, Members of the House: I rise today as a proud cosponsor of this legislation. I would like to point out a few of the facts about it.

This legislation deals with sexual orientation only, not sexual life-styles or sexual practices. If the state has a compelling interest in the sexual practices between consenting adults, and I, for one, do not believe that we have, then we would have to consider the actions of heterosexuals as well. It is quite possible that some of these practices could and would raise an eyebrow or two among some of our more conservative people but that is not the task before us today. Our job is to decide whether all of our law-abiding citizens are entitled to equal justice under Maine law. Opponents keep saying that we are already equal under the law and that this law is not necessary. I truly wish this were the case. Unfortunately, prejudice does exist and probably always will. We have recognized this sad fact and we have enacted the Human Rights Act. This law provides protection for many minorities but one group has been refused this protection for no reason other than their sexual orientation. Because this protection has not been extended to include gay people, gays have a fear of having their bosses or landlords find out about them. This keeps homosexuals from accessing police protection when they are verbally harassed and physically abused. It is at this point that our gay citizens are shut out of the system. No law protects them from being evicted solely because their landlords find out they are gay. No law protects them from being fired solely because their boss has discovered they are gay. Other minorities are free to seek justice under the law without fear of this type of retribution. Our gay citizens cannot. It is wrong to subject our people to this injustice. It is wrong to leave some people of our society in limbo, unsure where to go for justice when they are mistreated solely because of their sexual orientation.

I urge this body to do the just thing, the morally right thing today. Stand behind the words "Freedom and justice for all" and open the doors to all of Maine's law-abiding citizens.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Reverend Kelly asked this morning that we act in the spirit of well-being for all our citizens. I ask you as you consider this, will this legislation go against that spirit? My answer and I hope that it is yours also is, no, but on the other hand, will this legislation improve the well-being of some of our citizens? I submit to you that the answer is yes.

I hope that you will bear with me because my testimony today, unlike the other years I have testified on this bill, sometimes as a sponsor,

centers around a very personal incident in my life. I must use that this day and I would ask that you please listen to me carefully.

Last March, a man I had known for 34 years was brutally beaten and shot to death. The murderer admitted the killing and said that it was done because (and only because) of his hatred for homosexuals and that, if he hadn't been caught, he would do it again. The victim was 52 years old, one of seven children, kind, loving, generous, hardworking and liked and respected by most everyone who really knew him, including many of his heterosexual friends, family members and coworkers. The victim, in fact, had been married at one time, had a daughter and, in fact, has a grandson. They, along with his former wife, were at the funeral sharing in the grief that the extremely large crowd, mostly heterosexual, were feeling. About the victim, he was a homosexual and there was no denying that but why? Who really knows why one child out of seven becomes a homosexual especially when the father and the other boys are all the way we expect, the way boys are meant to be. You know — at funerals people say things like "It was God's will." Or in answer to the question of "why", the answer is, "Only God knows." People who believe in God say those things and yet, in this matter, they would have you believe that they know exactly what God thinks about all of this. Well, I am a believer in God as well and I think I am a strong believer but I don't know how God feels about homosexuals but I do know that he talks far more frequently against prejudice and fear and violence and hatred and intolerance than he does about homosexuality. I will challenge anyone who continues to hide behind God as an excuse to vote against this measure to dispute that statement.

This is not an endorsement of a life-style, it is about discrimination. Discrimination is out there, violence is out there and you and I in this place today can do something about it.

I was at the hearing about the murder that I described earlier and I watched the video of the murderer's confession while I sat with members of the victim's family. I was sitting at the time within arm's length of the murderer as he chatted and laughed with his mother. I remember how loving and caring and attentive the victim had always been to his mother, right up to the time of his death. The murderer showed no remorse, no sorrow and no real indication that he was worried that anything was going to happen to him. It seemed to me that he was surprised that anyone cared about what had happened to a homosexual, never mind that his victim had done more good for people in his now abruptly ended life than this person ever could or would do. There was no expression of concern on his face or in his statement that he thought anyone cared that a homosexual had been so violently killed. Mr. Speaker and my fellow Representatives, I ask you to see this bill for what it is, a bill to prohibit discrimination. It does not condone a life-style that has been clearly stated by all.

