

# 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

STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Wednesday  
May 31, 1989

Senate called to Order by the President.

Prayer by Faather Christian Roy of St. Bernard's Catholic Church in Rockland.

FATHER ROY: Let us pause to recognize the presence of God in our midst and seek His inspiration as a new Legislative day begins. Linked in faith is the theme of this day. O Lord, in the first Chapter of Luke's gospel we are reminded of Mary's visit to her cousin Elizabeth. This inspired passage reminds us that we cannot live a life of faith alone.

O God, You call us to affirm one another and so we call upon You to affirm these Senators in their faith in You, in their faith in each other and in their faith in the goodness of the people of this beloved state. As Mary went out of her way to support her cousin Elizabeth, may these Senators be inspired to go out of their way to make laws that bring comfort to our citizens that enable them to live lives in peace and that enable them to share of themselves for the common good. All this we ask through the intercession of Jesus Christ, our Lord and Savior, who lives and reigns with the Holy Spirit, forever and ever. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Amend the Child and Family Services and Child Protection Act and the Law Governing Shelters for Children"

H.P. 303 L.D. 415  
(C "A" H-201)

In Senate, May 22, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-201) AND HOUSE AMENDMENT "A" (H-322) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Prevent Discrimination"

H.P. 413 L.D. 556

In House, May 19, 1989, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-211).

In Senate, May 22, 1989, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-211) AND HOUSE AMENDMENT "B" (H-319) in NON-CONCURRENCE.

Senator CLARK of Cumberland, moved the Senate RECEDE and CONCUR.

On motion by Senator WEBSTER of Franklin, supported by a Division of at least one-fifth of the Members present and voting, a Roll Call was ordered.

Off Record Remarks

Senate at Ease  
Senate called to order by the President.

Senator GAUVREAU of Androscoggin was granted unanimous consent to address the Senate off the Record.

THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate. I'll be very brief. I have read this Amendment and I will continue to vote in opposition of this Bill and I urge every other member to hold the line. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Baldacci.

Senator BALDACCII: Thank you Mr. President. Mr. President, men and women of the Senate. Since the last time that we voted on this particular issue, it has begun to start to heat up a political contest probably for the next time around in 1990. But the issues here are probably not any less important than any other issue and I believe that standard should do what is right. When this issue first came in the Legislature several years ago I had even cosponsored the legislation and I remember a Minister from Bangor coming down to oppose this particular legislation and he was breathing down my neck at the time and I thought with so much heat that I probably would end up melting. But I think I was very concerned about discrimination since many of you are very concerned about discrimination. And then we had the Aids epidemic and the concern with me at that time was that I could not in my right mind vote for this if we were going to have this Aids epidemic as one of the outgrowth of what was going on. I was opposed to it. But then after listening to the people that are on the Aids Commission and listening to people that are dealing with Aids victims and talking to an Aids victim and finding out that the problem of the fear, intimidation and whatever else that there is to come out and go into testing, that we should try to stop the spread of Aids. We should try to encourage people and not dicriminate against them because they are what they are from getting the testing and whatever else needs to be done. It was that was related to me yesterday by another Senator but it had happened in by area also. And that Senator and I won't mention his name but the story was very tradgic. A woman and her husband had been trying to have a child and through some sort of a mix up, the woman got Aids through a blood transfusion and it ended up effecting the husband, the baby and the woman. I think that that is tragic and any time that we can do anything to help these people to go through for testing and not be able to discriminate against them is something that we ought to do. I am not condoning a life style by voting for this legislation and I don't endorse this life style and I don't like it. But the fact of the matter is if it means that these people are going to go in for testing to see whether they have Aids or not and protect the rest of society, I think that they should not have any fear about doing it whether they are going to loose their job of whether they are going to loose the place where they stay if people know that they are gay. And they are not going to come out of the closet unless we can give them some sort of protection. So I don't liken this to gay rights, I liken is to public health and safety rights because there are alot of people that are very innocent people that are

getting afflicted with disease and don't even know where it came from. That's wrong, that is just wrong and we should try to do all that we can to help make the public health and safety safe. That's why I'm voting for this legislation. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Gill.

Senator GILL: Thank you Mr. President. Mr. President, men and women of the Senate. As the Bill appears before us this morning with a House Amendment 319 on it, it indeed clarifies that nobody who supports this measure condones the life style. It's very explicit in its explanation that this is not promoted not condoned by anybody who supports this piece of legislation. Indeed what it does, is it provides that civil liberties to all to those people are equal to what we all have which is not now the case. So what we are asking today is that you vote for equal liberties and equal freedom for everybody and not just a few of us.

