

# 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**  
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

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
32nd Legislative Day  
Monday, April 1, 1991

The House met according to adjournment and was called to order by the Speaker.

Prayer by Pastor Rick L. Stoops, First United Pentecostal Church, Augusta.

Pledge of Allegiance.

The Journal of Thursday, March 28, 1991, was read and approved.

---

SENATE PAPERS

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 28, 1991

The Honorable John L. Martin  
Speaker of the House  
115th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Agriculture, Betty Sawyer of Jonesport for reappointment to the Animal Welfare Board.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

---

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 28, 1991

The Honorable John L. Martin  
Speaker of the House  
115th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the following:

The Honorable Ian MacInnes of Bangor for reappointment as Active Retired Justice of the Superior Court.

The Honorable Clifford O'Rourke of Camden for

appointment as Active Retired Judge of the Maine District Court.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

---

The following Communication:

Maine State Senate  
Augusta, Maine 04333

March 28, 1991

The Honorable John L. Martin  
Speaker of the House  
115th Legislature  
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Judiciary, the following:

The Honorable F. Davis Clark of Dover-Foxcroft for reappointment as Active Retired Judge of the Maine District Court.

The Honorable Ronald A. Daigle of Fort Kent for reappointment as Judge of the Maine District Court.

The Honorable Thomas E. Delahanty, II of Lewiston for reappointment as Justice of the Maine Superior Court.

The Honorable Courtland Perry, II of Augusta for reappointment as Judge of the Maine District Court.

The Honorable Paul T. Pierson of Caribou for reappointment as Justice of the Maine Superior Court.

The Honorable Michael N. Westcott of Damariscotta for appointment as Judge of the Maine District Court.

The Honorable Michael N. Westcott is replacing Clifford O'Rourke.

Sincerely,

S/Joy J. O'Brien  
Secretary of the Senate

Was read and ordered placed on file.

---

Bill "An Act to Extend the Period of Time to Allow Certain School Secretaries to Elect Not to Be Members of the Maine State Retirement System"

(EMERGENCY) (S.P. 487) (L.D. 1325)

Came from the Senate, referred to the Committee on **Aging, Retirement and Veterans** and Ordered Printed.

Was referred to the Committee on **Aging, Retirement and Veterans** in concurrence.

---

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Help Municipalities and Water Districts with the Costs of Capital Construction to Protect Public Water Supplies" (S.P. 502) (L.D. 1340)

Came from the Senate, referred to the Committee on **Appropriations and Financial Affairs** and Ordered Printed.

Was referred to the Committee on **Appropriations and Financial Affairs** in concurrence.

---

Bill "An Act to Provide Separate Medical Indemnity Premium Charges Under the Workers' Compensation Insurance Act" (S.P. 497) (L.D. 1335)

Came from the Senate, referred to the Committee on **Banking and Insurance** and Ordered Printed.

Was referred to the Committee on **Banking and Insurance** in concurrence.

---

Bill "An Act to Create a Logging Fund to Provide Safety and Reasonably Priced Guaranteed Insurance for the State's Logging Industry" (S.P. 470) (L.D. 1253)

Came from the Senate, indefinitely postponed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Banking and Insurance**.)

Was indefinitely postponed in concurrence.

---

Bill "An Act to Amend Various Provisions of the Electricians' Examining Board Laws" (S.P. 503) (L.D. 1341)

Bill "An Act Related to the Board of Licensure for Substance Abuse Counselors" (S.P. 505) (L.D. 1343)

Came from the Senate, referred to the Committee on **Business Legislation** and Ordered Printed.

Were referred to the Committee on **Business Legislation** in concurrence.

---

Bill "An Act Concerning Teacher Employment" (S.P. 500) (L.D. 1338)

Came from the Senate, referred to the Committee on **Education** and Ordered Printed.

Was referred to the Committee on **Education** in concurrence.

---

Bill "An Act to Expand Public Representation on the Board of Environmental Protection" (S.P. 498) (L.D. 1336)

Came from the Senate, referred to the Committee on **Energy and Natural Resources** and Ordered Printed.

Was referred to the Committee on **Energy and Natural Resources** in concurrence.

---

Bill "An Act to Protect Riders of Snowmobiles" (S.P. 488) (L.D. 1326)

Came from the Senate, referred to the Committee on **Fisheries and Wildlife** and Ordered Printed.

Was referred to the Committee on **Fisheries and Wildlife** in concurrence.

---

Bill "An Act to Enhance Social Services and Therapeutic Patient Activities in Nursing Homes" (S.P. 494) (L.D. 1332)

Came from the Senate, referred to the Committee on **Human Resources** and Ordered Printed.

Was referred to the Committee on **Human Resources** in concurrence.

---

Bill "An Act to Include Radiology in the Medical Liability Demonstration Project" (EMERGENCY) (S.P. 495) (L.D. 1333)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

Was referred to the Committee on **Judiciary** in concurrence.

---

Bill "An Act to Create a Duty of Fair Representation under the University of Maine System Labor Relations Act" (S.P. 489) (L.D. 1327)

Bill "An Act to Clarify the Provisional Payments Provision of the Workers' Compensation Laws Regarding Disability and Medical Payments" (S.P. 490) (L.D. 1328)

Bill "An Act Concerning Salary Provisions for Automotive Industry Personnel" (S.P. 491) (L.D. 1329)

Bill "An Act Concerning Eligibility for Weekly Disability Benefits" (S.P. 499) (L.D. 1337)

Came from the Senate, referred to the Committee on **Labor** and Ordered Printed.

Were referred to the Committee on **Labor** in concurrence.

---

Bill "An Act Regarding Sprinkler Systems in New Buildings" (S.P. 493) (L.D. 1331)

Bill "An Act to Eliminate Municipal Responsibility for Issuing Concealed Weapon Permits" (S.P. 504) (L.D. 1342)

Came from the Senate, referred to the Committee on **Legal Affairs** and Ordered Printed.

Were referred to the Committee on **Legal Affairs** in concurrence.

---

Bill "An Act to Create a Lobster and Shellfish Advisory Commission" (S.P. 496) (L.D. 1334)

Bill "An Act to Make Revisions in the Marine Resource Laws" (S.P. 510) (L.D. 1359)

Came from the Senate, referred to the Committee on **Marine Resources** and Ordered Printed.

Were referred to the Committee on **Marine Resources** in concurrence.

---

Bill "An Act to Amend the Salaries of the Knox County Commissioners and Officers" (EMERGENCY) (S.P. 501) (L.D. 1339)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

On motion of Representative Melendy of Rockland, tabled pending reference in concurrence and specially assigned for Thursday, April 4, 1991.

---

Bill "An Act to Promote Competition in Providing Telecommunications Services" (S.P. 492) (L.D. 1330)

Bill "An Act to Grant Enforcement Powers to Sewer Districts" (S.P. 509) (L.D. 1358)

Came from the Senate, referred to the Committee on **Utilities** and Ordered Printed.

Were referred to the Committee on **Utilities** in concurrence.

---

**Reported Pursuant to Resolve**

Report of the Special Committee for the New Capitol Area Master Plan, pursuant to Resolve 1989, chapter 60 ask leave to submit its findings and to report that the accompanying Resolve, to Provide

Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (EMERGENCY) (S.P. 507) (L.D. 1345) be referred to the Joint Standing Committee on **State and Local Government** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **State and Local Government** and ordered printed.

Report was read and accepted and the bill referred to the Committee on **State and Local Government** and ordered printed in concurrence.

---

**Reported Pursuant to Resolve**

Report of the Special Committee for the New Capitol Area Master Plan, pursuant to Resolve 1989, chapter 60 ask leave to submit its findings and to report that the accompanying Bill "An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission" (S.P. 508) (L.D. 1346) be referred to the Joint Standing Committee on **State and Local Government** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **State and Local Government** and ordered printed.

Report was read and accepted and the bill referred to the Committee on **State and Local Government** and ordered printed in concurrence.

