

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Legislative Record
House of Representatives
One Hundred and Nineteenth Legislature
State of Maine

Volume III

Second Regular Session

March 23, 2000 – May 12, 2000

Appendix
House Legislative Sentiments
Index

has to come from the heart. This bill is a mandate and funding should be provided. Mr. Speaker, I would request a roll call.

The same Representative **REQUESTED** a roll call on the motion to **ADOPT House Amendment "C" (H-1065) to Committee Amendment "A" (S-581)**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

On motion of Representative TUTTLE of Sanford, **TABLED** pending **ADOPTION of House Amendment "C" (H-1065) to Committee Amendment "A" (S-581)** and later today assigned. (Roll Call Ordered)

Mandate

An Act to Authorize School Administrative Units to Utilize Alternative Delivery Methods for a Limited Range and Number of School Construction Projects, Including the use of an Owner's Representative for Certain School Construction Projects

(S.P. 892) (L.D. 2311)
(H. "A" H-1036 to C. "A" S-623)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 21 of Article IX of the Constitution, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 2 against, and accordingly the Mandate was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Acts

An Act to Exempt Capital Gains from the Maine Income Tax
(H.P. 219) (L.D. 297)
(C. "A" H-890)

An Act to Implement the Recommendations of the 118th Legislative Joint Select Committee to Implement a Program for the Control, Care and Treatment of Sexually Violent Predators
(S.P. 111) (L.D. 308)
(C. "B" S-621)

An Act to Exempt Certain Law Enforcement Officers from the Full Course of Training at the Maine Criminal Justice Academy
(H.P. 404) (L.D. 546)
(C. "A" H-1016)

An Act to Encourage Educational Options
(H.P. 1420) (L.D. 2027)
(C. "A" H-1020)

An Act Concerning the Formation of the Central Maine Regional Public Safety Communication Center
(H.P. 1542) (L.D. 2196)
(H. "A" H-980 to C. "A" H-945)

An Act to Amend the Laws Governing Paternity Establishment
(H.P. 1634) (L.D. 2286)
(C. "A" H-1032)

An Act to Establish a Targeted Need Teacher Certificate
(S.P. 886) (L.D. 2301)
(C. "A" S-610)

An Act to Expand Educational Opportunities for Elderly Persons
(H.P. 1692) (L.D. 2398)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act Regarding Water Quality Testing for Property Abutting a Special Waste Landfill

(H.P. 852) (L.D. 1209)
(C. "A" H-1028)

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

On motion of Representative TRACY of Rome, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 557

YEA - Ahearne, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bouffard, Bowles, Brennan, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond, Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Gooley, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McKenney, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Pinkham, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Schneider, Sherman, Shiah, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Sullivan, Thompson, Tobin D, Tobin J, Tracy, Trahan, Treadwell, Tripp, True, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Wheeler GJ, Winsor, Mr. Speaker.

NAY - NONE.

ABSENT - Bolduc, Bragdon, Brooks, Goodwin, Jabar, Kane, Kasprzak, Kneeland, Lindahl, Mailhot, O'Neal, Perry, Povich, Saxl MV, Sirois, Stevens, Tessier, Townsend, Tuttle, Williams.

Yes, 131; No, 0; Absent, 20; Excused, 0.

131 having voted in the affirmative and 0 voted in the negative, with 20 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Ensure Civil Rights and Prevent Discrimination
(S.P. 840) (L.D. 2239)
(C. "A" S-624)

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

On motion of Representative PLOWMAN of Hampden, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The **SPEAKER**: The Chair recognizes the Representative from Standish, Representative Mack.

Representative **MACK**: Right Honorable Mr. Speaker, Men and Women of the House. I urge you to vote against the pending motion. Yesterday the Right Honorable Representative from Ellsworth spoke about his Jewish roots in Eastern Europe. Over the night I got to thinking about my own family's Jewish roots in Eastern Europe and how privileged we are to be Jewish and to be an American. This is the first country where we could come and not be persecuted and not be oppressed because we are Jewish. Have we been discriminated against at times? You bet we have. I have even been discriminated against sometimes in life, my business dealing and other things. In fact, I was the only Jewish student at Chevrus High School. I would not trade my experience at Chevrus High School for the world. It was a wonderful education. There were a few interesting moments being the only Jewish student there. In fact, my grandfather in the 1950s desperately wanted to be a member of the Portland Country Club, but in the 1950s even though he met every criteria to be a member of the Portland Country Club, they would not let him join because he was Jewish. In 1960 my grandfather became Mayor of Portland and wouldn't you know it, they invited him to become a member of the Portland Country Club. To this day, my grandfather, God bless him, he still goes down to Riverside Municipal Golf Course and plays golf there as much as he can. He is 82. He likes doing it.

