

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ROLL CALL NO. 30

YEA - Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bowers, Butland, Cahill, M.; Carleton, Carroll, J.; Clark, H.; Coles, Constantine, Crowley, Duffy, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Graham, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Heino, Hepburn, Hichborn, Hichens, Jacques, Jalbert, Kerr, Ketover, Kutasi, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Macomber, Manning, Marsano, Marsh, Martin, H.; Melendy, Merrill, Michaud, Murphy, Nash, Norton, O'Dea, O'Gara, Ott, Paradis, P.; Parent, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Poulin, Reed, G.; Reed, W.; Richards, Ricker, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Townsend, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Cathcart, Cote, Daggett, DiPietro, Donnelly, Dore, Farnsworth, Goodridge, Gould, R. A.; Gray, Handy, Heeschen, Hogle, Holt, Hussey, Joseph, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lemke, Luther, Mahany, Mayo, McHenry, McKeen, Mitchell, J.; Morrison, Nutting, Oliver, Paradis, J.; Paul, Plourde, Pouliot, Powers, Richardson, Rotondi, Ruhlin, Rydell, Simpson, Stevens, P.; Tracy, Treat, Wentworth.

ABSENT - Aliberti, Bennett, Boutilier, Carroll, D.; Cashman, Chonko, Clark, M.; Erwin, Gean, Hastings, Mitchell, E.; Nadeau, Rand, Skoglund, Tardy, The Speaker.

Yes, 89; No, 46; Absent, 16; Paired, 0; Excused, 0.

89 having voted in the affirmative and 46 in the negative with 16 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Prevent Discrimination" (S.P. 175) (L.D. 430) which was tabled earlier in the day and later today assigned pending further consideration.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I move that the House recede and concur.

I rise this evening to urge my colleagues in this body to reassess the previous vote. To those of you who voted for this measure several days ago, I compliment you on your vote of tolerance and openness. To those of you in this body who I knew and who voted for this bill, I extend a personal compliment to each and every one of you for your courage and your openness as new legislators having to face this issue for the first time.

To those of you who voted against this measure several days ago, I ask you tonight to reassess your position, to reassess the reasons for not joining the many of us who are in favor of this bill, to reassess your reasons for not being able to support a measure which is so essential to so many men and women of the state.

Since this bill was debated in this body in the first part of April, many editorial writers have written eloquently about our debate and about the

need for this legislation this year in the State of Maine. Most of you have received copies of those editorials. They beg us, once again, to revisit this issue, not put it off to another legislature in another year but to consider it seriously this evening. The issue is real and the issue is more than a piece of paper, the issue is about men and women in this state. I ask you, ladies and gentlemen of this House, to consider that real men and real women feel discrimination and pain when they are denied an opportunity for employment, when they are asked to leave their places where they live and when they are asked to be removed from places of public accommodations. The most central of these issues continues to be employment. None of the other issues are important if they cannot seek employment or keep employment where they work. Real people are asked to leave, to go out and look for other jobs and since the employment situation today is not very good, it means nothing compared to the employment situation that gay men and lesbian women have to face no matter what time of the year when someone discovers them (so to speak) and tells their boss and asks that they be fired from a job that they are very competent at, because of the fact that maybe they are an embarrassment to someone in that community.

I will not belabor the subject for we have had a full and vigorous debate on this issue, we continue to have a full and vigorous debate in this state on the issue but I am hopeful that, when the vote is taken, we will see fit to vote (a majority of us) to give this civil right of access to employment, this civil right of access to housing, and this civil right of access to public accommodations to the same men and women in this state who pay taxes, who live and breathe and die and have the same fears and wants that all of you and I share together with them.

I urge you to vote for the motion to recede and concur.

Representative Whitcomb of Waldo requested a roll call vote.

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

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: I am one of the new Representatives that Representative Paradis mentioned and I rise in support of this bill.

Last week, a public radio program reported on a federal study about teenage suicide. The task force determined that although gay and lesbian teens represent only ten percent of the adolescent population, they are two to three times more likely to commit suicide than others in that age group. Many of these young people have been disowned or rejected by their families. They have been harassed at school and on the streets. Three young men in my own town of Brunswick have attempted suicide. One young woman is suicidal and is currently being counseled. I submit that this is a complete answer to those who maintain that homosexuality is a matter of choice, no one commits suicide because of a matter of choice.

I believe it is time to reaffirm our common humanity and to stop hounding young people to death. A first step in this direction is passage of L.D. 430.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and

Women of the House: I have been involved in this issue for many years now, well before I came into the legislature. In fact, it was the death of Charlie Howard in Bangor that moved me to get involved. Since his death in 1984, I am encouraged by the progress that has been made. Ten years ago, the debate in this chamber was spiced with references to queers, fags, perverts and sickos. This year, the discussion is entirely civilized.