---

**Unanimous Ought Not To Pass**

Report of the Committee on **Human Resources** reporting "**Ought Not to Pass**" on Bill "An Act to Provide Advocacy for Children Involved with Abuse Investigations" (S.P. 148) (L.D. 360)

Report of the Committee on **Legal Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Change the Date for Statewide Primary Election" (S.P. 25) (L.D. 35)

Report of the Committee on **Legal Affairs** reporting "**Ought Not to Pass**" on Bill "An Act Relating to Political Action Committees Organized Outside of the State" (S.P. 45) (L.D. 71)

Report of the Committee on **Legal Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Restrict the Use of the Term "Reelect" in Election Campaigns" (S.P. 128) (L.D. 230)

Report of the Committee on **Marine Resources** reporting "**Ought Not to Pass**" on Bill "An Act to Ensure Adequate Stocking of Washington County Atlantic Salmon Rivers" (S.P. 141) (L.D. 353)

Report of the Committee on **Marine Resources** reporting "**Ought Not to Pass**" on Bill "An Act to

Promote the Safety of Scuba Divers" (S.P. 218) (L.D. 545)

Report of the Committee on Housing and Economic Development reporting "Ought Not to Pass" on Bill "An Act to Require Local Development Corporations to Hold Open Meetings" (S.P. 170) (L.D. 425)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Agriculture reporting "Leave to Withdraw" on Bill "An Act Promoting Cranberry Cultivation in Maine" (EMERGENCY) (S.P. 317) (L.D. 855)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act Concerning Insurance Cancellation Hearings" (S.P. 304) (L.D. 813)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act Regarding a 10% Rollback on Automobile Insurance Rates" (S.P. 405) (L.D. 1081)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Eliminate the Requirement of Uninsured and Underinsured Motorist Coverage" (S.P. 417) (L.D. 1129)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Amend the Growth Management Program Laws" (S.P. 267) (L.D. 726)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Maintain Appropriate Residential Care to Clients of Pineland Center" (S.P. 398) (L.D. 1074)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Create a Magistrate System within the Maine Courts" (S.P. 213) (L.D. 540)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Require a Current Tax Map Reference on a Declaration of Value" (S.P. 287) (L.D. 769)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Prevent Immediate Fishing in Recently Stocked Streams, Brooks or Ponds" (S.P. 245) (L.D. 654)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Require the Filing of Current Tax Maps Annually in the Registry of Deeds" (S.P. 253) (L.D. 711)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Direct the State to Adjust Its Computer

Systems so that the Names of Individuals or Corporations Are Written as They Are Legally Stated" (S.P. 266) (L.D. 725)

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

**Refer to the Committee on Business Legislation**

Report of the Committee on State and Local Government on Bill "An Act Concerning Public Representation on Professional and Occupational Boards or Commissions" (S.P. 444) (L.D. 1188) reporting that it be referred to the Committee on Business Legislation.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Business Legislation.

Report was read and accepted and the bill referred to the Committee on Business Legislation in concurrence.

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-32) on Bill "An Act to Prevent Discrimination" (S.P. 175) (L.D. 430)

Signed:

Senators: GAUVREAU of Androscoggin  
BERUBE of Androscoggin

Representatives: PARADIS of Augusta  
ANTHONY of South Portland  
STEVENS of Bangor  
FARNSWORTH of Hallowell  
CATHCART of Orono

Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill.

Signed:

Senator: HOLLOWAY of Lincoln

Representatives: OTT of York  
HANLEY of Paris  
RICHARDS of Hampden  
COTE of Auburn  
KETTERER of Madison

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-32)

Reports were read.

Representative Paradis of Augusta moved that the

House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

**Non-Concurrent Matter**

JOINT RESOLUTION (S.P. 300) RELATIVE TO RECOGNIZING THE ESTABLISHMENT OF CHILDREN'S CASTLE which was indefinitely postponed in the House on February 26, 1991.

Came from the Senate with that Body having adhered to its former action whereby the Joint Resolution was adopted in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

Came from the Senate, Read and Referred to the Committee on Agriculture.

Was Read and Referred to the Committee on Agriculture in concurrence.

The following Communication:

115TH MAINE LEGISLATURE

March 28, 1991

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to our authority under Chapter 9 of the Public Laws of 1991, we have appointed the following to serve on the Special Commission on Governmental Restructuring:

- Roland Caron, of Eagle Lake
- James Howaniec, of Lewiston
- Charlene Kinnelly, of Hallowell
- Edward Laverty, of Orono
- Patrick McGowan, of Canaan
- Donald Nicoll, of Portland
- Bonnie Post, of Owl's Head
- Dr. John Rosser, of Portland

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

**Non-Concurrent Matter**

Bill "An Act to Allow Service of Civil Process by any Licensed Private Investigator or Bonded Security Agency" (S.P. 434) (L.D. 1155) which was referred to the Committee on Judiciary in the House on March 21, 1991.

Came from the Senate with that Body having insisted on its former action whereby the Bill was referred to the Committee on Legal Affairs in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

March 26, 1991

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to my authority under 20-A, M.R.S.A., Section 603, I have

**COMMUNICATIONS**

The following Communication: (S.P. 486)

115TH MAINE LEGISLATURE

March 25, 1991

Senator R. Donald Twitchell  
Rep. Robert J. Tardy  
Chairpersons  
Joint Standing Committee on Agriculture  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Clement H. Smith of Monmouth for appointment to the Animal Welfare Board.

Pursuant to Title 7, MRSA Section 3903, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

today appointed Rep. James R. Handy, of Lewiston, to serve as the House member from Maine on the Education Commission of the States.

Sincerely,

S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

Was read and ordered placed on file.

The following Communication:

MAINE ADVOCACY SERVICES  
ONE GRANDVIEW PLACE  
WINTHROP, MAINE 04364

March 19, 1991

The following Communication:

115TH MAINE LEGISLATURE

March 29, 1991

Representative John Martin  
Speaker of the House  
House of Representatives  
State House Station #2  
Augusta, Maine 04333

Dear Speaker Martin:

The Board of Directors, Advisory Council, and staff of Maine Advocacy Services are pleased to present our 1990 Annual Report.

The report briefly discusses several client cases resolved during the year; explains the nature of client representation undertaken by the Developmental Disability Protection and Advocacy, Mental Health Protection and Advocacy, and Client Assistance Programs; and describes special accomplishments and projects. An executive summary is enclosed for your convenience.

MAS is the designated Protection and Advocacy System for Maine's citizens with disabilities. Our authority to pursue administrative, legal, and other remedies stems from the state enabling legislation, Protection and Advocacy for Persons with Developmental or Learning Disabilities or Mental Illness, 5 MRSA Section 19501 et. seq.; the federal Developmental Disabilities Assistance and Bill of Rights Act, 42 USC Section 6042; and the federal Protection and Advocacy for Mentally Ill Individuals Act, 42 USC Section 10801 et. seq. MAS also operates the Client Assistance Program for the Bureau of Rehabilitation. This program is mandated by the federal Vocational Rehabilitation Act, 29 USC Section 732.

As always, if Maine Advocacy Services can be of assistance to you or your constituents, please do not hesitate to call upon us. Thank you.

Very truly yours,

S/Laura R. Petovello  
Executive Director

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bills, Resolve and Resolution were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the

Robert L. Woodbury, Chancellor  
University of Maine System  
107 Maine Avenue  
Bangor, Maine 04401-1805

Dear Chancellor Woodbury:

Pursuant to 20-A M.R.S.A., Section 10902-B, we are pleased to invite you to address a joint session of the 115th Maine Legislature on Thursday, April 25, at eleven o'clock in the morning, on the state of the University of Maine System and any other matters which you may care to bring to our attention.

We look forward to seeing you then. Best wishes.

Sincerely,

S/Charles P. Pray                      S/John L. Martin  
President of the Senate              Speaker of the House

Was read and ordered placed on file.

The following Communication:

115TH MAINE LEGISLATURE

March 29, 1991

Hon. Edmund S. Muskie  
5217 Westbard Avenue  
Bethesda, Maryland 20016

Dear Senator Muskie:

It is our privilege to invite you to address a joint session of the 115th Maine Legislature on Wednesday, May 1, at eleven o'clock in the morning, in observance of Law Day.

We would be pleased to hear any remarks you may wish to make. We look forward to seeing you then. Best wishes.

Sincerely,

S/Charles P. Pray                      S/John L. Martin  
President of the Senate              Speaker of the House



following Committees, Ordered Printed and Sent up for Concurrence:

**Aging, Retirement and Veterans**

Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery" (H.P. 964) (L.D. 1391) (Presented by Representative GRAHAM of Houlton) (Cosponsored by Representative AULT of Wayne, Representative BUTLAND of Cumberland and Senator THERIAULT of Aroostook)

Ordered Printed.  
Sent up for Concurrence.

**Agriculture**

Bill "An Act to Change the Geographic Representation of the Maine Potato Board" (H.P. 951) (L.D. 1378) (Presented by Representative PINES of Limestone) (Cosponsored by Senator EMERSON of Penobscot, Representative BOWERS of Sherman and Representative BELL of Caribou)

Ordered Printed.  
Sent up for Concurrence.