We face discrimination at times, but discrimination is like the rain. It is something you can't stop through legislation. When it rains outside you put up an umbrella and you go on with your business. My stepfather is black. I was born in Kingston, Jamaica. My family finds it offensive when people try to compare the struggle of homosexuals with that of religion or the color of someone's skin. They are two separate types of issues. As we have learned in the 118th Legislature when I was the victim of discrimination in a bias incident right here on the floor of the House. To truly change and to truly get rid of hatred in the State of Maine, it must come by changing people's hearts, not through legislation. I thank you and I urge you to vote against the pending motion.

The **SPEAKER**: The Chair recognizes the Representative from Poland, Representative Snowe-Mello.

Representative **SNOWE-MELLO**: Mr. Speaker, Ladies and Gentlemen of the House. I was going to speak yesterday, but I wasn't feeling very well so I didn't have the energy. I will speak today on this issue. A minister friend of mine sent me a speech and asked me to please be his voice in the Legislature. That is what I am doing right now is being his voice. This bill, LD 2239, in his estimation and my estimation is seriously flawed and must not be put before the people of Maine.

I say this to you, ladies and gentlemen of the House, because the bill utterly disregards the freedom of conscience and the freedom of association of the individual, which is the essence of the freedom of religion protected by the Constitution of the United States. While most people of Maine, including those from our faith communities are already dealing with members of the homosexual community in exactly the same way they deal with everyone else. Room must be made for those among us whose contact with members of that community adversely impacts their consciences and their business and their family lives. No one has the right to tinker with the consequences or to legislate against them. All this is protected by the First Amendment, but because this proposed law is flawed in this fundamental way, but it also has two more serious flaws. Number one, because only certain societies are exempt

corporately from the law at the expense of conscious of their individual members. This is a breach, as I have said, of the Constitution. There is no basis for any confidence or good faith concerning the sincerity of the exception.

Promises based on failure to embrace our Constitution, in other words, cannot be believed. Number two, because this segment of our society is not exempt, but must surrender its constitutional rights for the benefit of another segment of our society. The proponents of the bill can no longer claim that by adding sexual orientation to the bill, it is now creating a new protected class. It is doing just that. That is what civil rights laws are all about. A society as a whole being, willing to give up some of their rights in order to allow certain members of that society the opportunity to rise above the results of their oppression. When we do this for any class of people, we make them a protected class.

This bill is seriously flawed because it disregards the conscience of the individual, which is the essence of religious freedom and because of this it is promised to exempt certain societies as a false basis and cannot be trusted and it is stated that it is not creating a new protective class also has a false statement and cannot be trusted either.

I also have to stand here today. Yesterday I heard things that really upset me. I have gone to Washington a few times this winter to some conferences and I have met many of our black brothers and sisters who are still in utter pain and agony because of the treatment that we, as a nation, caused them. We cannot ever, ever compare what the gay and lesbian society is going through. We can never compare them to what the blacks went through. The blacks remember. Their homes were burnt down. They couldn't eat in restaurants together. They couldn't take a bus with another white person. They couldn't do anything.

Please think twice before comparing yourself with those of our black brothers and sisters. They had no choice. They were brought over here. They didn't ask to come. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from the Penobscot Nation, Representative Loring.

Representative **LORING**: Mr. Speaker, Men and Women of the House. I wasn't here last night for this vote. I really wanted to go on record. I wanted to say that for people that don't know it, all of the Indian reservations voted not to repeal the gay rights law when that referendum came up. Indian people, believe me, know what discrimination is and we know that gays and lesbians have been just as much discriminated against as we have. We identify with them. I hope that you will vote for this Enactment. Thank you.

The **SPEAKER**: The Chair recognizes the Representative from Carmel, Representative Treadwell.

Representative **TREADWELL**: Mr. Speaker, Ladies and Gentlemen of the House. Last night we heard a few references, at least, to the fact that the Catholic Church was exempted from the requirements of this bill. Are there any civic organizations or any other organizations, specifically the Boy Scouts of America, that may be exempted from this bill? If anybody could answer.

The **SPEAKER**: The Chair recognizes the Representative from Lewiston, Representative Cote.

Representative **COTE**: Mr. Speaker, Men and Women of the House. As I spoke last night on this bill, I hope you follow my light again and agree to this enactment. Vote for this one and not against. I am not going to repeat what I said last night because it still stands as I stated last night. I urge you to follow my light once more. Thank you.

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

Representative **MENDROS**: Mr. Speaker, Ladies and Gentlemen of the House. In answer to Representative Treadwell's question, there is no exemption for the Boy Scouts. In fact, a vote for this is a vote against the Boy Scouts.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 558

YEA - Andrews, Bagley, Baker, Berry RL, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bryant, Bull, Cameron, Cianchette, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Dudley, Dugay, Dunlap, Duplessie, Etnier, Fisher, Frechette, Fuller, Gagne, Gagnon, Green, Hatch, Jacobs, Jones, Kane, LaVerdiere, Lemoine, Lemont, Mailhot, Marvin, Matthews, Mayo, McDonough, McGlocklin, McKee, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Powers, Quint, Richard, Richardson J, Rines, Samson, Savage W, Saxl JW, Saxl MV, Shiah, Skoglund, Stanwood, Stevens, Sullivan, Tessier, Thompson, Townsend, Tracy, Tripp, True, Tuttle, Twomey, Usher, Volenik, Watson, Wheeler GJ, Williams, Mr. Speaker.