Apparently gay people have been admitted to the human race. Gay people eat, sleep, work, and pay taxes just like other people. Gay people sometimes feel lonely and gay people sometimes feel happy, just like other people. Now this has been recognized by the tone and the comments of this legislature. That is progress, and I thank you. But, there has been more progress — today even opponents of this bill acknowledge that gay Maine citizens are subject, not just to discrimination, but also to abuse and violence. Everyone, even the opponents of this bill, think this is not right, so there is more progress. Again, I am gratified.

Now there is only one simple thing missing, this bill still hasn't passed. The civil rights of gay people to live and work in Maine without discrimination and abuse are not protected in the State of Maine. We are just about where the Blacks were in the 1950's when white moderates nodded their heads and said yes, you people deserve respect, yes what is going on is really terrible, but you have to be patient, don't try to pass controversial laws, let education take its course. Well, Black people didn't wait, they passed laws and, lo and behold, people found out that the best tools for education for a change in attitude was a new law. What education hadn't accomplished in a century, new laws achieved in a few years. Today, no one in the South would ever want to go back. A Black civil rights leader from the '50's would be familiar with what I have heard from many of you who are on the fence today, "be patient," "wait," "you can't legislate attitudes," "maybe another year." Then quite often people will pull out a stack of cards and phone messages and say, "See, people don't want this." I wonder, if there weren't the stack of letters, would the answer be different? If this were a secret ballot, would the answer be different? If you look into your hearts, would the answer be different? I think you know the answer to this, the answer is yes, this House would pass this civil rights bill.

The reason that some of us vote against this bill is not because we don't think gay people are human, it is not because we don't think gay people are abused, it is not even because we don't think the law would do good, it is because of fear. We ask, what will people say, who will use it against me, how can I respond to my friends at the bowling league or at the Elks Club if I do things like this? Because some people in this room are afraid, this law may not pass. Because this law doesn't pass, if it doesn't pass, another teenager like those referred to by Representative Pfeiffer or another teenager not so long ago from Waldo County may try to commit suicide because of shame in themselves. Another State Senator like Dale McCormick may continue to receive new death threats in the middle of the night as she did a few weeks ago. Another renter like Karen Saw may lose her apartment because her landlord doesn't like queers. Another man like Charlie Howard may be thrown off a bridge in Bangor or elsewhere.

Please don't excuse yourself by thinking that these things are not related. We may talk in civilized tones in these four walls but the message that we send out to the people in Maine is made by action, not by rhetoric. If by our actions, we say gay people are less than full human beings, if we say gay people can be legally discriminated against and abused, then don't be surprised when people out there believe it and act on those beliefs because we here are afraid to act on ours.

The cards and phone calls this year may seem to counsel against this law. In fact, they are proof that this law is needed. When someone calls and says to you, you must be queer yourself to support this bill, then you have experienced just for a moment what gay people in Maine live in fear of every day of their lives. If this kind of hatred is not acceptable to you, then vote for this bill. Don't fool yourselves that the hatred will go away with educational pamphlets, 100 years of educational pamphlets didn't do a thing about racial discrimination in the South, it took laws. Until this legislature stands up and speaks out, and until this legislature says, this is what it takes to have a civilized and free society in Maine and backs up those words with a civil rights law, such hatred will persist in the State of Maine.

The line is now drawn in the sand, you cannot be for tolerance but afraid to vote for civil rights. You cannot be for a free society but afraid to confront those who speak and spread hate. You can't be a legislator in the tradition of Jefferson and Lincoln but be afraid to vote your conscience. In the end, it goes to the heart, it goes to the heart of what we are all here for. In a year when we will be confronted with many bills which will take away services and hurt needy people, this is a chance to help someone. It doesn't cost a nickel, it doesn't add a state bureaucrat, and it doesn't hurt business in any way. It is just doing the right thing. In this upside-down year, have we forgotten what it is to do the right thing? Can we close our hearts to the suffering that exists? Can we turn our backs on those who ask for our help and protection? Every once in a long while, a bill comes along that defines the very essence of us as a people, this is one of those bills.

I ask you today to vote your hopes and not your fears, to vote your conscience and not your polls, to do the right thing and to feel proud of yourselves tomorrow. Please vote to recede and concur.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I think it was in 1987 when this bill first came before the Maine House in which I was able to sit proudly as a Freshman legislator. I had heard stories about how past legislatures when people rose to speak in insulting, derogatory, even vile terms, about the ten percent of people who are homosexual in nature. I had hoped then that such a prejudice and fear had been relegated to the trash heap of legislative injustices along with other discriminations and cruelties. I had hoped that we could pass this bill way back then. On the day the vote was taken, I overheard two legislators with whom I was serving in a committee say, "Well, I guess we will go up and kill this bill." I was shocked and I was disbelieving. I think I was numb with sadness. I had come to like and respect the two very much, I

still do.