**Judiciary**

Bill "An Act to Allow for Criminal and Civil Prosecution for Animal Trespass Laws" (H.P. 963) (L.D. 1390) (Presented by Representative TARDY of Palmyra)

(The Committee on Reference of Bills had suggested the Committee on **Agriculture**.)

On motion of Representative Tardy of Palmyra, was referred to the Committee on **Judiciary**, ordered printed, and sent up for concurrence.

**Judiciary**

Bill "An Act to Eliminate the Need for Notice of Claim When the Government Is Aware of a Claimant's Inquiries" (H.P. 941) (L.D. 1363) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Representative LAWRENCE of Kittery, Senator CONLEY of Cumberland and Senator McCORMICK of Kennebec)

(The Committee on Reference of Bills had suggested the Committee on **Banking and Insurance**.)

On motion of Representative Mitchell of Vassalboro, was referred to the Committee on **Judiciary**, ordered printed, and sent up for concurrence.

**Business Legislation**

Bill "An Act Increasing the Membership of the

Nursing Home Administrators Licensing Board and Clarifying the Penalty for Unlicensed Practice" (H.P. 966) (L.D. 1393) (Presented by Representative LEBOWITZ of Bangor) (Cosponsored by Representative GURNEY of Portland) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

**Energy and Natural Resources**

Bill "An Act to Repeal the Ban on Composite Material Beverage Containers" (H.P. 938) (L.D. 1360) (Presented by Representative GREENLAW of Standish)

Bill "An Act to Establish an Environmental Training, Technical Assistance and Education Program" (EMERGENCY) (H.P. 945) (L.D. 1367) (Presented by Representative AULT of Wayne) (Cosponsored by Representative COLES of Harpswell and Senator HOLLOWAY of Lincoln) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Bill "An Act to Establish Environmental Standards for Packaging" (H.P. 949) (L.D. 1371) (Presented by Representative TREAT of Gardiner) (Cosponsored by Senator TITCOMB of Cumberland, Representative ADAMS of Portland and Representative WENTWORTH of Arundel)

Bill "An Act to Establish the Environmental Appeals Board and to Amend Licensing and Permitting Procedures within the Department of Environmental Protection" (H.P. 950) (L.D. 1372) (Presented by Representative GWADOSKY of Fairfield) (Cosponsored by Senator CAHILL of Sagadahoc, President PRAY of Penobscot and Representative WHITCOMB of Waldo)

Bill "An Act to Clarify the Payment of Fees for Testing Private Water Supplies" (H.P. 952) (L.D. 1379) (Presented by Representative LORD of Waterboro) (Cosponsored by Senator DUTREMBLE of York, Representative JACQUES of Waterville and Senator VOSE of Washington)

Bill "An Act to Improve Markets for Recycled Materials" (H.P. 967) (L.D. 1394) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative ANDERSON of Woodland, Senator BALDACCI of Penobscot and Senator TITCOMB of Cumberland) (Submitted by the Maine Waste Management Authority pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

**Fisheries and Wildlife**

Bill "An Act Regarding Bow Hunting" (H.P. 953) (L.D. 1380) (Presented by Representative CARROLL of Gray)

Bill "An Act to Require Hunters of Upland Game to Wear Blaze Orange" (H.P. 961) (L.D. 1388) (Presented by Representative ROTONDI of Athens)

Bill "An Act to Increase Hunting Opportunity by Allowing Sunday Hunting in Unorganized Townships" (H.P. 962) (L.D. 1389) (Presented by Representative CARROLL of Southwest Harbor) (Cosponsored by Representative BAILEY of Township 27 and Representative ROTONDI of Athens) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

---

**Human Resources**

Bill "An Act to Increase the Personal Needs Allowance for Certain Elderly Persons" (H.P. 954) (L.D. 1381) (Presented by Representative HANLEY of Paris) (Cosponsored by Representative STEVENSON of Unity, Representative HEINO of Boothbay and Senator MCCORMICK of Kennebec)

Bill "An Act to Authorize Involvement of the Department of Human Services in Providing School-based Child Care" (H.P. 959) (L.D. 1386) (Presented by Representative CLARK of Brunswick) (Cosponsored by Representative PARADIS of Frenchville and Representative NORTON of Winthrop)

Ordered Printed.  
Sent up for Concurrence.

---

**Judiciary**

Bill "An Act Concerning Jury Duty" (H.P. 939) (L.D. 1361) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative DONNELLY of Presque Isle and Representative DUPLESSIS of Old Town)

Ordered Printed.  
Sent up for Concurrence.

---

**Later Today Assigned**

Bill "An Act to Extend Confidential Status to Medical Data Assembled by Certain Health Care Providers" (H.P. 946) (L.D. 1368) (Presented by Representative MELENDY of Rockland) (Cosponsored by Senator GAUVREAU of Androscoggin, Senator GILL of Cumberland and Representative MITCHELL of Vassalboro)

(The Committee on Reference of Bills had suggested the Committee on **Judiciary**.)

On motion of Representative Paradis of Augusta, tabled pending reference and later today assigned.

---

**Judiciary**

Bill "An Act to Provide Good Cause Basis for Extending the Notice of Claim Period" (H.P. 943)

(L.D. 1365) (Presented by Representative ANTHONY of South Portland) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative OTT of York and Representative KETTERER of Madison)

Bill "An Act to Amend the Uniform Rights of the Terminally Ill Act" (H.P. 944) (L.D. 1366) (Presented by Representative PFEIFFER of Brunswick) (Cosponsored by Representative MARSANO of Belfast, Senator CLARK of Cumberland and Representative CLARK of Brunswick)

Resolve, to Develop Evidence Protocols and Standardized Kits for Cases of Alleged Gross Sexual Misconduct (EMERGENCY) (H.P. 940) (L.D. 1362) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Representative DUPLESSIS of Old Town, Representative CATHCART of Orono and Senator MCCORMICK of Kennebec)

Ordered Printed.  
Sent up for Concurrence.

---

**Labor**

Bill "An Act to Require the Maine Job Training System Service Providers to Make Teen Parents a Priority" (H.P. 955) (L.D. 1382) (Presented by Representative CLARK of Brunswick) (Cosponsored by Representative MCKEEN of Windham and Representative PINES of Limestone)

Bill "An Act to Protect the Integrity and Enforceability of Collective Bargaining Agreements" (H.P. 957) (L.D. 1384) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative RAND of Portland, Senator ESTY of Cumberland and Senator ESTES of York)

Ordered Printed.  
Sent up for Concurrence.

---

**State and Local Government**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Override of a Governor's Veto by a Three-Fifths Vote (H.P. 947) (L.D. 1369) (Presented by Representative MAHANY of Easton) (Cosponsored by Representative STEVENS of Bangor, Senator CONLEY of Cumberland and Representative GRAHAM of Houlton)

Bill "An Act to Modify the Revenue Sharing Formula to Take into Account Individual Needs of Towns" (H.P. 958) (L.D. 1385) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Senator BALDACCI of Penobscot)

Ordered Printed.  
Sent up for Concurrence.

---

**Taxation**

Bill "An Act to Restructure the Personal Income Tax System to Provide Greater Equity and

Progressivity" (H.P. 942) (L.D. 1364) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative CASHMAN of Old Town, Representative MAYO of Thomaston and Senator TITCOMB of Cumberland)

Bill "An Act to Allow Landowners Who Do Not Post Their Property to Receive a Tax Exemption" (H.P. 948) (L.D. 1370) (Presented by Representative HICHENS of Eliot) (Cosponsored by Representative GREENLAW of Standish, Representative PAUL of Sanford and Senator SUMMERS of Cumberland)

Bill "An Act to Increase Revenue to the State" (H.P. 960) (L.D. 1387) (Presented by Representative MAHANY of Easton) (Cosponsored by Representative GRAY of Sedgwick)

Bill "An Act to Permit Municipalities the Option of Local Taxes" (H.P. 965) (L.D. 1392) (Presented by Representative LAWRENCE of Kittery) (Cosponsored by Representative MITCHELL of Freeport)

Ordered Printed.  
Sent up for Concurrence.

**Transportation**

Bill "An Act to Clarify the Authority of the Department of Transportation to Acquire Property for Environmental Mitigation Purposes" (H.P. 956) (L.D. 1383) (Presented by Representative ANDERSON of Woodland) (Cosponsored by Representative JACQUES of Waterville, Senator MILLS of Oxford and Representative SMALL of Bath) (Submitted by the Department of Transportation pursuant to Joint Rule 24.)

