

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

One of the speakers commented that most of the problems are social and that the Mt. Blue State Park trail would be done anyway even if the bill passed as originally intended because there is no emergency on it. I would note that from the reaction I have had from many; many people that they would rather have the park in there with their trail under the current specious approval or mandate than have that mandate, which has been alleged to have existed and required this trail, actually put into law after the fact when I talked about the people of the area feeling kicked, I think this would be the coupe de gras.

I would also note that one wildlife biologist who was not necessarily opposed to ATV's or to the trail, at least not vocally, had expressed grave concern over this amendment when I showed it to him.

There is nothing in this bill referring to the trail or the so-called experiment being shut down. There is nothing in this bill about any working group from Weld. Frankly, the people in the area would not take the word of the Parks Department at this point because they feel they have been had by the Parks Department. There is no authority in this bill to cut off this trail. In fact, the wording in Section 4 says they "shall do it for a year and report back to the Joint Standing Committee of the legislature." Then it appears in Section 2 that the legislature will approve a trail on a trail-by-trail basis. There is no well managed study. Just because there are words here, they haven't come up with a well managed study on the wildlife or the environment and I haven't seen one yet on the social impact.

Again, think of our parks system, the expectations of the vast number of people in this state as to what they offer to us and join me in indefinitely postponing this amendment.

The SPEAKER: The pending question before the House is the motion of Representative Heeschen of Wilton that Committee Amendment "A" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

31 having voted in the affirmative and 70 in the negative, the motion did not prevail.

Subsequently, Committee Amendment "A" was adopted and the Bill assigned for second reading Monday, May 22, 1989.

The Chair laid before the House the following item: Bill "An Act to Prevent Discrimination" (H.P. 413) (L.D. 556) (C. "A" H-211) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Hepburn of Skowhegan offered House Amendment "A" (H-236) and moved its adoption.

House Amendment "A" (H-236) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: We went around and around on this issue a lot yesterday. I wasn't one of those who spoke but I thought that both sides were very well presented by those individuals who did.

There is one thing that is obvious about this bill and about this issue and that is that this is no ordinary issue, ladies and gentlemen. It is one of the most divisive social issues of this decade. Seven times this issue has been before the legislature and every year it engenders a tremendous amount of controversy and wretched decisions on the part of members of both the House and the Senate. We need to take a different approach to resolve the problems of right as they relate to sexual

orientation in the State of Maine. Through this amendment, I propose that we do that through a statewide referendum this November.

There is something about a referendum and I am not sure what it is that brings finality to an issue. Several years ago, when we had a referendum on the bottle bill, the people spoke with a loud and clear voice and set that issue to rest. We saw, even more recently, with the referendum on local measured service, the people rejecting that concept and embracing the concept of telephone service as we have always had it in the State of Maine. Exactly why this is, I am not sure. I have a couple of theories though. We tend to hold the electoral process quite dear in this country and especially in the State of Maine and, through the electoral process, we broaden the base of those individuals who participate in the decision making process. In fact, we broaden it to the largest number possible of groups and geographic parts of the state, taking into account every persons view who cares to vote.

So, for that reason ladies and gentlemen, regardless of your feeling on this bill, I urge that you accept this amendment so that we can send this issue out to the people and have them resolve it.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I have only had a few minutes to look at the amendment of the good Representative from Skowhegan but I have some severe reservations about its propriety to L.D. 556. The wording of the question that would be submitted as a plebiscite, shall it become unlawful to discriminate against any individual in employment, housing, public accommodations or credit based on that person's sexual orientation confuses me as to the intent of the bill because the bill does allow an exemption for a religious corporation, association or organization in this state. That may not be very clear to the people who would be voting on this bill that would be before them as a plebiscite.

Another serious issue that I have about this referendum is the term unlawful. Is it lawful now to discriminate against an individual or a group of people on the basis of their sexual orientation after we listened at length yesterday to the opponents of the bill who said, "All the laws are presently there that will provide protection to those people. It is already against the law to discriminate and we don't feel that we need extra laws today to provide a protection against this group of individuals." That makes me question whether or not those who propose this amendment, who advocate the amendment, are now admitting to this body, and in fact to the people of the state, that they do agree that it is terrible, shameful, above civility, to discriminate against people on the basis of sexual orientation and that it ought not to happen.