Now, let me tell you why this violent act was so significant to me. The victim was my brother-in-law, his sister is my wife of 33 years. She loved him dearly and was closer to him than all of her brothers. She did not condone nor even fully understand his life-style but she saw in him, as I did, much more about him to love, respect and appreciate. As I have gone through all of this with her and as we wait even now for the final decision as to the sentence in this case, my strong convictions that prejudice and hatred and discrimination are

wrong and, like a dreadful cancer in our society, have become all the more intense.

Recently, the most visible opponent of the bill said, "Perhaps I have misread the public sentiment on this issue but I don't think it will have any impact on the legislature. I think it will be defeated as it has been in the past." Can that really be true? Can it be that he can just write us off that easily? Can we really ignore what the public is saying? My wife has lost a beloved brother for one reason and one reason only, because he was homosexual. In recent years, in fact in the five years since I have been here, five men have lost their lives for one reason and one reason only, because they were homosexuals. It is clear that violence toward homosexuals is not diminishing but is growing. It must be stopped. You can take the first step. My wife will never again share her brother's happy, gentle, love of life.

I ask each of you to support this legislation that will at least begin the move to end this type of discrimination that can ultimately lead to the end of such a sad conclusion.

A letter was just passed out to you, a letter to Representative Cathcart from Dr. Suzanne Estler, the Director of Equal Opportunity at the University. In the letter she speaks about the experience of the University since they have added reference to sexual orientation in their non-discrimination policy one and a half years ago. I hope you will read the entire letter but please let me call your attention to specific sentences. I am quoting from her letter, "It appears to have helped produce a more positive, secure and respectful working and studying environment for employees and students at the University." Also this sentence, "The policy has made a clear statement that the University is committed to a positive environment for all its constituents."

I ask you, ladies and gentlemen and Mr. Speaker, should the legislature be any less positive in its statement? There are those who will tell you that this bill will not ensure an end to the kind of violence I have just described and there are those who will say that this bill will not bring my wife's brother back and to both statements I say, unfortunately, sadly, yes, but it will guarantee rights that this group does not now have.

Finally, in a recent survey that was in the paper, one gentleman who described himself as a conservative Republican said that he did not like homosexuals. He also said that he didn't like what they do but he did feel that they should not be discriminated against at all. In my judgment, that is what this bill is all about. Discrimination is wrong, no matter what.

I ask you, sincerely, to defeat this motion to indefinitely postpone. Look into your hearts. I have been so moved, not by a large number but three of our fellow legislators, who have told me in my discussions with them lately, that although they had strongly stated over the years that they did not know and had never met a homosexual person, have now come to realize the fact that, not only do they know some homosexuals but they are members of their families and friends they have known for years and that they have respected. Now I hope and pray that they are struggling with themselves today knowing the kind of people they are and ask themselves, how can I vote against them? I urge you to defeat this motion and support this bill.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I personally would raise the request that the good Representative from Presque Isle withdraw her motion to indefinitely postpone because she feels so strongly, because she opposes so strongly discrimination. Let us today vote for the rights of one of those groups that have demonstrated a need for this bill. I urge you to support the bill for all the reasons you have heard today.

I can personally tell you what it is like to be discriminated against. My ancestors have been for generations. It is a hurt that you can never take away.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: The arguments that I have heard against this bill remind of me of the late, late country lawyer Senator Sam Ervin of North Carolina. Sometime in the early 60's, I sat in the gallery in Washington and heard members of Congress read from the Bible -- endlessly. They were filibustering against the Civil Rights Act. They thought we didn't need the Act, they thought it was unnecessary and that it singled Blacks out for special treatment. But Black folks and some others of us knew, indeed, that some people were singled out for special treatment, the special treatment of discrimination, that they had to endure. That kind of discrimination breeds and fosters violence. It was way past time that that was passed. We had to put a righteous "no more" into our laws to be true to our principles. We knew we couldn't end prejudice but we knew we could stop discrimination and we did it. At the time, I felt distress and dislike for people like Senator Sam Ervin as I sat in the gallery feeling ashamed for my country, not of my country, but for my country those many years ago. As time went by, I grew to like and admire that man and I found out that he was a kindly good person. I rode over in the tunnel once from the office buildings to the Capitol with him and got a chance to get to know him a little. I realized later that he had at that time a blank spot in his human understanding. I remember Senator Sam Ervin today because some of my colleagues in this honorable body believe that the bill before us is unnecessary and because I have a gay son, I have reason to know it is necessary. Some of you who plan to vote against this bill, I know to be good, kindly people and I like you very much because I have come to know you as I did not know Senator Sam Ervin a long time ago in Washington.