Ordered Printed.  
Sent up for Concurrence.

**Reported Pursuant to Maine Revised Statutes**

Representative TOWNSEND for the Joint Standing Committee on Audit and Program Review, pursuant to the Maine Revised Statutes, Title 3, chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act" (EMERGENCY) (H.P. 968) (L.D. 1395) be referred to the Joint Standing Committee on **Audit and Program Review** for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on **Audit and Program Review**, ordered printed and sent up for concurrence.

**ORDERS**

On motion of Representative HICHBORN of Howland, the following Order:

ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused March 21 and 25 for health

reasons.

AND BE IT FURTHER ORDERED, that Representative Jack L. Libby of Kennebunk be excused March 28 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Helen M. Tupper of Orrington be excused April 1 to 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Donnell P. Carroll of Gray be excused April 4 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Herbert E. Clark of Millinocket be excused April 5 for legislative business.

Was read and passed.

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

**SENATE PAPER**

The following Joint Order: (S.P. 517)

ORDERED, the House concurring that when the House and Senate adjourn, they do so until Thursday, April 4, 1991 at five o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative MANNING from the Committee on **Human Resources** on Bill "An Act Concerning the Administration of the General Assistance Program for Migrant Workers" (H.P. 438) (L.D. 621) reporting "**Ought Not to Pass**"

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Correct Deficiencies in the Election Laws" (H.P. 170) (L.D. 255) reporting "**Ought Not to Pass**"

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Promote Community Involvement in Law Enforcement Activities and Provide Property Tax Relief" (EMERGENCY) (H.P. 81) (L.D. 109) reporting "**Ought Not to Pass**"

Representative JOSEPH from the Committee on **State and Local Government** on Bill "An Act to Allow the County Administrator to Assume the Duties of County Treasurer in Counties with an Administrator"

(H.P. 387) (L.D. 561) reporting **"Ought Not to Pass"**

Representative CONSTANTINE from the Committee on **Marine Resources** on Bill "An Act to Create the Aquaculture Leasing Board" (H.P. 344) (L.D. 474) reporting **"Ought Not to Pass"**

Representative MANNING from the Committee on **Human Resources** on Bill "An Act to Increase the Fees for Marriage Licenses and Certificates of Birth, Marriage or Death" (H.P. 677) (L.D. 976) reporting **"Ought Not to Pass"**

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

**Unanimous Leave to Withdraw**

Representative MCHENRY from the Committee on **Labor** on Bill "An Act Related to Workplace Safety Incentive Programs" (H.P. 304) (L.D. 434) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on **Human Resources** on Bill "An Act to Enhance the Protection of Children Who Have Been Removed from Their Homes" (H.P. 528) (L.D. 756) reporting **"Leave to Withdraw"**

Representative JOSEPH from the Committee on **State and Local Government** on Bill "An Act to Require Legislators to File Their Own Travel Expenditures" (H.P. 332) (L.D. 462) reporting **"Leave to Withdraw"**

Representative JOSEPH from the Committee on **State and Local Government** on Bill "An Act to Redefine the Term 'Committee' in the Maine Sunset Act" (H.P. 421) (L.D. 604) reporting **"Leave to Withdraw"**

Representative JOSEPH from the Committee on **State and Local Government** on Bill "An Act to Increase the Fees for Recordings in the Registry of Deeds" (H.P. 525) (L.D. 753) reporting **"Leave to Withdraw"**

Representative HANDY from the Committee on **Aging, Retirement and Veterans** on Bill "An Act to Extend the Right to Purchase Service Credits to State Employees Who Had Military Service in Grenada or Panama" (H.P. 212) (L.D. 303) reporting **"Leave to Withdraw"**

Representative MANNING from the Committee on **Human Resources** on Resolve, to Establish the Commission to Study Chronic Fatigue and Immune Dysfunction Syndrome (EMERGENCY) (H.P. 512) (L.D. 706) reporting **"Leave to Withdraw"**

Representative SMALL from the Committee on **Transportation** on Resolve, to Provide for a Commemorative Motor Vehicle Plate to Celebrate the Bicentennial of the Town of Bucksport (H.P. 390) (L.D. 564) reporting **"Leave to Withdraw"**

Representative BOUTILIER from the Committee on

**Transportation** on Bill "An Act to Expand the Law Concerning Disabled Veteran Registration Plates" (H.P. 377) (L.D. 551) reporting **"Leave to Withdraw"**

Were placed in the Legislative Files without further action pursuant to Joint Rule 15 and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on **Business Legislation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-52) on Bill "An Act to Amend the Laws Pertaining to Car Dealerships" (H.P. 247) (L.D. 338)

Signed:

Senators: MATTHEWS of Kennebec  
RICH of Cumberland  
BALDACCI of Penobscot

Representatives: SHELTRA of Biddeford  
BAILEY of Township 27  
REED of Dexter  
STEVENS of Sabattus  
GRAHAM of Houlton  
VIGUE of Winslow  
LIBBY of Kennebunk

Minority Report of the same Committee reporting **"Ought Not to Pass"** on same Bill.

Signed:

Representatives: GURNEY of Portland  
KUTASI of Bridgton

Reports were read.

On motion of Representative Sheltra of Biddeford, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-52) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, April 4, 1991.

**Divided Report**

Majority Report of the Committee on **Agriculture** reporting **"Ought to Pass"** on Bill "An Act to Provide Administrative Oversight of Organic Food Certification in Maine" (H.P. 422) (L.D. 605)

Signed:

Senators: TITCOMB of Cumberland  
EMERSON of Penobscot  
TWITCHELL of Oxford

Representatives: SPEAR of Nobleboro  
TARDY of Palmyra  
BELL of Caribou  
MAHANY of Easton  
PINES of Limestone  
PARENT of Benton

NUTTING of Leeds  
ALIBERTI of Lewiston

Minority Report of the same Committee reporting  
"Ought Not to Pass" on same Bill.

Signed:

Representatives:     STROUT of Corinth  
                          HUSSEY of Milo

Reports were read.

On motion of Representative Tardy of Palmyra, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Thursday, April 4, 1991.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Increase the Proportion of the Real Estate Transfer Tax for Counties" (H.P. 627) (L.D. 897)

Signed:

Senators:             BOST of Penobscot  
                          COLLINS of Aroostook  
                          ESTY of Cumberland

Representatives:     DORE of Auburn  
                          NADEAU of Saco  
                          CASHMAN of Old Town  
                          MAHANY of Easton  
                          MURPHY of Berwick  
                          BUTLAND of Cumberland  
                          TARDY of Palmyra  
                          DiPIETRO of South Portland  
                          DUFFY of Bangor

Minority Report of the same Committee reporting  
"Ought to Pass" on same Bill.

Signed:

Representative:     HEPBURN of Skowhegan

Reports were read.

The SPEAKER:     The Chair recognizes the Representative from Old Town, Representative Cashman. Representative CASHMAN:     Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

Currently in the State of Maine, the revenues taken in on the Real Estate Transfer Tax, the county where they are collected keeps 10 percent. The remaining money comes to the state and is split evenly between the Housing Authority and the General Fund.

As you may or may not know, the budget document that has been submitted by the Executive calls for elimination of the 45 percent that currently goes to the Housing Authority.

What this bill proposes to do is to let the counties keep more than 10 percent of the money and the sponsors of this bill will tell you that their

intent is property tax relief and I think that that is an accurate statement. I am in favor of property tax relief as much as anybody else in this chamber; however, given the current state of finances here in Augusta, the majority of people who signed this report felt that it is more important for the state to try to maintain its 45 percent funding of the Housing Authority than to try to slide more money to the counties at this time and that the state simply couldn't afford to increase the amount of money that goes to the counties.

I hope you will join me and vote for the Majority "Ought Not to Pass" Report.

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

Representative HEPBURN:     Mr. Speaker, Men and Women of the House: I certainly sympathize with the feelings of my Chairman of Taxation and I certainly understand his reasons for voting the way he did on the Committee Report as I understand the reasons why every other member of the Taxation Committee voted as they did.

However, I did want to lay out some information on this particular bill to you. This bill would not raise or decrease the Real Estate Transfer Tax. It simply, as the good Chairman pointed out, raises the percentage that the counties are allowed to retain from 10 percent of the receipts to 25 percent.