I have just read an article in the Kennebec Journal which said it was high time the Maine Legislature did what was right and not what was easy and pass this bill. So when the bill was debated here in this honorable chamber, I had not planned to speak but as I listened my heart pounded, I felt weak and I felt confounded. I found myself scribbling a few words and speaking to my colleagues saying I feared I would have to go home and tell my gay friends and my gay son that we would not be doing the right thing, but the easy thing. I heard gasps — perhaps it was the first time my friends had heard that someone who had a gay son might possibly sit next to them in committee.

On the next election campaign trail, I noticed there were Mainers against gays, stickers on a few car windows and posted around my district. I remember seeing such a sign on a stop sign not far from my home. I asked my husband to stop the car, we were on our way back from town, a person nearby was working in his garden with a ladder for pruning a tree or something and I asked him if I could borrow it. He lent it to me and I went over and scraped the sign off. The person who put it up came running out of his house to watch. I had to use a piece of broken glass to get it off because it was really on hard and I darn near cut my fingers getting it off but I got every last bit of it off. Well, that sign never went back up. Shortly afterwards, a person who lives in that neighborhood told my husband that he too has a gay son. He said he didn't understand it, he loved his son, his son is a good person and he accepted it. The ten percent of our neighbors may be homosexual, that is the estimate — do we deny our neighbors these basic rights which this bill protects?

In talking with legislators last time around, I tried to counter the notion that it is okay for heterosexuals to express their sexuality or even simple affection whether or not they are hoping to have a baby and it is not okay for homosexuals. This idea is not directly relevant to this bill but it does lurk in the darker recesses of the minds of some who are opposed to it. I don't think I have done a very good job in talking with my friends about this, but just a few days ago, I was given some help on the subject by a person you all know, we all know her, she caters to our nutritional needs, not far from here and she is no doubt listening now. She told me that a friend of hers said in speaking of this issue, "I love my husband so much, the closeness we feel physically and mentally is so comforting to me and so necessary to me, how could anyone want to deny those feelings and those blessings to anyone if he or she were fortunate enough to find someone with whom to share them?" What a mature, wise thought. I pray those of us here who are hung up on body parts will ponder on it.

This bill is about discrimination, it is about human diversities.

After our last vote in this chamber, an article in the Kennebec Journal again told us about an issue dealing with this bill, a caring teacher, a lesbian, who felt as though strangers had come up to her and slapped her in the face after our last vote. My fine son felt a denial of his humanity too. He knows perfectly well that passage of this bill would not end discrimination but it would mean that we reach out and take in the ten percent of us who still can be legally denied basic rights. We would take them

into the system of justice for all, which we affirm in this chamber frequently.

At my home, we have a sign in our entryway to the kitchen which says, "Don't tell me that as long as it is the wish of the majority it is okay, it is not." Protecting the least powerful among us is the whole basis of our country's system of justice. I don't know whether or not it is the wish of the majority in our state to pass this bill. Some of us believe it is. Some of us believe it isn't. It doesn't matter in matters of conscience and matters of justice. We are here to be leaders and not lemmings.

In lobbying for this bill, I have heard some "Yes, buts" and "some of my best friends", those kinds of statements. Well, I have a few — some of my best friend's statements to make. One of my best friends said gays should have to fight for their rights as hard as blacks and women have done. Well, they have. Homosexuals have been marching for their rights for years. If you don't see them in the streets of small Maine towns, don't forget that there is security in numbers. Gays have been killed, bashed, and beaten in Maine towns and, while most marches have been in large population centers, there have been some in southern Maine. I asked myself, we should all ask ourselves, has it ever been right in these United States of America where the liberty and justice system was fought for with the blood and probity of our ancestors and those who came after them from countries in which those rights are denied? Has it ever been right that they had to march and demonstrate and shed blood to get protection of their rights under our laws in these United States of America?

Another of my good friends said, "Well, when everybody gets justice, the gays will get justice." When there is a perfect world I guess. That will never happen. We are not asking for a perfect world yet.

Some of my best friends read with horror as I think too many of us did, with horror and sadness as I felt, a letter from a Maine person who used to live in my district, whose family I know well, who was abused sexually as a boy by a male friend of his father. He is obviously recovering from a terrible part of his life. That sad story is really irrelevant to this bill but I want you to know that I happen to have had a school classmate who married and she had three lovely children and later learned that their father is a homosexual. They divorced. Later, she married a heterosexual who was homophobic, I am afraid, macho type, handsome man. The answer to her prayers she thought. Well, during a hard time in their lives, our family took her three children in before she met this answer to her prayers and we grew to love them very much, they are grownup now and still very dear to us. Only last year we learned that the girls had been sexually molested by their stepfather. They still suffer and they are undergoing therapy. Do not be swayed by that letter.