Now, the issue that the good Representative has just mentioned before me has not generated very much heat. As Chairman of the Committee and other members of this body who chair several committees can relate to you, that on almost any one issue we get enormous amounts of mail, dozens of phone calls, many, many comments from passersby on the street -- for instance, the parental consent issue on abortion generated a tremendous amount of correspondence and comment. But, on this issue, ladies and gentlemen of the House, I haven't received one phone call, nor have I received one letter, nor have I ever received one comment from any passerby on the street during this legislative term. To be very frank with you, I have received so little comment about this bill after

I changed my vote five years ago that I can't begin to even tell you a number, it would be less than ten, perhaps even less than five and that is during three successive campaigns. If there is a lot of heat, usually heat is, in physics, related to light. I would hope that if there is heat, it would produce light.

I am astounded that one would ask for a plebiscite on a civil rights issue. I don't believe that in the history of this state that it has ever been a policy to submit to the voters whether or not certain groups should enjoy the full and equal protection of the law as the legislature enacts the law and have that submitted to the voters to be decided. It seems to be something unfair, unamerican, about a majority deciding to protect the rights of a minority. The numbers don't seem to be there. We usually don't ask those in power to look after those who are out of power. We don't usually ask those who have to protect those who have not.

As I look at the amendment, I see a colossal debate this Fall on the issue of all those peripheral comments and accusations and things that are said about gay rights. I don't find that very educational in a public domain, on radio, on television, in the newspapers. I see a tremendous problem with that being done and I cannot really say to you that I would support this amendment. I don't think it is helpful when we submit a civil rights issue or it is fair to submit a civil rights issue to a public referendum campaign when we admit that this is a tiny minority of Maine citizens. To ask those who enjoy majority rights to pass judgment on the protection of the minority civil rights, I just can't go along with that.

Therefore Mr. Speaker, I would urge that House Amendment "A" be indefinitely postponed and I would ask for the yeas and nays.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today not to talk about the subject to which the amendment addresses, I just wish to comment on the referendum process as a whole. As I look around here at the 151 people who were elected by their constituents to come here and make decisions, I think when those people elected you they took it for granted that you had a certain amount of common sense. What you have in effect when you are elected to the legislature, you have the power of attorney of the people you represent. I think if you are saying, if every difficult issue that comes before us, the way to get out of this difficult decision making is to send it out to referendum, I think that is wrong. For that reason, I hope you will defeat the amendment.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: I would like to further elaborate on Representative Paradis's comments. I received, on this issue, one letter and one phone call. I received many more contacts on taxation issues and on a surrogacy bill that has just been printed.

I would like to pose a question through the Chair. I would like to know from the proponents of this amendment how much the referendum would cost the State of Maine?

The SPEAKER: Representative Dore of Auburn has posed a question through the Chair to the sponsor of the amendment who may respond if he so desires.

The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Men and Women of the House: Just briefly, a couple of points, the reason to put this amendment in and the reason why we would send this issue to referendum is because it is such a powerful and long standing issue that has been before us time and time again. This is the seventh time. It was an issue in the 1972 presidential campaign and here it is 1989 and we are still dealing with it.

We are going to have a referendum this Fall anyhow on a couple of initiated bills, so this would just be one more question on the ballots so the cost would be negligible.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I totally disagree with the gentleman from South Portland. I believe that there are times when these legislators over here are not all knowing as to what their constituents wish and we sometimes do opposite of what our constituents wish us to do. I, for one, have no reluctance at all to send this issue to referendum and I have no reluctance in voting on the issue. I will admit that I am voting the way I feel and I don't care what the Pope has to say, I will do what I feel is right.

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

Representative ROLDE: Mr. Speaker, I move that House Amendment "A" be indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Skowhegan has said that we have had this issue with us over and over again. It strikes me as strange that all the times this House voted against it, there was never any indication of an attempt to send it out to referendum. Now that it has finally passed, suddenly we are no longer able to deal with that issue.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: Apparently the people in my district feel differently than others. I have received more calls on this than anything else since I have been elected. I hesitate to stand up in opposition to the legislator who sits directly behind me. I agree with all that he has said but I feel that we are ducking our responsibility as legislators if we pass this on to the voters.