I am sure that this is a year where we will be seeing a lot of different proposals on how to deal with the Real Estate Transfer Tax and who will get the money. There will probably be as many proposals as there are members of this body as to where that money will go and what percent will go where. However, one of my major reasons for voting for this is because I had a constituent who is extremely interested in this. She is also the Registrar of Deeds in Somerset County, a very active Democrat who constantly chastises me for my liberal tax and spend ways. It all goes to prove that the way we perceive ourselves is not always the way others perceive us.

She came to the work session and she also came to the hearing, of course, and out in the hallway afterwards she said, "You know Mike, we really do an awfully lot of work for 10 percent." This bill would turn back about a total of \$1.4 million to the counties in fiscal year 1992-1993. All of us, probably every one of us who was opposed in the last election and many of us who weren't, heard from our constituents that property taxes are really killing us and we thought that this was one small way that we could do something this year to help the property tax problem. Even though it is a very small down payment, it is something perhaps that we can do and do now.

I would hope that you would look favorably upon that and vote against the motion on the floor.

Mr. Speaker, I would request a Division.

The SPEAKER:     The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK:     Mr. Speaker, Men and Women of the House: I just want to review briefly the history of the transfer tax. It was first enacted in 1967 and the rate of the tax at that time was \$1.10 per \$500 value or fraction thereof.

The work performed to administer this tax is all handled by the Registrar of Deeds in the 16 counties. The funds are collected in the counties and the percentage due the state is sent directly to the Bureau of Taxation by the 10th of the following

month. The original proportions between the county's administrative fee and the state was 15 percent to be retained by the county and 85 percent sent to the state tax assessor. In 1983, this proportion changed, the counties were cut back to 10 percent with no reduction in the workload and the state received 90 percent. In 1987, the Maine Housing Authority was created and in 1989, one half of the 90 percent that went to the state was allocated to that Authority.

The counties are still handling the workload which has increased considerably since 1967 and they certainly deserve a larger portion of these funds for the service of collecting for the state. I ask you to support this for your county funds and stop putting the financial burden on your local property taxes.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I want to point out quickly, I don't want to take up a lot of your time, but when the percentage that was dedicated to county government was reduced, the amount accessible to this tax or the tax itself was broadened and applied to a whole new class of payors so the amount generated by county government actually went up.

I don't know about every county in this state but certainly in my county, the Real Estate Transfer Tax, the finder's fee so to speak of the assessment that we let the counties keep, and I believe this is the only tax that is collected in Maine where the person actually collecting it gets to keep part of it. Unlike the Sales Tax, which is collected by thousands of business people all over this state, they don't get to keep any of it but nonetheless, that 10 percent retention in Knox County actually provides more money than it costs to run the Registry of Deeds.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 44 in the negative, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

#### CONSENT CALENDAR

##### First Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the First Day:

(H.P. 132) (L.D. 192) Bill "An Act Dealing with the Public Utilities Commission's Involvement in Contract Settlements" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-57)

(H.P. 424) (L.D. 607) Bill "An Act Regarding Amber Lights on Snowplows and Sanding Equipment" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-59)

(H.P. 385) (L.D. 559) Resolve, to Name the Bridge Crossing the Sebasticook River in Benton the Benton Veterans' Memorial Bridge Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-58)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, April 4, 1991, under the listing of Second Day.

#### CONSENT CALENDAR

##### Second Day

In accordance with House Rule 49, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 71) (L.D. 127) Bill "An Act to Revise the Law Respecting Insurers' Dividend Distributions" (C. "A" S-28)

(H.P. 196) (L.D. 287) Bill "An Act to Amend the Law Concerning the Court Appointed Special Advocate Advisory Panel"

(H.P. 600) (L.D. 860) Bill "An Act to Amend the Warranty and Disclosure Requirements Applicable to Certain Sellers of Repossessed Vehicles"

(H.P. 200) (L.D. 291) Bill "An Act to Amend the Student Incentive Scholarship Program" (C. "A" H-53)

(H.P. 32) (L.D. 42) Bill "An Act to Strengthen the Operating-under-the-influence Laws" (EMERGENCY)

(H.P. 414) (L.D. 597) Bill "An Act Requiring Motor Vehicle Operators to Furnish Their Date of Birth upon the Request of a Law Enforcement Officer" (C. "A" H-54)

(H.P. 396) (L.D. 570) Bill "An Act to Abolish the Pheasant Stamp Program" (C. "A" H-55)

(H.P. 208) (L.D. 299) Bill "An Act Regarding the Filing of a Uniform Traffic Ticket and Complaint by Law Enforcement Officers" (C. "A" H-56)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

#### PASSED TO BE ENGROSSED

##### As Amended

Bill "An Act to Amend the Laws Governing Disclosure of Information in Medical Support Recoupment and Child Support Cases" (H.P. 302) (L.D. 423) (C. "A" H-51)

Was reported by the Committee on Bills in the Second Reading, read the second time, Passed to be

Engrossed as Amended, and sent up for concurrence.

The Chair laid before the House the following matter: Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-32) on Bill "An Act to Prevent Discrimination" (S.P. 175) (L.D. 430) which was tabled earlier in the day and later today assigned pending the motion of Representative Paradis of Augusta that the House accept the Majority "Ought to Pass" Report.

(Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-32).)

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this evening to urge my colleagues in this chamber to, once again, pass legislation that has been presented to this body during the last sixteen years. As you know, this bill was the prime sponsorship of the late Representative Larry Connolly. As many of you remember, Larry Connolly was the type of person that no matter what your beliefs were, what your partisan affiliation was, that you respected and admired Larry Connolly for his decency and his honesty.

I will always recall Larry Connolly presenting this measure to this body from the time I was a Freshman member in Seat 26 to this very day. The fact that he is no longer with us leaves a part of my soul very empty because this body needed someone like Larry Connolly to recall to the people of the State of Maine that there are several of our citizens in this state who do not enjoy the full protection of the law, who do not enjoy the full protection of our Civil Rights Act, our Human Rights Act in this state and who do deserve it. They deserve it for one very simple reason — they deserve it because they are human beings, they are like you and me, they know fear, they experience love, they know what discrimination is, they have to feed and clothe themselves and they need a place to go at night. These things are so basic, so basic of an understanding as to what it is to be a society, what is it is to be human beings.

For those of you who don't remember this Representative very well, as I begin my seventh term in this chamber, I didn't always support this legislation. It was only in 1985 as a Freshman member of the Judiciary Committee that I had the opportunity to listen to the extensive day of hearings on this legislation. I didn't vote on this bill in 1979 nor in 1981 nor in 1983 when Larry Connolly presented it to this body. But after having served on the committee and listened to the debate, not only did I vote on this matter in 1985, but I had to present the Majority Report to this body. I was the acting House Chairman on the morning that this bill was presented to the body so I didn't shy away from letting everyone know, especially my constituents, that I had changed my mind and I no longer could stay in my seat and just vote against the motion of the Representative from Portland. Not only had I changed my mind, but I had to tell them

that I felt a responsibility for this bill not having been enacted in the previous years. Today I find myself in a wonderful opportunity once again.

As many of you have heard, in the last election, I did not get the endorsement of the Maine Lesbian-Gay Alliance Political Action Committee. Now it is important for you to know that I did not seek their endorsement, I do not now want their endorsement, but I still support this legislation. I still urge you to support this bill that we have before us, L.D. 430. Whether you receive their endorsement or whether you do not receive their endorsement, you should support this bill for the simple and fundamental reason that it is the right thing to do. We do not base our support for a particular bill on the fact that the lobby has supported us or opposed us in the last election. We base it on the fact of whether or not the bill is important to our people, whether it is necessary for this state, whether it is right and sound for us to enact. That is the reason I support the bill today. It has nothing to do with an endorsement or not having an endorsement.

I am privileged, therefore, to stand in this body and urge that we support this bill. It seems hard to understand that in 1991 there are groups of people who need to petition the legislature to be protected under our Human Rights Act. I cannot understand as a rational citizen of this state how we can deny people these fundamental rights and call ourselves an enlightened society in 1991. These people who have brought this legislation before us are not asking us to agree with their life-style. I do not agree with their life-style. That issue is not before us this evening. They are not asking us to live like they do and that is not before us in this legislation. What they are asking is, if they have a job, they ought to be able to keep that job. That has nothing to do with their sexual preference.

Last week during the course of our work sessions, I called one of my best friends, a businessman in town who employs some 180 or so people and asked him if he knew if there were any gay people who worked for him. He said, "Absolutely. Since the time I went into business, I have always had all kinds of people work for me, I never made it a business of asking them what orientation they were, I wanted to know how good a worker they were. I am a Catholic, I go to Mass every morning with my wife and what they do is their business. I am interested in how they work for me and they are some of my best workers. They are my most loyal employees." If a conservative, Republican businessman can say that to me, I know that we are breaking down the barriers to discrimination in this state. I have hopes for the people of this state because discrimination does not follow party affiliation, it does not follow religion, it is something far worse than that, it seems to creep into our souls and doesn't know any boundaries.

