

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Sixteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**

**FIRST REGULAR SESSION**

**House of Representatives**  
December 2, 1992 to May 13, 1993

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Monday, April 26, 1993.

**ENACTOR**

**Later Today Assigned**

An Act to Prevent Discrimination (S.P. 92) (L.D. 246) (C. "A" S-57)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative Coffman of Old Town requested a roll call vote on enactment.

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 Sanford, Representative Carr.

Representative CARR: Mr. Speaker, I have a question regarding L.D. 246. I would address it to anyone who could answer.

I understand that L.D. 246 is not a gay rights bill per se, it is for sexual orientation regarding to all. My question is, if an employer has three applicants, one of whom is gay, one of whom is straight and one of whom is bisexual, does the employer stand an inordinate risk of a discrimination suit if he or she hires one or the other under the terms of this bill?

The SPEAKER: Representative Carr of Sanford has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would be glad to respond to the question that was just asked. I believe that this is a risk that faces an employer in any case, with or without this bill, because in most cases you would have in front of you somebody who had some sexual orientation and what this bill does is simply say you cannot discriminate and eliminate anybody on the basis of whatever their sexual orientation is or you believe it to be. So, what it means is that an employer is best able to avoid any suit by relying on a person's qualifications for the job. But, there is no more risk as the result of this bill than there is by the fact that we prohibit discrimination based on race and yet we always would be hiring somebody who has some race or that we prohibit discrimination based on religion and, in most cases, we would be considering applicants who had some religion.

Mr. Speaker, I would also request permission to read into the Record a statement that was agreed to in the Judiciary Committee to clarify the exemptions under this bill.

In the Judiciary Committee, we discussed the

current law exemptions and the exemptions under the bill and agreed that it would be helpful to read into the Record what the status of current law is and what the effect of L.D. 246 would be.

The current law, with respect to Title 5, Section 4553 and under that, the subsection definition of employer, provides with respect to the definition of employer regarding religious organizations and fraternities that existing prohibitions against discrimination in employment do not apply to a religious or fraternal corporation or association not organized for private profit and in fact not conducted for private profit with respect to employment of its members of the same religion, sect or fraternity. In other words, when a religion or fraternity hires one of its own members, the Human Rights Act does not apply.

Secondly, with respect to the effect of L.D. 246 on fraternities — under L.D. 246, the same exemption just described would continue for fraternities. In other words, under L.D. 246, fraternities will not be subject to the sexual orientation discrimination prohibition when they hire members of their own fraternity.

Third, with respect to the exemption for religious organizations under L.D. 246 — under L.D. 246, religious organizations would have a broader exemption than they have in current law. In other words, the sexual orientation discrimination prohibition would not apply at all to a religious organization.

Thank you, I urge your support.

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

Representative CARR: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Hallowell just compared sexual orientation to a protected minority class such as sex, age, or color. However, I believe, unless I am mistaken, all candidates would have a sexual orientation and I feel, under this bill, would be subject to and according to this bill, although the intent is good, I fear the legislation favors only those in the legal profession and again it would be a lawyers relief act. I would urge we take action.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted.

The Chair recognizes the Representative from Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Donnelly of Presque Isle. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Skoglund of St. George. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Townsend of Canaan. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Larrivee of Gorham. If she were present and voting, she would be voting yea; I would be voting nay.

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

ROLL CALL NO. 55

YEA - Adams, Ault, Beam, Bowers, Brennan, Caron, Carroll, Cashman, Chase, Chonko, Clement, Cloutier, Coles, Constantine, Cote, Daggett, Dore, Faircloth, Farnsworth, Fitzpatrick, Gean, Gray, Gwadosky, Hale, Hatch, Heeschen, Hogle, Holt, Johnson, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Lemke, Lindahl, Martin, H.; Melendy, Michael, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, O'Gara, Oliver, Paradis, P.; Pendexter, Pendleton, Pfeiffer, Pinette, Rand, Reed, G.; Richardson, Rotondi, Rowe, Ruhlin, Rydell, Saxl, Simonds, Small, Stevens, K.; Sullivan, Swazey, Townsend, E.; Townsend, G.; Tracy, Treat, Walker, Wentworth, Winn, The Speaker.