Most of us don't anymore what it is like to be homosexual than Senator Sam knew about what it was like to be Black. Some of us say that the people we represent don't like that life-style but one does not choose to be gay anymore than we choose to be White, Black, Brown or Red. It is a fact of life, not a life-style. I venture to say that most life-styles of gay people are very like everyone elses. Gay people who say they chose to be gay chose to be true to their nature. They are God given natures, if you will, but because of prejudice, many people are pressed into human relations uncomfortable to them. Their choice was not to pretend any longer. Think how we who are heterosexual would feel if, because of prejudice, we were pressed into human relations, sexual relations, with people of the same sex or were pressed to pretend that we were gay. Now, what repels most of us, homo or hetero, is the abuse of sex and the abuse of sex is among us all whenever sexuality is hurtful to others. Yet there are some people who still want to deny homosexuals pleasure

and happiness of physical, sexual closeness and the relief of sexual tension which it brings.

Once I said to my son, "Sexuality is solely for the purpose of procreation" and he replied, "Mother, that is cruel." He was right. Some of us live a life of abstinence, freely chosen or not, but most of us do not.

I hope that we will purge ourselves of that kind of self-righteousness as we vote today. These things have needed to be said in this chamber but however that may be, we are not voting on sexuality today, ours or anybody elses, we are voting on civil rights. Civil rights. Thus, our votes today must not reflect what we see only in our imaginations or because of incidents of sexual abuse we know about. Most sexual abuse is committed by heterosexuals. We must not defeat this bill for reasons such as those. Our people sent us here, not to vote on such flimsy reasons, they sent us here to vote for good reasons. We must not vote on the basis of our prejudices or anyone elses prejudices, the hatreds of a few nor the religious beliefs of some.

It has been said that some members can't vote for this bill because they represent so many people in their districts who are woodsman or truck drivers -- what a babe-in-the-woods idea that is. Many a hearty, masculine looking person who used to be able to drive logs as well as he can drive a truck today is gay. Even if every truck driver in the state were heterosexual, that would be no good reason to vote against this bill. Violence against minorities, based on prejudice, is growing. We have a duty to strengthen our resolve against discrimination. As we continue to do our jobs here and our job is to make life better for all of our people.

I humbly and respectfully and with great affection ask the minority of the Judiciary Committee who voted "Ought Not to Pass" and others to exercise their right to change their mind here today and help us all to do justice. This bill ought to pass for its time has come.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I would like to return to the history lesson that the good woman from Presque Isle, Representative MacBride, started with when she made the motion to indefinitely postpone. I would like to embellish that history lesson somewhat and ask you to come to the opposite conclusion. Representative MacBride talked about the fact that in 1971 the members of this body chose to put into law what we all believed was right and that is, we ought to have a Human Rights Amendment to our Constitution. When that original amendment was drafted, I think those drafters really did believe that everyone would be given human rights because of the language of that bill. Over the years, sadly, we have found out that that language in and of itself was not enough. All of the categories Representative MacBride told you are protected under the Human Rights Amendment have been added over the years. They have been added because, over the years, we have come to realize that, while we would like to believe that all persons are in fact protected from discrimination, that we need to highlight the fact that for certain reasons or for certain categories of persons, we need to remind the people of this state that discrimination is not acceptable. It is in fact true that now you cannot be discriminated against based on age, that means whether you are too young or too old. It means that you cannot be discriminated against based on religion, that means whether you are a Roman Catholic, a Unitarian or a Baptist, that too was

added to the Human Rights Amendment as was race, sex, ethnic origin, those things didn't happen in 1971.

What we are being asked today to do is merely to acknowledge the fact that there is another category of people that, unfortunately, we have to add to the list the reasons why we cannot discriminate in this state, just like we had to add that we cannot discriminate based on physical or mental handicap, but we now find it necessary to say to people, you cannot discriminate based on sexual orientation.