Housing is another issue in this bill. How can we say that housing isn't important to the people of the State of Maine who would like to rent an apartment, have the right to buy a home and get financing through a bank or credit union — that is so fundamental.

When I sat and thought about this six years ago, the question I asked myself was, "Do not gay men and lesbian women pay taxes, are they not part of our society like other people? If they pay and they

share the burden of society, shouldn't they reap the benefits of society?" We have housing loans, the State of Maine subsidizes and backs through all sorts of different banking mechanisms and insurance mechanisms, credit policy. For them to be denied this type of credit for housing seems to be an abomination.

The last issue was public accommodations. It really doesn't come up as an issue in the hearings because we don't really find people who say they were asked to leave a restaurant or they were asked to leave a theater or a bowling alley but I hope that all of you will consider in your arguments, if you vote against this bill, that if you went to a restaurant, the waiter or waitress or the cook may have been a gay person — probably the best cook in town and that may be the reason you went to that restaurant. When you watch a movie, the people who made that movie, the artists and producers are probably gay men and women. They are some of the most talented people that we have because talent doesn't know any sexual orientation. If we want to say that we want to discriminate against these people and still eat the food they prepare, still enjoy the movies that they make, still respect them as artists and producers but then say, but you are not welcome in my home, it seems to me to be a real double standard.

The issues that aren't really discussed, those subtle issues, the rumors, the endless quoting of incidents that occur, usually they involve the molestation of young children — if you have ever sat on the Judiciary Committee, you will know that we hear countless hours of testimony regarding sexual misconduct, especially among our most vulnerable young citizens, 95 percent of the time young women and young boys who have been accosted. The most startling testimony came from Jo-Ann Cook. She is a licensed, clinical social worker. Let me briefly share with you what Jo-Ann Cook had to say. "I am a licensed, clinical social worker from the midcoast and Director of the Maine State Prison Sex Offender Project, which is a treatment program for incarcerated sex offenders at the Thomaston Prison. Over the past 12 years, I have worked with more than 750 sex offenders in Maine, including men, women, teens and children who molest. Additionally, I have worked with adults and children who have been victims of child sex abuse. I have dedicated my entire career through direct treatment intervention, research, scientific inquiry, and community education in the study of child abuse with particular emphasis on who molests children and how molesters access children. Opponents of this bill contend that it is the homosexual community who molest children and, therefore, should not be entitled to civil rights. I have been asked by the Maine Lesbian-Gay Political Alliance to provide this committee with information and factual data about who molests children. There are many myths about who molests children and in an effort to prevent child sex abuse, it is important to dispel these myths because child molesters are so able to successfully hide behind acceptable social institutions. They make detection very difficult. For many years, the myth of strangers lurking behind bushes luring children with candy made it very possible for child molestation in the family, in the schools, the church and boys scouts to go unnoticed. Two years ago, the Sex Offender Project compiled ten years of demographic data on sex offenders. I have

provided the committee with charts which reveal the following rather poignant results. With a sample of 330 sex offenders, 96.8 percent are heterosexual orientation. With a sample of 279 child molesters, 88 percent are heterosexual orientation. To believe that the homosexual community is a risk to children is a red herring, it is baseless and serves to perpetuate a myth, a myth which seriously endangers our children as well as erroneously discriminating against a population of people. If we point the finger at the homosexual community, we are looking away from the people who are molesting our children. Because of the increased awareness about child sex abuse, we know how to ask questions, to ask the right questions, and we are finding out now more accurately who does in fact molest children."

I hope that this answers for many of you who are open to this type of information that that myth has gone on too long, that young women are molested in their homes by a father or stepfather, grandfather, uncle, brother, best friend of the family. Probably 4 percent of the situations, according to Jo-Ann Cook, are they ever accosted by a member of the gay community.

Another reason that I support this bill, ladies and gentlemen, is that you will recall that last June there erupted in the Portland area a very nasty hate campaign against a Republican candidate for the State Senate so Robin Lambert came to the committee to testify in favor of this bill. Now it might be interesting for you to know that I have known Robin Lambert since 1975. He worked as a Republican aide to the Majority Leader of the Senate, Jerry Spears. He was and still is one of the most decent persons in this state. He is a conservative Republican, I am a liberal Democrat in many ways, but I respect him as an individual. He worked very hard on Jerry Spears campaign for Governor in 1978 and went to work for a firm in Auburn afterwards. Robin had a metamorphosis and it took him a long time to admit his sexual orientation. He would come to the hearings and I remember him in 1985 and again in 1987 — finally, he was comfortable with coming forward and admitting to everyone what he, in his heart, knew and telling people how he had been treated as a candidate for office. Isn't that one of the most fundamental rights that we have, the right to run for the legislature? Certainly we may take it for granted because we are here sitting in this chamber but I think we all agree that we don't own this seat, it belongs to the people that we represent. Other people out there, our constituents, have the right to challenge us to run for that seat. Robin attempted to do that and most of you saw the leaflet that was passed out and said that there was a homosexual rights activist who was trying to become a nominee for a Senate District in Portland — please vote against him, only because he was a gay person. His opponent passed out a leaflet that said she was pro-family and my opponent is a GOP opponent of a homosexual activist nature. That's really talking about the issues. It is really talking about judging a person on his or her own character on how they feel about taxes, education, land use, recycling and other issues that we debate, but Robin wasn't judged on that.

He testified before our committee that, after he had come out in public about his sexual orientation, his boss that he had worked for for years and had done an exceptional job for in Auburn, called him



into his office and said, "You and I have to go to lunch, we have to talk about something." I am quoting Robin now. He said he was very blunt with his answer and he said, "Robin, obviously if you are a homosexual, the company will have to dismiss you because as I am sure you will understand, no employees will want to deal with you if they know you are homosexual and you couldn't do your job." Now you and I both know that that is pure hogwash.

My conservative businessman that employs gay men and women and allows them to be as productive as any other element in his firm of 180 people — this man would keep Robin Lambert on his payroll without discriminating against him. We asked these people several years ago to bring us bonafide cases, tell us of real life examples — Robin Lambert is a real life example, a tragedy. You may not agree with him politically like I do but doesn't it beg the question that there are homosexuals in every walk of life and in every party? Sexual orientation doesn't favor one particular group.

The Maine Psychiatric Association endorsed the bill. They came and testified. The Maine Medical Association, in a very eloquent testimony by Mr. Gordon Smith, endorsed the bill and they came and testified.

I remember reading a week ago yesterday, when I opened the Maine Sunday Telegram, that most reactionary and liberal columnist in the State of Maine — you may not recognize him by my label, Mr. Jim Brunelle, who is probably as conservative as you would ever get in a columnist for a very conservative chain of papers and his byline was, "It's About Time for Simple Fairness to be Let Out of the Closet."

When I voted for this bill, the clouds didn't come down, the walls didn't shake, people didn't send me hate mail by the bundles, they didn't cross the street when I walked, they didn't leave my church when I went into pray and worship — that population out there, folks, is very, very tolerant in many ways, far more than we sometimes give them credit for. I think they know, sometimes more than we are willing to admit, that they have relatives, members of their family that they love, who are gay and they want them protected. If you can look into the eyes of these people, your neighbors, your friends, associates after you debate this issue and if you voted against it and voted for it (and I intend to remain consistent and vote for this bill the rest of my life) you can see the pain that they experience when a body has said no, you do not deserve protection.

Mr. Douglas Rooks, who works for my own Kennebec Journal here in town, had a call very early in this debate — "Rights that are Due Everyone", he called it. So to say that this is a particular bill only for a particular group of people for a very particular subject is to really deny what you and I take for granted. You and I as taxpayers and citizens of this state take for granted every day, housing, employment, public accommodations are not denied to us because of what we do or who we are in our private lives.

It isn't the job of the legislature to define morals, it is the job of the clergy. There is a mixed message from that group as many of you know. We have some members and some churches who advocate defeat of this bill as is their right. We have other churches, other denominations, who wish us to pass this legislation.