NAY - Ahearn, Belanger, Berry DP, Bowles, Bragdon, Buck, Bumps, Campbell, Carr, Chick, Chizmar, Clark, Clough, Davis, Desmond, Duncan, Foster, Gerry, Gillis, Glynn, Gooley, Heidrich, Honey, Jodrey, Joy, Kneeland, Labrecque, Lovett, MacDougall, Mack, Madore, Martin, McAlevey, McKenney, McNeil, Mendros, Nutting, Pinkham, Plowman, Richardson E, Rosen, Sanborn, Savage C, Schneider, Sherman, Shields, Shorey, Snowe-Mello, Stanley, Stedman, Tobin D, Tobin J, Trahan, Treadwell, Waterhouse, Weston, Wheeler EM, Winsor.

ABSENT - Goodwin, Jabar, Kasprzak, Lindahl, O'Neal, Perry, Povich, Sirois.

Yes, 85; No, 58; Absent, 8; Excused, 0.

85 having voted in the affirmative and 58 voted in the negative, with 8 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

An Act to Expand Eligibility for the Veterans' Property Tax Exemption

(H.P. 1662) (L.D. 2331)
(C. "A" H-882)

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

On motion of Representative McALEVEY of Waterboro, was **SET ASIDE**.

The same Representative **REQUESTED** a roll call on **PASSAGE TO BE ENACTED**.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Enactment. All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 559

YEA - Ahearn, Andrews, Bagley, Baker, Belanger, Berry DP, Berry RL, Bolduc, Bouffard, Bowles, Bragdon, Brooks, Bruno, Bryant, Buck, Bull, Bumps, Cameron, Campbell, Carr, Chick, Chizmar, Cianchette, Clark, Clough, Collins, Colwell, Cote, Cowger, Cross, Daigle, Davidson, Davis, Desmond,

Dudley, Dugay, Duncan, Dunlap, Duplessie, Etnier, Fisher, Foster, Frechette, Fuller, Gagne, Gagnon, Gerry, Gillis, Glynn, Green, Hatch, Heidrich, Honey, Jacobs, Jodrey, Jones, Joy, Kane, Labrecque, LaVerdiere, Lemoine, Lemont, Lovett, MacDougall, Mack, Madore, Mailhot, Martin, Marvin, Matthews, Mayo, McAlevey, McDonough, McGlocklin, McKee, McNeil, Mendros, Mitchell, Murphy E, Murphy T, Muse, Nass, Norbert, Nutting, O'Brien JA, O'Brien LL, O'Neil, Peavey, Perkins, Pieh, Pinkham, Plowman, Powers, Quint, Richard, Richardson E, Richardson J, Rines, Rosen, Samson, Sanborn, Savage C, Savage W, Saxl JW, Saxl MV, Schneider, Sherman, Shiah, Shields, Shorey, Skoglund, Snowe-Mello, Stanley, Stanwood, Stedman, Stevens, Sullivan, Tessier, Thompson, Tobin D, Tobin J, Townsend, Tracy, Trahan, Treadwell, Tripp, True, Tuttle, Twomey, Usher, Volenik, Waterhouse, Watson, Weston, Wheeler EM, Williams, Winsor, Mr. Speaker.

NAY - McKenney.

ABSENT - Brennan, Goodwin, Gooley, Jabar, Kasprzak, Kneeland, Lindahl, O'Neal, Perry, Povich, Sirois, Wheeler GJ.

Yes, 138; No, 1; Absent, 12; Excused, 0.

138 having voted in the affirmative and 1 voted in the negative, with 12 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

ENACTORS

Emergency Measure

An Act to Implement the Recommendations of the Joint Standing Committee on Marine Resources Relating to the Review of the Maine Sardine Council Under the State Government Evaluation Act

(H.P. 1883) (L.D. 2618)

(H. "A" H-1033 to C. "A" H-963)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 0 against, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

Emergency Measure

Resolve, Regarding Legislative Review of Chapter (Unassigned): Rules Governing Maine Milk and Milk Products, Major Substantive Rules of the Department of Agriculture, Food and Rural Resources

(H.P. 1860) (L.D. 2595)

(C. "A" H-1013)

Reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 0 against, and accordingly the Resolve was **FINALLY PASSED**, signed by the Speaker and sent to the Senate.

Mandate

An Act to Require the Training of School Personnel Who Administer Medications

(S.P. 424) (L.D. 1261)

(C. "A" S-634)