NAY - Ahearne, Aikman, Aliberti, Anderson, Bailey, R.; Barth, Bennett, Bruno, Cameron, Campbell, Carr, Clark, Clukey, Coffman, Cross, Dexter, DiPietro, Driscoll, Erwin, Farnum, Farren, Foss, Greenlaw, Heino, Hichborn, Hillock, Hussey, Jalbert, Joy, Kneeland, Kutasi, Lemont, Libby James, Lord, MacBride, Marsh, Marshall, Murphy, Nash, Nickerson, Plourde, Plowman, Poulin, Pouliot, Quint, Reed, W.; Ricker, Robichaud, Saint Onge, Simoneau, Spear, Stevens, A.; Strout, Taylor, True, Tufts, Vigue, Whitcomb, Young, Zirnkilton.

ABSENT - Bailey, H.; Carleton, Cathcart, Dutremble, L.; Gamache, Libby Jack, Look, Ott, Pineau, Tardy, Thompson.

PAIRED - Lipman (Yea)/Donnelly (Nay); Michaud (Nay)/Skoglund (Yea); Gould (Nay)/Townsend, L. (Yea); Jacques (Nay)/Larrivee (Yea).

Yes, 72; No, 60; Absent, 11; Paired, 8; Excused, 0.

72 having voted in the affirmative and 60 in the negative with 11 being absent and 8 having paired, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, April 13, 1993, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

Bill "An Act to Ensure Geographically Appropriate Placement for Nursing Home Residents" (S.P. 87) (L.D. 241)

TABLED - April 13, 1993 (Till Later Today) by

Representative GWADOSKY of Fairfield.  
PENDING - Passage to be Engrossed.

On motion of Representative Paradis of Augusta, retabled pending passage to be engrossed and later today assigned.

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-142) - Committee on Banking and Insurance on Resolve, Directing the Bureau of Banking and the Bureau of Consumer Credit Protection to Develop Additional Consumer Credit Protections (H.P. 46) (L.D. 62)

TABLED - April 13, 1993 by Representative LIBBY of Buxton.

PENDING - Motion of Representative PINEAU of Jay to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Libby.

Representative LIBBY: Mr. Speaker, Colleagues of the House: I would like to briefly explain this bill if I might. It is one that I put forth. The bill is an attempt to re-regulate financial institutions and safeguard against what I feel is a travesty to our economy and that is the pre-approved credit card and the obscene credit limits that banks are throwing our way.

I would just like to tell you a quick story of how and why I brought forth this particular bill. A student that I had at St. Joseph's College came to me one day and said, "I have a problem." I said I would like to help and he said, "Listen, I have seven credit cards and they have all been maxed out." I said, "How much do you owe?" He said, "\$3,500." I said, "Yes, you are right, this is a problem."

Also, I have other cases, I am not going to explain them all but a recently divorced housewife really had no income to speak of and she supplemented her income with a credit card and came to me for advice.

A young couple who did have employment supplemented their income, living beyond their means, and racked up credit card bills beyond the level of \$30,000.

I want you to know that another reason I brought this bill forward is because two-thirds of our economy is based on consumer spending and right now nobody is spending. A lot of the reasons why nobody is spending is because they owe a significant amount of money to revolving credit, some of that is credit cards. They are over their head in debt. That is what it comes down to.

This bill forces banks and financial institutions to reinstitute the concept of collective lending standards so that you, your son, your daughter, will have the credit that they deserve, not two dozen credit cards that they can't possibly pay for unless they borrow from one card to pay for another. Letting banks oversee credit limits is akin, in my mind, to letting the wolf guard the hen house, except in this case, the hen house is our economy and the