We are elected to come here and do the people's business and I think given the airing that this matter got yesterday that we certainly have had enough testimony to make a sound decision. I also feel that we should vote on this matter here today in this legislative body rather than to pass it on because it submits those who are concerned with months of unknown. They got some feeling of its fate in this body yesterday and I feel that this body should continue it and answer the question here.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, I would like to ask a question as I am unclear to the procedure. The gentleman from York and apparently the gentleman from West Gardiner both share the view that this would usurp the right of this body to vote on this matter. As I read this, it seems to me as though this referendum would be conditioned upon the passage of this Act and I would like to know whether the gentleman from York was correct in his statement?

The SPEAKER: The Chair would ask the Representative from Belfast, Representative Marsano, to restate his question.

Representative MARSANO: I understood the gentleman from York to move to indefinitely postpone because it was his view that this would deprive this body of the right to vote on this matter. I do not believe that to be the case. The only way in which this amendment would be effective would be in the event that this bill was passed by this legislature and it would be sent out for referendum following its passage and not otherwise.

The SPEAKER: If the Representative from Belfast, Representative Marsano, is posing the question to the Chair, the Chair would advise the Representative that what the referendum would do would be to transfer the responsibility of voting and the finality of the issue from this body to the people.

Representative MARSANO: Mr. Speaker, would it not be done only in the event that this body voted affirmatively on the legislation?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Rather than answer the question of the gentleman from Belfast, I would just simply ask for a roll call.

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 the Representative from York, Representative Rolde, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 38

YEA - Adams, Aliberti, Allen, Anthony, Begley, Bell, Boutillier, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Handy, Hastings, Heeschen, Hickey, Hوجلund, Holt, Hussey, Hutchins, Jacques, Jalbert, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Libby, Luther, Macomber, Mahany, Manning, Marsh, Marston, Martin, H.; Mayo, McGowan, McKeen, McPherson, McSweeney, Melendy, Michaud, Mitchell, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Rolde, Ruhlin, Rydell, Sheltra, Sherburne, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tammaro, Telow, Tracy, Walker, Webster, M.; Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Carter, Dexter, Farren, Foss, Foster, Garland, Hanley, Hepburn, Hichborn, Higgins, Lebowitz, Look, Lord, Marsano, McCormick, McHenry, Merrill, Murphy, Parent, Paul, Pines, Reed, Richard, Richards, Ridley, Rotondi, Seavey, Smith, Stevenson, Strout, B.; Tardy, Tupper.

ABSENT - Cashman, Hale, Jackson, Joseph, Lisnik, MacBride, Mills, Moholland, Nadeau, G. G.; Townsend, Whitcomb.

Yes, 103; No, 36; Absent, 11; Vacant, 1; Paired, 0; Excused, 0.

103 having voted in the affirmative and 36 in the negative with 11 being absent and 1 vacant, the motion did prevail.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I rise at this juncture because I would like to ensure that the House has an opportunity to finally vote on the substantive measure that is before us and that is, the bill itself.

Yesterday, there was a motion to indefinitely postpone and that was voted on. Whether that reflected the will of the House or not is something that probably today's action will determine.

Today we had an opportunity to vote on a motion to indefinitely postpone the amendment. I assume that everybody concludes that that is a reflection of the feelings of the House in respect to whether or not, if this bill is passed, should or should not go to the people. That issue is also no longer before us.

Finally, we begin to address the question of whether or not the bill itself should be passed by this House and passed on to the other body for their deliberation and then finally to come back to us. In any event, it seems to me as though something ought to be said about the bill this morning and the Representative from Presque Isle is not here. I share her views. Yesterday was a very busy and hectic day. This issue was combined with some other issues which were interesting and, in fact, they were intriguing. One of the things that has always fascinated me about this House is the clever way in which labels are placed upon legislation for the purpose of enhancing the message which is supposed to be included.

I have been opposed to the change in the Human Rights Act ever since I arrived at this legislature, which as many of you know, has not been very long ago. I opposed it on the first opportunity that I had to oppose it and I oppose it now. I oppose it because of the way in which the procedure operates. I consider the procedure is, in many ways, critical to the rights of human beings in our state. I have never supported an opportunity for the state to intrude into the lives of others in the way in which the Human Rights Commission does. I have not done anything to repeal the Human Rights Act. I take the law as a river, I jump into the river, and move in the stream of it as it moves forward to whatever conclusion society has for itself, as it speaks through its ability to pass laws which, hopefully, will enhance the lives of people.