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

Senator CLARK: Thank you Mr. President. Mr. President, men and women of the Senate. This is the second time in my legislative years that I have spoken on this issue that makes twice this session and never before. It is not an easy issue but the amended version of this bill before us clarifies the opposition that was expressed in this chamber when we initially addressed this issue last week. Since that time my mail has been interesting and rather dramatic in its contents and I would share with you, with some restraint, some examples of mail which has been received by constituents in my Senate district unsolicited mail. It's the kind that leaves bad feelings and which may result in awful intimidation by those who received it. I've been given permission by one of my constituents to share with you what she has received as a privated citizen. There is a long story around the attached letters that she received at her home address but they did trigger her ultimate decision to resign from a post of considerable prominence and importance and for which she was eminently and experientially qualified. If you were to receive repeated examples of letters which contain cut outs and I show you a zerox copy. Cut outs, letters which when composed together convey a message which reads "We and God know you are a lesbian. God is angry with you. Get saved before it's too late. We and MAG are watching to save the children. When we know her name we'll act. God's Righteousness". Followed by others of which I feel compelled not to share with you. These pass what is considered the test for acceptability in this chamber. "Lesbian we are watching you. We don't want you near our babies. You are diseased. You and your kind are diseased. Get out of Maine and away from our children. Gays and homosexuals are dirty sick people. You and that other women are sinners. You need to come to god for salvation. The time is now at hand for action. We warned you. Come to God and ask forgiveness. He will love you. This is from the Couriers of God" and again the acronym "MAG" and I know not what it stands for. Those in this chamber who voted for this bill did not do so lightly or glibly. For a vote in support of this issue is not easy and it serves to arm the arsenal of your political and my political opponents. I submit to you this afternoon, that this vote that I cast for the second time in this session of the legislature, will be used against me in closet fashion, no punn intended, and in skirlish manners in the election of 1990. Parenthetically the indication in that recent statement is that I will run again for this Senate seat. The answer is yes indeed. End of

parenthesis. If I am intimidated to the extent that this constituent of mine and others have been intimidated is that plus the long list of petitions before the Human Rights Commission not sufficient evidence for thinking compassionate caring people who are elected to represent all of the people of the State and that coincidentally does include those who are not heterosexual. Does that not provide sufficient evidence to underscore the need to include the term sexual orientation in our own State of Maine Human Rights Act. I submit to you this afternoon that it does. For if you were to receive this example, which I hope is not representative of the opponents position but more truly representative of misunderstanding, lack of tolerance and compassion and christian love. Then perhaps you to might be sensitized to the blatant horrible examples of dicrimination which those whose sexual orientation differs from the majority experience in our state. There is a need for this measure in our state because without its inclusion under the Maine Human Rights Act, a class of Maine citizens not specifically included among the protected classes cannot otherwise be addressed through the exercise of the Maine Human Rights Act. The Maine Human Rights Commission is impetant. It can do absolutely nothing to remedy or otherwise resolve discrimination within the boundries of our state. Suffice it to say, members of the Senate, that there has been no member among us who can suggest that discrimination and homophobic attitudes have not been practice against homosexuals in our state. All of that documentation has been shared in earlier debate. A vote for this measure is indeed not easy, but it is, members of the Senate, necessary to remove and or otherwise eradicate the last vestigages of discrimination, blatant discrimination, hate and intolerance in Maine. Thank you.

THE PRESIDENT: The Chair recognizes the Senator from York, Senator Dutremble.

Senator DUTREMBLE: Thank you Mr. President. Mr. President, men and women of the Senate. Before I start, I do want to make one thing clear so that nobody misunderstands where I come from. I don't stand here squirming, but what I am going to say that I am not going to change my mind, nor am I getting up to make excuses for why I am going to vote the way I am. The reason I must say this is because a couple of years ago when I voted against this measure, some people got the misunderstanding that I was up here squirming because of my vote. I am not squirming. As a matter of fact, there was a time when I voted for this that I always had a little bit of guilt as to whether I was doing the right thing or not. The more I listen to the debate, the clearer my conscience becomes. A lot of the things I hear, people say the things that I hear about those of us who vote against this measure and those people in this state who oppose this measure. I keep hearing the word insensitive, I keep hearing the word brainless, I keep hearing the word thoughtless, I keep hearing the word non-compassionate. I hear all of these words and I look around the Chamber and I look at myself and I say my goodness, I am not any of those things. These are the people around the state who feel the same way I do.

I heard the Senator from Cumberland, Senator Gill, say that these people should have the same rights that we do, the same civil liberties, and I agree with that. I don't just talk about these people, I am talking about all people. Anybody, whether heterosexual or homosexual have the rights guaranteed to them in the Human Rights Act. You can't be discriminated against because of age,

because of color or religion. That applies to everybody. They do have the same rights as I do. The question boils down to is the Human Rights Act's place where we put down sexual practice. That is exactly what we are talking about. Should sexual practice be in the Human Rights Act? What problems does it raise for the future? Nobody knows that. You could have a situation where somebody could refuse to rent an apartment to somebody not because that person is discriminating, because they have strong religious and moral convictions against that type of lifestyle. You may have somebody who has a strong moral and religious conviction against homosexuality or any type of sexual preference and because of that if we put this into the law, we are saying that the person is discriminating. He may not have a discriminatory bone in his body, but yet we are saying by this that this is exactly what you are. He may be a person who goes to church on Sunday, he may be a nice person who gets along with everybody, but who have a very strong feeling about that because of the way they were taught, because of the way they were brought up, or whatever. We are saying that because you were brought up that way, you people are ignorant, your discriminating. I don't think that is right. I don't think that is right at all. This is why I will continue to oppose this.