Some of my best friends honestly believe passing this bill would mean encouraging the spread of AIDS. To those people I say, please think again. AIDS was first discovered in a heterosexual community in Africa. It has to do with the weakening of the immune system. It was brought to this country from another country by a male prostitute who spread it around North America. It is now spreading just as fast among heterosexuals. Does it make sense to kill a bill that would surely help homosexuals be more

willing and more open in seeking health information which would prevent the spread of AIDS?

A person who has been lobbying here to help him build a loving home for abused and abandoned children, Children's Castle, showed us a picture of his little foster daughter in her pink tutu. He said that, under that tutu, were cigarette burn scars, her abuser, dear colleagues, may not be denied his or her basic rights when he or she gets out of prison if that is where he or she is. My fine son may be if we vote no on this bill.

Recent news told us of a Maine man who smoked seven marijuana cigarettes and then, for no reason, slashed his mother to death with a butcher knife. He could be released from prison by the age of 36. He may not be denied his basic human rights by law. My fine son who has not committed any crimes still may be.

A couple of days ago, I received in the mail a letter from the Rector of the Gray Episcopal Church in Bath, I had not discussed this bill with him. The Reverend John S. Paddock wrote this in a personal letter to me, "Please be assured that the Christian Civic League does not represent all Christians in Maine. Be confident of my support for the civil rights for all citizens of this state. How God made us is not a moral question but how we treat one another is."

So, let's do what is right, not what is easy. It may even stiffen up our beleaguered Chief Executive to do the same.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Simonds

Representative SIMONDS: Mr. Speaker, Men and Women of the House: I, too, am a first time legislator but I do feel compelled to make a statement on this legislation because I feel it is perhaps one of the highest priority items that we will be faced with this year.

There are two reasons why I believe, in addition to all the very good statements and arguments that I have heard by members of the House, that we should pass this bill tonight. The first has to do with the report of the Secretary's study of teenage suicides which Representative Pfeiffer has already alluded to and which was mentioned on the Today Show a short time ago. I secured a copy of that report as perhaps others have. It is available if other members wish copies.

It seems to me, without repeating what has already been said about the extraordinarily high incidences of suicide among gay and lesbian teenagers, that the question of choice whether or not one chooses their sexual identity is pretty clear. Who would choose the isolation, the rejection, the physical and mental abuse that comes with honest disclosure of your sexual identity? Who would choose the inner anguish and pain, guilt and conflict that comes with the attempt to hide, to pass as a straight heterosexual? I suggest that this is not a bill that will influence one's developing sexual identity, it is a bill simply to protect young people, youth and young adults, who are struggling sometimes to the point of desperation to understand and to know their own identity.

The second reason has to do with the report in the paper just yesterday, already alluded here tonight, the increase in hate crimes across the country, the hate and lashing out against homosexuals

is a part of that phenomenon. In the face of all of the arguments that we have heard, in the face of the evidence that discrimination does exist, after all the debate that we have had and the widespread acknowledgment that discrimination does indeed exist and the fact that we do have a legislative remedy available to us, but if we choose not to adopt that remedy, it seems to me that we are sending a message, albeit unintended, to those who have the inclination to hate and it may be that unwittingly we give license to more gay bashings.

Finally, a comment on referendum. Breakthroughs in civil and human rights, seldom if ever, are achieved with referendum. They occur with leadership, executive leadership, legislative leadership, hopefully from both executive and legislative leadership. Under the circumstances today, I say the time has come for legislative leadership.

I urge you to join with me in this session, this week, tonight, in passing what may well be the most important bill of the session and one of our proudest achievements of the 115th Legislature.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: When we last debated this issue, I did remain silent. I listened very carefully to everything that was said. I can't remain silent any longer. I have been in this House for four terms and for each of those terms, we have debated this issue. It is one that affects all of us. I will try to show you that this bill does affect each and every one of you.

When we last debated the issue, I heard several people say that yes, there is discrimination against persons who are homosexual in our state, yet this bill is not needed. That is very, very far from the truth. I feel fortunate that our state has a law that protects people against harassment but harassment and discrimination are two different things. The harassment law cannot deal with discrimination.

This bill deals with, among other things, employment. Do we really want to force people into a situation, where despite their capabilities and their earnest desire to support themselves, to work as you and I do every day, that they are denied that right to work because of their sexual orientation, denied that right to support themselves and their loved ones? It deals with credit. How many of us here in this body can buy a home without borrowing funds? How many of us can buy a car with cash? Most of us need a loan for that purpose as well. Indeed, in today's society most of us need a loan for any large purchase. What would it feel like to be denied that credit, not because of our credit rating, denied that loan not based on our ability to repay it, but based solely on a personal characteristic? What if that loan were for a terrible emergency for which we did not have the required savings? What if we could not take care of that emergency because we were denied that credit? That can happen today to very many people in our state.