Two years ago in this body, I worked hard on a bill which was the Harassment Bill. It was a title by another name, which I found abhorrent, but we were able to strike that from the pages of the law books and deal with the facts as they existed. We dealt with a system which allowed people who felt as though they were in jeopardy for any reason to go to a court and to be able to utilize courts in a deliberative fashion to obtain orders to protect their dignity and their rights as human beings. I supported that then and I support that now.

We recently amended that bill. That bill included the potential for dealing with the cause of emotional distress and I recognize that the issue that lies hidden in this amendment to the Human Rights Act does exactly that.

As an attorney and everybody knows that I am an attorney, from time to time, I have the obligation to represent clients who are challenged by some of the existing laws respecting alleged human rights

violations. The procedure works so that an individual who is prepared to make a statement with regard to any of the matters that are contained in the first paragraph of 5M RSA, section 444552, by making an oath can bring into play an organization of the state; the Maine Human Rights Commission, who begins immediately to accuse another person of a violation of some person's civil rights. That is a very difficult kind of position for people to be in, people in business who are trying to run their business for a whole medley of reasons but who are confronted by claims that somehow there has been a wrong done to them.

There are other lawyers here and there is one from the western part of the state who will be perfectly happy to argue against everything that I say, even if he is wrong, which I think usually he is with respect to these points. He will say that it is a fair procedure or there will be allegations that it is a fair procedure but what it amounts to is that, for whatever reason lies in the eyes of the beholder, a person can make allegations and bring the state into play and make a civil case against them which they must then defend at various stages. Throughout it, there are attempts at conciliation and reemployment and all the rest of it and I think it is an affront. I am, as you know, the grandson of an Italian immigrant, and I made a long speech (many accused me of being too long) in connection of the rights of ethnic members of this society and I have said to you before that I am an ethnic American and I am proud of that fact. I believe this state has given a great opportunity to ethnic Americans. It gave great opportunities to my family. I come from two ethnic American families and I am proud of this history of this state in tolerating people. My grandfather used to say that if you paid your bills and minded your own business, the people in this state would leave you in freedom and they have always left me that way. This state has given me every opportunity I could possibly ask for and it is a wonderful place with wonderful people.

The quality of debate with respect to this issue has been extremely impressive. I think there is an incredibly increased awareness and I please about that. The higher the level of debate in this House, the more understanding that we have of our fellow man and our citizens, the better off we are and the less we need the kind of intrusive governmental conduct that would be incorporated into the laws of Maine by passing this bill.

I shall, given the opportunity, vote against this bill because the procedure is not fair to many of the people who are its victims.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I had not anticipated even speaking today; in fact, even less being here today.

Frankly, I rise because, first of all, I am not one of those people covered by the Maine Human Rights Act, I am White, Anglo-Saxon and I do not have ethnic parents. However, I do rise because if it is the procedure of the Maine Human Rights Commission or its Act that is wrong, then let's correct it. I would not argue with Representative Marsano that that may be a need to look at. However, what is being changed is not the procedure because that was never alleged to be a problem, rather what is being alleged as the problem is a category of people who have been denied jobs, credit and housing. That category of people should be protected by our laws and that is all I understood the Act did yesterday. It did not attempt

to change the procedure, which now we are told, is faulty.

The day before yesterday, the Judiciary Committee which also reported out this same bill, acted on yet another bill and one of the concerns which was raised in that particular bill on violence, dealt with somebody bringing in an action, a civil action against another person, and having the right of the aggrieved person, the victim, of getting attorneys fees. We argued that and discovered that would be unfair, that indeed, it should go only to the prevailing party. That changed that bill and people who were in favor of the bill felt it had a chilling effect but we were trying to be even-handed. Today all we are asked to do is to affirm that we are being even-handed with all classes of people in our state.

I say that it is for another day to address the procedure of the Act if that is not working properly. But for today, let's at least include within the law, all classes of people who have, in the past, been discriminated against because of housing, credit or jobs. That is all this bill really does. I urge its passage.

Representative Marsano of Belfast requested a roll call.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: There hasn't been too many oppose this bill and I think there are a number here who are opposed to it. Yesterday I listened to the debate on this bill and nothing that was said changed my mind on this issue.

This could be called a lawyer's bill. I am sure if it becomes law, there will be all sorts of business in the case of discrimination.