Again, we are not being asked to say you can't discriminate against gays and lesbians or against heterosexuals, we are merely being asked to say that that is not an acceptable category. We cannot say that that category doesn't count. We cannot say it is okay because you are not in a protective category. All of us, ladies and gentlemen, fall into one of those categories that are protected by the Human Rights Amendment. I ask you today to consider adding, as we have done over the years, another group of people who have to come us and told us that they need this protection, that they cannot get or keep a job because of some employers, that they cannot find housing, that they cannot go into a restaurant and eat or go into accommodations and find a place to sleep. That is what we are being asked to do today — just as we said over the years, to discriminate on the basis of race, ethnic origin, the basis of religion, is not acceptable to us. We are also now saying that it is not acceptable to discriminate on another basis, this is strictly a discrimination bill. This gives the people in the Human Rights Commission the ability to move forward to protect all of us against future discrimination.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I am perplexed myself that I rise to speak on such topics which are so uncommon to the lunch counters of my town. Yet, as a majority signer of this report, I feel moved to speak to you because the issue, to me, is clearly one of fairness for those who seek jobs, credit and housing. I do not defend anyone's particular pleasures or styles for that is one's conscience that has to bear the burdens of those. Nor do I seek to influence your beliefs of what is either right or wrong, for those you have probably nurtured throughout your life and it would be difficult here to sway you to change those beliefs. Neither do I stand to convince you to like a person whose habits are alien to your own because those people we often find have chemistry different than our own and therefore, we just don't like certain people. Rather, I ask you to be fair and open to the sincere needs of others.

Today we address a bill which only is to correct a discrimination which has developed to a small class of people, one that affords jobs, credit and housing to all.

As a child, I was afraid of the dark and my father taught me to turn on the lights and look around the room and then turn them off. That way I would know what was in the room and be less frightened of walking through it. Later I learned to do this from memory and not having to see the room before I walked through it. Rooms which are strange still frighten me until consciously I can remember the lessons of my youth.

Today you are asked to walk in the dark, some of you in rooms in which you are familiar, others of you in rooms which you have never seen. Yet, it is only the degree of strangeness which separates all of us. Some of us have had frank and friendly communications with gay people in our families, in our work, in our

communities. Others of us have led cloistered lives and have had no personal communication, exchanged no thoughts, had no interchange with gay people. I am sorry for it is best that we learn through experience when we can shed our ignorance, only then can we develop and grow in casting away our prejudices as human beings. So today, each of us is to be asked to look at the fairness of the bill before us — the right to live without discrimination in one's job, one's credit and one's housing.

I believe as a people we have become enlightened by our times, by our development as a community, and it is a challenge to our conscience to forever develop new ideas and goals. Some may prove false and discourage us but one which can make you most proud and fulfilled is when you help another person. It is never money, fame or even reputation which offers a completeness of one's self, rather it is the laugh of a friend, the joy of a child, the tears of someone who is hurting whom we help, which gives us warmth and fulfillment.

Years ago, I read a book called "Dawn Without Darkness" by Father Anthony T. Padavano. It inspired my life to follow new ideals greater than those which I have a reasonable expectation to even closely fulfill, yet I try. One of those quotes remains with me which I wish to share. Though written particularly for my faith, it speaks to all of us whatever creed we profess. It is, "We shall become Christians when we are joyful because so many people are in love rather than because so many people are affluent. We shall become Christians when we learn to make music in poetry, to make love in peace, to make Jesus human and to make ourselves as human as he was. We shall become Christians when the sight of the sea makes us dance more joyously than the sight or the purchase of a new car. We shall become Christians when we allow Jesus to speak to us by his values as well as by his words. We shall become Christians on that morning when we laugh and sing for the right reasons and when we weep, not because we have lost something, but because we have been given so much."

Ladies and gentlemen, we have been the chosen few by all of Maine citizens. Are we not strong and wise enough to allow every outcast human being their rights to clothing, shelter and work? I ask you to cast away your fears of darkness, to vote against the motion to indefinitely postpone, to adopt the Majority Report of this committee so that all those people may have jobs, credit and housing, which we take for granted in our lives.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: There are a few issues which I think it is not always appropriate just to vote but it is appropriate to say something and I will make my comments very brief.

I think this issue is very commonsensical to me to not be among those who would say to someone else, you don't have the right to buy a car on credit, you don't have the right to live where you would like to live or you don't have the right to choose your own vocation.

I would end my short statement on the Record by saying, when we allow for you and I to be judges of others, we also allow for others to be judges of us. For that reason, I would urge you to vote no on the pending motion.