Some of us here in this body know what it is like personally to suffer discrimination or to watch our loved ones suffer discrimination, some of us perhaps do not. I come from a family that struggled in this century for a place to live and a place to do business, some of which was denied for many years

because of religious reasons. I know what it was like to listen to my grandfather describe the feelings of being denied the right to live in a certain neighborhood, being denied certain credit so he could enlarge a small business. I don't want to see any of that kind of discrimination, any of that extended to any person in our state today. We have ended most discrimination, we have a chance tonight to end a good deal of the rest of it against a group of people in our society that we have for too long ignored.

In my very large file on this issue, I have some words of a physician who was the Director of the Department of Health for Mayor Lindsay in New York, his name was Howard Brown. He was gay and hid that during the time that he held this important position in the City of New York. Finally he could not hide it any longer and, in 1973 in an address to 600 physicians at a symposium on human sexuality, Howard Brown announced that he was gay. The announcement brought in thousands of letters from homosexual physicians, lawyers, clergy, farmers, mechanics, policemen, letters from all levels of society and all parts of the country. In 1974, Dr. Brown testified at the New York City Council hearings on a bill to guarantee gay civil rights. I would like to read a short portion of his testimony. He said, "When the City Council passes this legislation, and I say 'when' for it will be passed, if not now then some day, the only change you will notice will be the rejoicing of those who happen to have come to lobby. Firemen will not announce in their firehouses that they are homosexual, policemen riding in their cars will not turn to their partners and say they are homosexual, teachers will not suddenly tell their classes that they are homosexual, the New York Times will not be flooded with people writing to say that they are homosexual. People who are homosexual will remain as they were, simply because people don't talk publicly about their sex life. But, with this legislation you will have affirmed that you believe homosexuals have the right to work, to live, and just to be every day. And in so doing," Howard Brown said, "you will have freed us from some of our anxieties. The hundreds of thousands of homosexuals in this city will feel the warmth of your decency. Do this for all of us," he asked, "do this for the people who are your neighbors and your friends, life is too short to make them wait any longer."

That legislation did pass in the New York City Council, it passed in March of 1987. We should do no less in Maine for our citizens.

There has been much discussion about the position of various clergy, various churches. I looked back again in my files and I came upon some very eloquent words by Marvin Ellison who was Associate Professor of Christian Ethics at Bangor Theological Seminary. In 1985, he testified on this bill and said that our present position is morally indefensible and a civil disgrace. He said, as we all know, there is significant arbitrary discrimination against persons who are homosexual as well as physical and verbal abuse. To condone or by silence to permit such patterns of abuse and degradation is to violate the democratic spirit of mutual tolerance and respect and to stand intention with religious calling to extend care and loving support to the strangers in our midst. To fail to protect the basic human and civil rights of some members of our community prepares the way for the infringement of the rights and freedoms

of any and all of us as well. Both our political and religious heritage in this country support the hard won wisdom that no one is free until all are free. To live in a just society is to risk living together with persons and groups who may differ from us but who nonetheless are valuable and important to our own well being because they are part of our common humanity. Professor Ellison asked us to take two quick tests to determine whether our community is just or not. First he said, ask how those who are least powerful, least well-off and marginalized folks, how are these folks doing? If they are not treated with dignity and respect, if their rights are not protected and honored, then all is not well among us.

Finally, he proposes a second and related test, which I believe was also included in some material that the Council of Churches made available to us this year. He said, "Would you consider trading places with those who are not well protected and guaranteed their rights under the law of the land?" Tonight that means, would you consider trading places with a person who is gay or lesbian and risk subjecting yourself to the discrimination that these people have suffered? Would you risk that? If we balk, if we would not be willing to trade places and subject ourselves to that possible discrimination, if we will not trade places with gay men and lesbians in the State of Maine, then we must amend the Human Rights Act for our own sake as well as for the sake of our fellow citizens.

I urge you tonight to think carefully and vote to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, Men and Women of the House: I have been distressed over the past few weeks at the claims of so many people who have said that they represent the Christian point of view in opposing L.D. 430. I, myself, have received letters from church leaders who have written me the most intolerant hate-filled words that I have received in my term as a legislator so far. These people claim that they represent the views of the majority of Christians in the State of Maine. I have been called in the press a "bigot" and a "bully" by one of these people. I ask you, do I really seem like a bully?