I don't believe I can change anybody's position but so far it has been a one-sided debate and the good lady from Presque Isle has stood alone. I heard the words "ignorant" and "fearful" used -- I have been called ignorant before and maybe I am but I am not fearful. There was talk about the Bible -- I don't know anywhere in the Bible where a homosexual life-style is approved. People kill -- a person was killed by someone who hated homosexuals -- well, a trooper was killed because he was investigating child abuse cases. Did that person hate state troopers? Or all law enforcement officers? Some people do. A cashier was killed because someone wanted money. Did they hate cashiers? Some sportsmen hate game wardens and some wardens have been shot at but will a law like this stop that hatred? Those who did kill, they are all tried under the same law.

Changing of religion -- becoming a Baptist, I don't think that really is a serious enough charge to change one's vote. People kill for many reasons, people discriminate for many reasons and no law can change that but do we make a law each time there is discrimination? No, and I don't think this law is needed. There were a number of great artists mentioned -- did they have a problem getting what they wanted? Did they ask for a special law? They had greatness and they must have felt that it was not necessary. I believe only when you start promoting or flaunting your beliefs or life-style that you get in trouble. I do not question your religion nor do I try to get you to change to mine. The laws of the land apply to all of us. We know that by hiring a good lawyer, we may beat the charge. We also know that judges have different views on punishment, should you be convicted.

Two weeks ago when I got home, I found my American flag torn down. My neighbor across the

street has had three flags torn down and taken. He told me he just paid \$50 for the last one. Because he has lived in our town only a few years, or because he is of ethnic background -- was that the reason? Since he has not replaced his flag, they are coming for mine. Do they hate American flags or is it they dislike us? I do not know for what reason they did this but I would like to catch them in the act.

I remember when I was first elected as Selectman and my first pledge was to have revaluation in our towns. One of the selectman who had served a number of years had this remark and I remember it well -- there are the have's and the have-not's. My being and still am a have-not was going after the have's. One look at our valuation book would tell you who had been the selectmen over the years. Discrimination? I think so. I remember as a boy of a man being killed by a have-not. This have-not was an honest and respected man. He had borrowed money from a have and then paid it back but he was still billed, again and again, for the money. It bothered that man to a point of killing. He was tried under the same law as any other killer would have been.

The reason for killing is not addressed in the bill nor will it stop discrimination of any type. I guess a proverb was also mentioned so I will mention one, "To sin against God is to despise God." I think the bill is unnecessary, it does support a life-style.

I move that this bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: Last session I attended every seminar to become more knowledgeable about these issues that have been brought up today. Every single seminar with the exception of our beloved Representative Connolly, he and I were the only ones that attended every one.

Last session I voted against the bill. I had some very strong moral feelings about this but now I support the bill, wholeheartedly. Why? Just bear with me a minute. Have you ever heard the word "guinea", "Warp", "Mafia"? -- never Michael Angelo or Marconi. Have you heard the word "Keeb", "Kike"? -- never an Einstein. Have you heard the word "Pollock"? I am sure you have heard that recently. Not Polaski. Have you heard the word "Frog"? -- not Lafayette. They and we did not need a bill, for some reason we were able to overcome discrimination.

In 1940, I was honored with a B.S. Degree in Education from Boston University and could not find employment. The fears of World War II broke out and I was able to find employment in November at \$3 a day when school kept and \$3 for being Principal on the condition that I go to church outside of the community. That was in 1940. We overcame that discrimination. This group cannot overcome discrimination. They don't have that level of clout. You want to kill their desires for a better way of life? Then you would allow this bill to go to referendum, one way or the other. There is no way in which that bill can be passed.

I urge you to really consider my appeal to you as a person that has known discrimination and was able to overcome it. What prompted me to change my mind was a young lady and I was privileged to have that young lady in school, she thought of me as a father figure and I helped her a great deal. I received a telephone call from her three weeks ago urging me to help in the situation that she was in. She is the mother of two children, a gay person. My first reaction was, how are the children accepting this?

The family issue is still there, a cohesive issue. She is a professional who has been in the service of taking blood and a short time ago, when they found out that she had these gay tendencies, they forbid her from taking blood. No scientific reason for it, no other reason for it except that she was gay. My age group would despise me for taking this stand 40, 50 or 60 years ago.

I have a strong feeling for those people that are in need of support. America was based on the principle of the underdog. These people are in need as the underdog part of our society. I changed my vote because I had a basis for it and I urge you to help me keep my faith in my way of life and help preserve it. You people can help me do that by voting to support the legislation against discrimination.

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 Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, I would like to pose a question to the Chair. Didn't we vote yesterday on the very same issue?