Just very briefly I would share with you the latest statement and I would think a very enlightened one by my own church, the Roman Catholic Diocese of Portland, they do not support this bill in a general sense but listen to what they have to say. "We wish at this time to restate our unequivocal opposition as we have done previously to any and every act of unjust discrimination. We also wish to reaffirm what the Catholic Bishops of the United States wrote in 1976 quoting "homosexual persons like everyone else should not suffer from prejudice against their basic human rights." The church went on to say, "Among those basic rights, it seems to us, are the rights to housing and employment and credit and access to public accommodations. We do not agree with them in their life-style but we agree that they need protection because they are human beings."

We are not going to change them if we do disagree with them, we will not do that. Voting down this bill will not make any gay person go straight. You cannot do that with debate, you cannot do that with legislation, that is a personal matter and they can share with you their own experiences but what we can do in this chamber this very evening is to say that they are human beings like we are and, God help us if we were to ever deny their humanity, we can say that they deserve protection.

For that reason, Mr. Speaker, I urge the House to accept the Majority "Ought to Pass" Report.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I guess so far to date, this along with one other bill, has probably been one of the most difficult bills to get up and talk about. I rise to oppose the legislation.

Going through the decision making and formulating on how I would vote on this bill, it was not easy because I had to take, number one, my head and I had to take how I felt in my guts and make both of them fit together.

I would agree with the Chairman of our committee that the hearing we had roughly three weeks ago was one that did bring a lot of emotion and made you think about this piece of legislation. I have got to say that, compared to last year or the earlier time we had this bill before us, is that the level of the debate was tenfold better. It addressed a lot of the issues that were presented as being shortcomings the last time around. However, there are still some shortcomings.

Before I go into that, I would like to at least deal with some of the facts. One of the two major factors that this bill seeks to remedy is unemployment and homelessness or a denial of a place to live. During the course of the hearing, there were no facts presented that homosexuals were on the jobless line any more than any other rank and file person in this state nor did they march in as large numbers of people that were homeless. I really didn't think about that too much but yet it raised the question about discrimination, about the fact that people are denied shelter, denied jobs and I had the opportunity to call several businesses dealing with unemployment. I have got to say that when I called most of the large businesses and I spoke to a major oil company in the state, I spoke to a major wood products company in the state, is that the voice was pretty much the same and that is, if the individual is competent, sexual orientation

preference doesn't mean anything. It comes down to competence but they were also upfront in saying how work people treat that person is something for the public, I can't account for that, but I can tell you that I would not fire someone solely because of their sexual preference.

I called several small businesses, I got a varied response. I got the response the same as the large business that, again, competence and not sexual orientation would not be their decision in hiring or firing someone. I also got the response that, "Absolutely not, if someone was a homosexual, they wouldn't have a place in my business." In other small businesses, it was said that, "Well, it doesn't bother me and I would hire that person but perhaps what I would think about is how my clientele would view that person and basically make a business decision, despite the fact that I don't care what that person is or who he is." So I have got to say that amongst the small businesses is where you got the varied answers as to how they would treat a person perceived homosexual or in fact homosexual.

I talked to several landlords. One landlord that owned a number of duplex homes indicated that he would not have a problem renting to gay men or lesbian women; however, he would have concern (for the sake of making the argument) putting them next to Mr. and Mrs. Smith and their four children and the fact that he might lose them as tenants. However, this person said, "Within my housing development, I would have a place that I would provide for them as long as they pay, I don't care what they do, it is their life-style." I had other people, actually it was a person that probably wouldn't fit into the wall of the Human Rights Commission but indicated that "absolutely not", the same again as small business. I had other ones that more commonly than not indicated that "I would if they paid rent, I really don't care what that person does as far as life-style. As long as it doesn't impact on me, I don't care."

I can't deny that there are people in this society that will make a decision purely based on what is perceived, based on whether in fact somebody is something or isn't and that doesn't only go to homosexuality, that goes to prejudices and discriminating areas across the board in all types and walks of life.

What I then next went to was I guess to look at, you might say, the head argument. The head argument went to what I know best in my profession and that is to go to the law books and look at the case law. Most of the case law that I found came out of the 9th Circuit and the 9th Circuit coming out of the California Courts. When you go through a court case that arises at the District Court, then the Superior Court, for instance in this state to the Law Court, then it can go to the Circuit Court and then it can go to the U.S. Supreme Court on a lot of issues. That is the step process that you go.

The one case I read that I thought was excellent was *Watkins v. U.S.* and this is where *Watkins* who was an Army enlisted person was discharged because of his homosexuality. He was reinstated, was fired again, and this is the court reversing one or the other, going back and forth, and then he was reinstated. In 1988, the 9th Circuit made a decision that homosexuality was a suspect class and they felt that suspect class required some level of scrutiny. These are words of art that a law court would use when

looking at somebody that is in a special group, such as race, gender and religion. One of the key things in this case dealt with immutability of character or trait. Now the case law defines immutability of character or trait as something which someone cannot change or something which would be abhorrent to ask that person to change if it impacted on identity. A very strong argument. 1988 — that case still sits in limbo. I don't know whether it is before the U.S. Supreme Court but I believe given the length of time, it would not be. I questioned I guess, without an answer in the books, as to why?

I did find some later cases and some articles that dealt with the *Watkins* decision. The problem with the *Watkins* decision was criticized that it would not withstand the U.S. Supreme Court's scrutiny under our current law of immutability as to whether that definition as applied to a group or persons, not based on race or gender or religion or ethnic background where there is no choice — religion, you have a choice, I guess, once you reach a certain age, but when you are under your parents' thumb, you don't — but the strongest ones, most of the caseloads deals with race and gender. They felt that adopting something that did not have any concrete evidence suggests that someone does not have a choice but would withstand the test of immutability. So it is opening up a whole new ground, a whole new body of law of adopting legislation for a law that would say that a behavioral difference is something that deserves that same protection as race and gender.

The other cases that dealt with the issue of homosexuality I guess has some indirect bearing but really not a whole lot of direct bearing. That was where a number of states were challenging the sodomy statutes. The sodomy statutes went through the same arguments, suspect class, fundamental right to conduct a particular act and I believe it was *Hardwick v. Bowers*, I think it was a Georgia case, but this was a period of time where the gay activists were active in trying to get these laws repealed. The court found that sodomy was not a fundamental right; again not a whole lot of bearing on this particular bill, but it did indicate that there was a difference. The court did not address and that was sexual conduct which the sodomy statutes dealt with as opposed to sexual orientation — it didn't deal with sexual orientation, so again, that answer remains unanswered.

It might be boring to you but at least for me it was something that helped me go through and stimulate the thinking as to how (again) I am going to vote on this bill. I had to ask myself what this bill was doing. I had to ask myself, is this in fact (in a true sense) prejudice or is it just discrimination? Well, you might say there is no difference. There is a difference, you have discrimination and you have prejudice attached to it which then becomes something that we look at to say is wrong in society. Everyone of us in our daily living make discriminating decisions but this bill doesn't come down to me, a heterosexual versus someone that is a homosexual. It comes down to a society as a whole. I guess you might look at the homogeneity of the notion of what traditional structure of family is and that is, a heterosexual life-style. I ask again, is that prejudice or is it really just societies view — abhorrence I guess is the strongest word you might use or distaste for a particular life-style. The legislation, as proposed presently, contravenes that

thought that society may have and I would argue a majority of society.

The law as proposed through the Human Rights Commission and the law imposes upon society what they should think. It imposes upon society and individuals sanctions that they don't think as the law indicates. I don't know what impact the law is going to have if it does pass, it may be claimed to be a victory if it does pass, but I want you to know that if it does pass, we do set up a select class of people in this state and the very thing they want to be done with, the repression, does not put up in the forefront, highlighted for people to further discriminate, to show that there is a basic fundamental difference between you and I and I deserve heightened protection because of that. You can believe that people that are still fundamentally opposed based on life-style and thought, whatever that be, will find a way in employment and housing to get around that, to find something else. The counter to that I hear is that the legislature, at some point, has to stand up and make an assertive statement to protecting these rights.

Look 20 years back as to how homosexuality was treated. It was treated as an illness, it was treated as something that was immoral and there are vestiges that still hang on to those notions today. I think we now know today that it is not an illness, it is not sickness, some pathology that can be corrected, cured — I think we know today that also the moral aspect still is buried in our thinking based on our traditions of family and structure, raising children, and setting role models. We also have a group that says that it is really neither, it is something that should be indifference of either, it doesn't make a difference whether you are homosexual or heterosexual, it doesn't matter what your sexual orientation is. But to make that difference, to make that fundamental difference, sets you up there to be further scrutinized, further harassed, further prejudiced, further denied employment and further denied housing because you are imposing it on society. I don't know where we are going to be five years from now, whether we will make great gains if this law does not pass. I guess educating people that people are people and people are competent if they are competent and it doesn't make them incompetent if they have a sexual preference in a different way.