I have been concerned about this and was very heartened and encouraged yesterday to learn that there was a press conference at the Bangor Theological Seminary where Christian leaders from other denominations spoke out in favor of this bill. Those are the people I want to refer to today because they represent the Christian views that I was brought up with and that I hold dear today. People from my own denomination, clergy, have spoken and written in support of this bill. Today I want to quote briefly a few words from the Reverend Henry Bird, the priest from St. Matthias' Episcopal Church in the town of Richmond, Maine. He says, "The Christian Civic League does not speak for me, especially in regard to the so-called, 'Gay Rights Bill.'" It is difficult to understand how any group calling itself Christian can deny basic humane treatment to any group in our society. The Bill does not require us to like anyone. Somehow the homosexual members of our human family have been selected out for special rejection and hostility, completely counter to the way the Gospel accounts indicate that Jesus would or did

treat them. Please note there is no reference here to the oft-quoted Old Testament and Epistles references so regularly used to condemn homosexuals. If we stick to those, we would still have slavery, women would have to keep their heads covered and couldn't speak in churches."

I also am aware that besides these things such as women not being able to speak in church that, not only have many Christians historically discriminated against women and slaves, that they have at one time or another hated and feared groups such as Jews, left-handed people and mentally ill people. They have called people such as myself who happen to be left-handed demons, witches, possessed, damned. Tolerance has not always existed among Christian people. Tolerance is difficult for most of us, I admit, but we humans are usually afraid of people who are different, who don't fit in with the rest of us but we all know that tolerance is right and we who profess to be Christians strive to overcome our intolerance because our God tells us we should love other people.

Father Henry Bird tells us this, "If we try to walk with the Jesus of the Gospels, we should find a Lord who would eat with homosexuals, reach out to them, embrace them and love them, just as he did with the blind, the sick, the tax collectors, the samaritans and all the others rejected and hated by his society. In the Episcopal Church, our baptismal covenant asks, "Will you seek and serve Christ in all persons, loving your neighbor as yourself and will you strive for justice and peace among all people and respect the dignity of every human being?" Our response and the response I urge you to make to this bill is, "I will with God's help."

Members of this House, I urge you to vote yes on this bill.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Since the last time that I got up and spoke on this issue, I have received a number of calls, even today three or four. I have received many letters about my position on this vote.

I want to tell you today that I am not representing anybody's point of view but my own. I hope that anybody that votes today, regardless of how they vote, vote their own convictions, not what their bowling partners or their buddies or friends or whoever say, you vote your convictions.

I will say to you today that arguing the theories asserting that sexual orientation is a fundamental aspect of personal identity only exacerbates societies erroneous assumption that gay men and lesbian women are fundamentally different from non-gay people. I say to you that this affirmative action plan that we are asked here today to invoke is not the answer. The very thing that gay men and lesbian women are trying to have revoked, the very repression, only reinforces it by the passage of this bill. It may be a victory — there may be substantial press if this bill passes, and it may, but the fact of it is that it is not going to change attitudes, it is not going to stop gay bashing, it, if this bill existed at the time of Charlie Howard, would not have saved Charlie Howard because people think the way they think.

I say to you today the prime thing that has to occur is education. I will guarantee you that this list that was passed out to all of us that has a

number of organizations, a number of major corporations, didn't exist ten years ago and that is because of education. It is because people think today that people should be based on their competence, not their sexual preference. That is the factual side.

Again, the legal side, this issue has been in the courts for a number of years. It has not made it to the U.S. Supreme Court. A number of the cases came out of the 9th Circuit which is one of the most liberal circuits in our nation and most of the cases coming out of California and it is because a legal distinction and the arguments and the tests and the theories and the psychologists battling back and forth and the psychiatrists battling back and forth have heard it to the point of the circuit and they all realize that with homosexuality there is no evidence to show that it is an immutable characteristic, a major factor in holding out a suspect class. It is behavioral, therefore fundamentally different than traits such as race, gender and alienage. That is the legal side. We may choose here today to discard that legal side. The fact is that anything that goes through the legal process is fully heard much more than before this body any arguments that are made here today. The facts and figures that were here and asked to rely on have to be proved in a court of law as having some basis.

So, I say to you today, ladies and gentlemen, that I myself do not see anybody that is gay or lesbian any different than me, it comes down to competence, it comes down to increasing this list ten fold.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I have some remarks, much briefer than the last time. I can't help but comment on the preceding speaker. I find it interesting that, for years, those of us who have been supporting this legislation have been told that the opponents were opposing it because they were responding to their constituents and were voting as they were asked to and wanted to. Now when clearly people in general throughout this state support the legislation, we are being asked to just voice our own opinion. I find that very interesting.