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

Representative HANDY: Mr. Speaker and Members of the House: I would like to briefly talk to you members today about a couple of issues that really haven't been touched upon that enter directly into this debate and into the crux of this issue.

The first is that of perceptions. I don't know what it is like to be gay and I don't know what it is like to be discriminated against because of my sexual orientation but I do know what it is like to be discriminated against based on what someone else perceives my sexual orientation to be, that has indeed happened to me. Because a person is of slight build, may prefer ballet over baseball or prefer theater or poetry or music, the performing arts and maybe not all that adept at the sport of the day, those individuals too would be protected by this legislation. To take that a step further, if I were to attempt to rent an apartment and that renter believed me to be gay, could deny me that accommodation under the existing law. I don't think that is right, I don't think that is fair. That is point number one.

This will protect those individuals who are not gay as well against the perceptions of those who would discriminate against individuals who are gay.

The other point is that of children. Many of us have pictures on our desk as I do myself of our children, my daughter. Alexis is three years old. My wife and I are expecting another child in July. I do not know if Alexis will be a lesbian, I don't know if my next child will be gay or lesbian, but believe me, if they are discriminated against, I will fight for my child just as every one of you will fight for your children and their rights to live in a society free of prejudices and free of discrimination.

Today, as we prepare to vote on this issue, I know a lot of us will be thinking of Larry Connolly who was a person who first introduced this legislation in the Maine House of Representatives. Some of us may be thinking of that former President of the Senate, Gerard Conley, Sr., who was a champion of Human Rights in the Maine Legislature. Others, of course, will be thinking of our own personal situations, and some other individuals who we admire and maybe look to for guidance. We will be thinking about our respective God, I am sure. I will certainly be thinking of the children, my daughter, and those children all around the world, all around the State of Maine to come, who may be the victims of discrimination. I couldn't urge you more strongly to support this bill and defeat the motion before us.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire 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 pending question before the House is the motion of Representative MacBride of Presque Isle that L.D. 556 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 34

YEA - Aikman, Anderson, Bailey, Begley, Carroll, J.; Carter, Cashman, Clark, H.; Cote, Curran, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Hanley, Hepburn, Hichborn, Hussey, Hutchins, Jackson, Jacques, LaPointe, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Macomber, Marsano, Marsh, Marston, Martin, H.; McGowan, McHenry, McPherson,

Merrill, Michaud, Murphy, Paradis, E.; Parent, Pines, Reed, Richard, Richards, Ridley, Rotondi, Sherburne, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Crowley, Daggett, Dellert, Dipietro, Donald, Dore, Farnsworth, Graham, Gwadosky, Handy, Hastings, Heeschen, Hickey, Hoglund, Holt, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Luther, Mahany, Manning, Mayo, McKeen, McSweeney, Mills, Mitchell, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Rolde, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Walker.

ABSENT - Ault, Hale, Higgins, Jalbert, McCormick, Melendy, Moholland, Nadeau, G. G.; Small, The Speaker. Yes, 67; No, 73; Absent, 10; Vacant, 1; Paired, 0; Excused, 0.

67 having voted in the affirmative, 73 in the negative, with 10 being absent and 1 vacant, the motion to indefinitely postpone did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-211) was read by the Clerk and adopted and the Bill assigned for second reading Friday, May 19, 1989.

At this point, Representative Gwadosky of Fairfield was appointed to act as Speaker pro tem.

The House was called to order by the Speaker pro tem.

The Chair laid before the House the following matter: An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102) which was tabled earlier in the day and later today assigned pending reconsideration.

The SPEAKER PRO TEM: The Chair recognize the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope today that you will vote to override the Governor's veto. The committee spent a lot of time on this very important environmental issue. I think what the majority of the committee and what this legislature had sent down to the Governor is a very reasonable proposal. I will remind this body -- basically what we did if you don't have it in front of you -- we set into statute a 20 and 40 color unit standard for paper companies to meet their water quality. We also put a time frame in the bill of July 1, 1992. The reason why we chose that time frame is that EPA requires the paper companies to clean up the dioxin. I believe the deadline to do that is October 31, 1991 so we gave them an additional time frame in which they would have to comply initially with the odor and color standards.

There has been talk that we really are not certain whether or not these standards are accurate and we gave them an additional three years to compensate for that. Well, that is incorrect, I feel confident that these 20/40 color unit standards can be met. We heard testimony from the paper companies