The SPEAKER: The Chair would advise the Representative that, under the rules, the matter can come up again and again and again.

Representative HASTINGS: Mr. Speaker, I thought it was a question of Mr. Marsano that he wanted to vote on the merits of the bill?

The SPEAKER: The Chair appreciates the suggestion but the motion to indefinitely postpone takes precedence over engrossment. That motion has been made.

The pending question before the House is the motion of the Representative from Island Falls, Representative Smith, that L.D. 556 and all its accompanying papers be indefinitely postponed.

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

Representative GURNEY: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Eastport, Representative Townsend. If Representative Townsend were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Bethel, Representative Mills. If Representative Mills were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Waterville, Representative Joseph. If Representative Joseph were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of the Representative from Island Falls, Representative Smith, 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. 39

YEA - Aikman, Anderson, Bailey, Begley, Bell, Carroll, J.; Carter, Clark, H.; Cote, Curran, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hepburn, Hichborn, Higgins, Hussey, Hutchins, Jacques, LaPointe, Lebowitz, Libby, Look, Lord, Macomber, Marsano, Marston, Martin, H.; McCormick, McHenry, McPherson, Merrill, Michaud, Murphy, Paradis, E.; Parent, Pines, Reed, Richard, Richards, Rotondi, Sheltra, Sherburne, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Anthony, Ault, Boutilier, Brewer, Burke, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Crowley, Daggett, Dellert, Dipietro, Donald, Dore, Farnsworth, Graham, Gwadosky, Hale, Handy, Hastings, Heeschen, Hickey, Hoglund, Holt, Ketover, Kilkelly, Larrivee, Lawrence, Luther, Mahany, Manning, Marsh, Mayo, McKeen, McSweeney, Melendy, 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, Simpson, Skoglund, Small, Stevens, P.; Swazey, Tamaro, Tracy.

ABSENT - Cashman, Jackson, Lisnik, MacBride, Moholland, Nadeau, G. G.; Ridley, Seavey, Walker, The Speaker.

PAIRED - Gurney, Jalbert, Joseph, McGowan, Mills, Townsend.

Yes, 63; No, 71; Absent, 10; Vacant, 1; Paired, 6; Excused, 0.

63 having voted in the affirmative and 71 in the negative with 10 being absent and 6 paired and 1 vacant, the motion did not prevail.

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 passage to be engrossed.

The Chair recognizes the Representative from Portland, Representative Gurney.

Representative GURNEY: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Eastport, Representative Townsend. If Representative Townsend were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Bethel, Representative Mills. If Representative Mills were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Waterville, Representative Joseph. If Representative Joseph were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Scarborough, Representative Higgins. If Representative Higgins were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 40

YEA - Adams, Aliberti, Allen, Anthony, Ault, 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, Ketover, Kilkelly, Larrivee, Lawrence, Luther, Mahany, Manning, Mayo, McCormick, McKeen, Melendy, Mitchell, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Rolde, Ruhlin, Rydell, Seavey, Simpson, Skoglund, Small, Stevens, P.; Swazey, Tamaro, Tracy.

NAY - Aikman, Anderson, Bailey, Begley, Bell, Carroll, J.; Carter, Clark, H.; Cote, Curran, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hepburn, Hichborn, Hussey, Hutchins, Jacques, LaPointe, Lebowitz, Libby, Look, Lord, Macomber, Marsano, Marsh, Marston, Martin, H.; McHenry, McPherson, McSweeney, Merrill, Michaud, Murphy, Paradis, E.; Parent, Pines, Reed, Richard, Richards, Rotondi, Sheltra, Sherburne, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Cashman, Hale, Jackson, Lisnik, MacBride, Moholland, Nadeau, G. G.; Ridley, Walker, The Speaker.

PAIRED - Gurney, Higgins, Jalbert, Joseph, McGowan, Mills, Pendleton, Townsend.

Yes, 69; No, 63; Absent, 10; Vacant, 1; Paired, 8; Excused, 0.

69 having voted in the affirmative and 63 in the negative with 10 being absent and 8 paired and 1 vacant, the Bill was passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 1 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

The following Joint Order (S.P. 599) ORDERED, the House concurring, that Bill, "An Act to Provide for the 1989 Allocations of the State Ceiling on Private Activity Bonds," S.P. 336, L.D. 897, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed. Subsequently, was read and passed in concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Telow of Lewiston,