Most of you heard my remarks last time so I will make my statement very brief tonight and try to respond to a common thread that I found running through those comments that were made to me by people I have talked to since we last took this bill up and that is their own personal feeling about homosexuality. I would just say as sincerely as I can to my fellow lawmakers in this body and whoever is listening outside of this room that how we feel personally is not and must not be the most important thing in our consideration of this legislation. It is the law that counts and it is your job and mine to guarantee that all citizens are protected equally under those laws. If a group or class or race of people are not accorded the same protection that anyone or everyone else is, then we must change those laws or, in this case, amend those laws to make them fair to all citizens, all citizens my fellow lawmakers, not just those we like, but those we may dislike as well. Not just those who conform to our way of thinking but those who may be marching to a different drummer. Fair to all, nothing more,

nothing less, that's all I ask.

One other brief comment. It occurred to me (and we have talked about this with a few others) ever since I have been here I have been asked to support, and have supported, legislation dealing with the so-called MacBride Principles and those of you who know what those are about, it has to do with people in Northern Ireland who, through no fault of their own, were born Irish and were brought up Catholic and have been discriminated against for a long period of time and are still being so. I would ask those several in this room who have asked me to support those Principles and who yet have found (that at least up until tonight) themselves not able to vote for this legislation to consider very strongly that we are talking about the same kind of thing, prejudice against people for who they are.

Several references have been made on several of the documents that have been passed out tonight, a lot of reading, I hope you have had the chance to do so, I just want to single out a few comments. In this statement having to do with the press conference that was mentioned a few minutes ago, the Maine Council of Churches represents the mainstream and the mainstream supports L.D. 430, again commenting on the fact that Mr. Wyman represents an extreme minority among religious persons in this state. In that press conference — which by the way there was a press conference also held in the southern part of the state which was reported on Channel 13 last night — again you had representatives of most of the mainstream religions in the state coming out very strongly in support of this legislation. The Maine Council of Churches put a pamphlet or a sheet on your desk today again saying the Christian Civic League presents its position on this bill sincerely but it cannot truthfully claim to represent a majority opinion of Maine's Christians. Although the previous speaker just alluded to this sheet, I would submit to you, how can anyone look at this sheet especially the first column of it and not realize that Maine citizens support this legislation. Whether it was ten years ago or five years ago — I am not talking about any years in the past, I am talking about the fact that anybody who looks at this sheet cannot possibly ignore the fact that this is the time and it is right. I ask you as sincerely as I can to support the motion before you.

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 Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I simply want to make a couple of comments and responses. The speaker from Hampden, Representative Richards, suggested that we are asked to invoke an affirmative action plan tonight. Nothing could be further from the truth. I think that is a really important thing to clarify. Affirmative action plans are the kind of thing where you ask people to increase the numbers of a certain group within the ranks of your employees work force

and so on.

In this case, all this bill does is say these people, any people, should be allowed to compete without reference to their sexual orientation. It doesn't say who you have to hire. There are no quotas, there is no affirmative action, and there is no likelihood, in my opinion, that there will be any. It is completely wrong to suggest otherwise.

The other thing I just want to comment on by what he said is that this business about the immutable characteristic. It suggests that because some people believe that this is a matter of choice that that means it is not appropriate to be in this bill. I would say to you, as far as I am concerned, it isn't a matter of choice but even if you believed that it was that is irrelevant to why this is in this bill. The reason that sexual orientation is in this bill is because people who do the discriminating, people who do the hating, have chosen that characteristic, chosen that group. Hitler chose this group. That is what the pink triangle is all about that people are wearing around. That is where the choice is and the choice we have tonight is to say that that is not right.

The SPEAKER: The pending question before the House is the motion of Representative Paradis of Augusta that the House recede and concur.

The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: I would like to pair my vote with Representative Carroll of Gray. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Orono Representative O'Dea.

Representative O'DEA: I would like to pair my vote with Representative Erwin of Rumford. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Carroll.

Representative CARROLL: Pursuant to House Rule 7, I would like to pair my vote with Representative Gean of Alfred. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Dutremble.

Representative DUTREMBLE: Pursuant to House Rule 7, I would like to pair my vote with Representative Clark of Brunswick. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Ketterer.

Representative KETTERER: I request permission to pair my vote with Representative Mitchell of Vassalboro. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Pursuant to House Rule 7, I request permission to pair my vote with Representative Rand of Portland. If she were present and voting, she would be voting yea; I would be voting nay.