This letter that the good Senator from Cumberland, Senator Clark, has shown us obviously comes from a sick mind. We don't condone that, nobody condones that, but I will have you know that it happens both ways too. We get those calls too. So, it happens both ways and nobody condones that type of lobbying or persuasion. There are laws on the books, as was mentioned before, on harassment. Those should be enforced. By the way, by passing this law don't think that is going to stop. That won't stop because some people are like that. We don't condone that, but some people are like that. This Bill is not going to stop it. This Bill would not have stopped that letter that was just read to us. It is unfortunate, but it wouldn't.

I think everybody in this room has defended civil rights for everybody for as long as you can remember. It is a myth that by saying that if we vote against this we are condoning harassment of homosexuals in this state. I want to make it perfectly clear that by my vote against this I am not condoning any type of harassment or prejudice towards anybody.

THE PRESIDENT: The Chair recognizes the Senator from Androscoggin, Senator Gauvreau.

Senator GAUVREAU: Thank you Mr. President. Mr. President, men and women of the Senate. I rise today to urge this Body to Enact L.D. 556, as it has been Amended by the other Body. Let me preface my remarks as you may recall a fortnight or so ago I spoke to this Chamber and articulated the general principles which I considered in crafting my position on various items of legislation before us. I indicated at that time that we certainly must in the discharge of our responsibilities as public officials, survey legislation before us to determine as to whether it is congruent with state and federal Constitutional principles, whether it, in fact, constitutes good public policy, whether it is rational and I also told you about my ten year rule that I will look back on my service in this institution some ten years or so after I have left public service and inquire of myself whether I acted in a fashion consistent with my ethical principles. In fact, I think following those standards, I think I am compelled to stand before you today in support of this legislation. In doing that, I in no way would

cast any doubt or aspersion as to the integrity or conscientiousness by which any member of this Chamber holds his or her particular position on this legislation. Certainly, I have not suggested, nor do I believe others in this Chamber who have argued for Enactment of this legislation that persons who oppose L.D. 556 are condoning or upholding intolerance, prejudice, or discrimination in our society.

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THE PRESIDENT: The Chair recognizes the Senator from Kennebec, Senator Matthews.

Senator MATTHEWS: Thank you Mr. President. Mr. President, men and women of the Senate.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Titcomb.

Senator TITCOMB: Thank you Mr. President. Mr. President, men and women of the Senate.

THE PRESIDENT: The pending question before the Senate is the motion of Senator CLARK of Cumberland to RECEDE and CONCUR.

A vote of Yes will be in favor of the motion to RECEDE and CONCUR.

A vote of No will be opposed.

Is the Senate ready for the question?

President PRAY of Penobscot who would have voted NAY requested and received Leave of the Senate to pair his vote with Senator ANDREWS of Cumberland who would have voted YEA.

The Doorkeepers will secure the Chamber.

The Secretary will call the Roll.

ROLL CALL

YEAS: Senators BALDACCI, BERUBE, BOST, BRANNIGAN, BUSTIN, CLARK, ESTES, ESTY, GAUVREAU, GILL, HOBBS, KANY, TITCOMB

NAYS: Senators BRAWN, CAHILL, CARPENTER, COLLINS, DILLENBACK, DUTREMBLE, EMERSON, ERWIN, GOULD, HOLLOWAY, LUDWIG, MATTHEWS, PEARSON, PERKINS, RANDALL, THERIAULT, TWITCHELL, WEBSTER, WEYMOUTH, WHITMORE

ABSENT: Senators None

PAIRED: Senators ANDREWS, PRAY

13 Senators having voted in the affirmative and 20 Senators having voted in the negative, with 2 Senators having paired their votes and No Senators being absent, the motion of Senator CLARK of Cumberland, to RECEDE and CONCUR, FAILED.

On motion by Senator WEBSTER of Franklin the Senate ADHERED.

The Secretary has so informed the Speaker of the House.

House Papers

Bill "An Act to Establish Color Standards for Maine Waters"

H.P. 1229 L.D. 1713

Comes from the House referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED.

Which was referred to the Committee on ENERGY AND NATURAL RESOURCES and ORDERED PRINTED, in concurrence.

Off Record Remarks

COMMUNICATIONS

The Following Communication: S.P. 619

114TH MAINE LEGISLATURE

May 30, 1989

Senator Barry J. Hobbins  
Representative Patrick E. Paradis  
Chairpersons