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

Representative CROWLEY: I request permission to

pair my vote with Representative Aliberti of Lewiston. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Pursuant to House Rule 7, I would like to pair my vote with Representative Tardy of Palmyra. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of Representative Paradis of Augusta, that the House recede and concur. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 31

YEA - Adams, Anthony, Cahill, M.; Carleton, Cathcart, Chonko, Coles, Constantine, Daggett, Dore, Farnsworth, Goodridge, Graham, Gray, Gwadosky, Handy, Heesch, Hoglund, Holt, Joseph, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lipman, Mahany, Manning, McKeen, Melendy, Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Pouliot, Powers, Richardson, Rydell, Salisbury, Simonds, Simpson, Skoglund, Small, Stevens, P.; Townsend, Tracy, Treat, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bowers, Butland, Clark, H.; Cote, DiPietro, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Hale, Hanley, Heino, Hepburn, Hichborn, Hichens, Hussey, Jacques, Jalbert, Kerr, Kutasi, LaPointe, Lebowitz, Libby, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, Martin, H.; McHenry, Merrill, Michaud, Murphy, Nash, Nutting, Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Saint Onge, Savage, Sheltra, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

ABSENT - Bennett, Boutilier, Cashman, Hastings.

PAIRED - Aliberti, Carroll, D.; Carroll, J.; Clark, M.; Crowley, Duffy, Dutremble, L.; Erwin, Gean, Ketterer, Mayo, Mitchell, E.; O'Dea, Rand, Swazey, Tardy.

Yes, 56; No, 75; Absent, 4; Paired, 16; Excused, 0.

56 having voted in the affirmative, 75 in the negative, with 4 being absent and 16 having paired, the motion to recede and concur did not prevail.

Representative Paradis of Augusta moved the House insist and ask for a Committee of Conference.

Representative Strout of Corinth requested 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 Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: Very briefly, I would ask that you vote in favor of my motion to insist and ask for

a Committee of Conference because I think the quality of the debate that we have had here this evening and the other evening that we debated this issue shows that there are people in this body that do believe in this issue strongly. There are people who are opposed to this type of legislation who still believe that there is discrimination out there. I think it is a request from the bottom of my heart that the issue be kept alive for a while longer, that there could possibly be room for compromise, there could possibly be room to address the issues of concern. Even if you have voted against this bill, I think you recognize that all isn't perfect out there in the real world and that we deserve to give gay men and lesbian women in this state a chance. Perhaps we can come out with some legislation this session that does address these good people of our state. If you vote for my motion, we will be giving them a chance, we will be keeping the issue alive for a while longer so that we may address this together, the people, the elected people of this state. I ask that you please vote in favor of my motion to insist and ask for a Committee of Conference.

The SPEAKER: The pending question before the House is the motion of Representative Paradis of Augusta that the House insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 32

YEA - Adams, Anthony, Cahill, M.; Carleton, Cathcart, Chonko, Coles, Constantine, Crowley, Daggett, Dore, Farnsworth, Goodridge, Graham, Gray, Gwadosky, Handy, Heesch, Hoglund, Holt, Joseph, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lipman, Mahany, Manning, Mayo, McKeen, Melendy, Mitchell, J.; Morrison, Nadeau, Norton, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Pfeiffer, Pineau, Pouliot, Powers, Richardson, Rydell, Salisbury, Simonds, Simpson, Skoglund, Stevens, P.; Townsend, Tracy, Treat, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bowers, Butland, Carroll, J.; Clark, H.; Cote, DiPietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Hale, Hanley, Heino, Hepburn, Hichborn, Hichens, Hussey, Jacques, Jalbert, Kerr, Ketterer, Kutasi, LaPointe, Lebowitz, Libby, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, Martin, H.; McHenry, Merrill, Michaud, Murphy, Nash, Nutting, Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Saint Onge, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Aliberti, Bennett, Boutilier, Carroll, D.; Cashman, Clark, M.; Erwin, Gean, Hastings, Mitchell, E.; Rand, Tardy, The Speaker.

Yes, 58; No, 80; Absent, 13; Paired, 0; Excused, 0.

58 having voted in the affirmative and 80 in the negative with 13 being absent, the motion to insist and ask for a Committee of Conference did not prevail.

Subsequently, the House voted to adhere.

Representative Marsano of Belfast moved that the House reconsider its action whereby it voted to adhere.

The SPEAKER: The pending question before the House is the motion of Representative Marsano of

Belfast that the House reconsider its action whereby it voted to adhere. Those in favor will say yes; those opposed will say no.

A viva voce vote of the House was taken.

Subsequently, the Speaker ordered a Division.

The SPEAKER: The pending question before the House is the motion of Representative Marsano of Belfast that the House reconsider its action whereby it voted to adhere. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 78 in the negative, the motion to reconsider did not prevail.

The Chair laid before the House the following matter: Bill "An Act to Compensate Landowners for Land Value Lost because of Wildlife Restrictions" (H.P. 1039) (L.D. 1512) which was tabled earlier in the day and later today assigned pending reference.

Subsequently, was referred to the Committee on **Energy and Natural Resources**, ordered printed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

On motion of Representative LaPointe of Auburn, Adjourned at 8:26 p.m. until Wednesday, April 17, 1991 at five o'clock in the afternoon.