I agree with my Chairman from Judiciary that we cannot legislate morals. In fact, by passing this legislation to those that grab on to the moral aspect of it, we are in fact imposing morals on society and I believe that is best left to society. It is best left to society because, in the educational process of understanding something as a child all the way through to an adult, it is something that I can readily accept, something that hasn't been shoved in my face to say that you must accept it.

As we have been sitting here, a bunch of material was passed out dealing pro and con, some objectional, some offensive, and we had some items here dealing with the Holocaust Human Rights Center of Maine. As you know, about a week and a half ago, they gave a showing based on the holocaust in the hallway and one thing that grabbed my eye is this black brochure that says, "Prejudice is Preventable - Education is Key" and I agree wholeheartedly with that. But I think by this legislation, what you are doing is you are putting an impediment to that education because

whatever notions people are going to hang on to, wrongly, they will continue to hold on to it because they are going to feel like they have been imposed on. We have, in essence, lobotomized part of societies process of thinking.

One of the things that we should also know, and this is from some testimony on a bill that we heard in our committee based on collecting data, collecting data based on whether we should enforce our harassment statutes against people that are being affected because of groups like the "skinheads, smash" because they are seeking out homosexuals and that was really appalling. That led me to think — what is the problem here? The problem was that the legislation, as on the books right now, says that all people should not be harassed, all people should not be assaulted. The problem was that the education was lacking within our law enforcement and this was in an area of Portland. The Portland Chief had a spokesperson — I think Chief Chitwood actually came up and spoke in favor of this bill — but on this other bill we had somebody as a representative who said we needed this data to justify why we should go out and hit these people and target them because they are going after groups and bashing. That is crazy. Everybody here knows and everybody that walks around the streets knows that these groups do exist, they do target these groups and they go out and they commit whatever crime or harassment against these people, who are people just like you and I and deserve equal protection under that law. What is lacking is the education in our peace officers to go ahead and do that because they don't take it seriously. We need data to justify that and that is absolutely crazy. We have the hate groups, we have the slime, we have the cowards throughout this state but were not at this hearing, the skinheads, those that are prejudiced and prejudiced against anything that isn't a white supremacist or whatever. These are the people who should be sanctioned and these people are in the minority. These are the people that law enforcement ought to vigorously go out and enforce the law and put them behind bars and give them a lengthy sentence because they are scum and they are cowards because they didn't come up and speak against this bill even though they are so stoutly opposed to this bill. I guess if anything can raise my blood pressure is the fact that there are people that act in this way.

A couple of things in parting that I would like to read. It is very neutral and I hope you don't find it boring but bear with me, it is something I think that we ought to consider. I didn't write down the name of the case, it is a 1987 case out of the Atlantic Reporter and it states as follows: "The process of discrimination involves many aspects of our society. No single factor sufficiently explains discrimination. No single means will suffice to eliminate it. We must continually examine such elements of our society. As our history of the juror discrimination, deeply ingrained prejudices, inequities based on economic and social class, and the structure and function of all our economic and social and political institutions in order to understand their part in maintaining or countering the discriminating processes."

This law doesn't do that, this law curtails the process, it curtails the process of the individual that is discharged because of sexual orientation to be sued by wrongful discharge, to take that case and

apply the case law, and by doing that, it is just not black and white words because, when you deal with case law, you deal with society, you deal with reports, you deal with what is out there in the real world to justify what is right, whether sexual orientation behavior is something that we as a society should adopt.

One of the few things that I would disagree with with Representative Paradis is that he indicated that we would not be setting up a special class — well, we would be. We would be setting up a special class and, again, based on one difference and that is behavior, not because of choice and we can choose to adopt it as choice but that is coming from the gut, there is no concrete evidence that there is no choice.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: I won't speak very long tonight. I have listened to this debate for many years in a row and I have listened to it tonight.

One of the biggest arguments boils down to, and you hear it over and over again, it is on your pink messages like it is on mine — it says, "This bill is not needed." Frequently, when people tell me that this bill is not needed, I look at them and say, "And how do you know that?" The most common response is, "Well, I have never heard of it." So I invite all of you to look at some of the material that is on your desks from those people who do know about discrimination.

The bill was initiated by the Human Rights Commission. What agency in our state government is better qualified to tell us that there is discrimination in housing, credit, employment, public accommodations — I somehow believe that they are better qualified to tell me that there is discrimination than someone who might call up and say I don't see any of it, therefore, it is not there.

We hear many arguments about whether or not homosexuality is a choice or whether it is something that is out of someone's individual control to exercise decision making over. Once again, this is an area that I am not an expert on, I can't begin to be an expert and here I am, I am a citizen, a lay citizen in a citizens legislature and I am going to listen to the public that comes before me.

I invite you to look at the list of people who spoke to our committee, who submitted written testimony to our committee and I ask you to evaluate the letters from the Maine Medical Association, the psychiatrists, the psychologists, the social workers, the nurses, and the Public Health Association. If you were just sitting there and listening to this hearing, at first impression, you had no pre-conceived notions about right or wrong on how you were going to vote and you listened to the evidence or you read the evidence — I challenge you to come up with a different decision than the majority of the committee came up with.

I am in no position to evaluate why someone becomes a homosexual, I am in no position to evaluate the public health consequences of having discrimination. The people came and talked to us who are in the position to do it. There are many times when I disregard what the professionals in front of our committee might be saying. Most of those times there is a fairly balanced argument on the other side. In this particular debate before the Judiciary, not only this year, but as I recall the

last time, there is only one organized opposition to the bill. Everyone knows what that opposition is. I don't devalue or discredit that opposition but when you get ready to weigh it, I urge you to put it against the other testimony that should be before you that the committee has heard for many years in a row, assign it a value that's proportionate to the amount of evidence on the other side. People say that the bill isn't needed — that is not what Attorney General Mike Carpenter told us, that is not what Police Chief Chitwood told us — I challenge you to ask them why, how do they know, what source of information do they have that is better, that is more reliable than the information that came to our committee? You can go back and tell your constituents that the weight of evidence was on the side of a yes vote, that you are a citizens legislature, you depend upon the public to educate you. That is what we have all done on this issue.

There is one other thing that I would like to say before I sit down, perhaps it is an imprudent remark but nonetheless — all of us are faced with a dilemma of whether or not we are representative of our district and how we determine whether or not we are representative of our district. There are two schools of thought that have been going on for 200 years. One of them is, you are the mirror of your district, go do your job. Implicit in doing it that way is knowing what your district is. I don't know how much of the pulse beat of your district you have in your head but when I hear some of you talk, I think it is much greater than mine. I wouldn't begin to hypothesize what 5,000 people in my district would think or feel on any issue, this one included. I know there is one school of thought about what we do here and it is not that you are a mirror and all of you hear it occasionally and it says, "Listen, I elected you to go down there, I can't read those 35 letters from professionals in mental health fields, physical health, public health, I can't read those letters, I don't have the time and I don't have the letters. I can't listen to Police Chief Chitwood and Attorney General Carpenter, I don't have access to that information, but you do, and I want you to read it and I want you to think about it and I want you to analyze it and I want you to reach a decision that is based on doing all of those."

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House — members that are remaining in the chamber: I am sorry that the House doesn't remain full, it hasn't remained full in the past two times that I have been on the floor of the House during this debate and I will tell you why I am sorry later on in my testimony before you and why I think it is important that more of these seats be filled.

First, I think it is important to point out though that this is not as clear and easy issue as some will make it out to be. It is not a partisan issue.

The bill before us, L.D. 430, has bipartisan support. The vote out of committee was 7-6, as close as you can get. The vote out of the committee was bipartisan and I think that is important for you to keep in mind when you do your own deliberations because this is a very, very difficult issue to come to grips with. I just ask your indulgence for 30 seconds and I will relay a personal story that I shared with the committee and I think it is

appropriate as far as where I see the State of Maine going in relation to this issue.

When I was elected in 1986 to the 113th Legislature, I was homophobic. I didn't want to talk to homosexuals, I didn't want to listen to homosexuals and, in fact, as a Junior and Senior at Colby College, as part of my requirement as head resident, I was expected to sit in on symposiums to learn about the problems of my residents, anorexia, bulimia, and one of the symposiums was homosexuality. As a Junior and Senior in college, I sat for maybe five minutes as the symposium went on and I had to leave, I was physically repulsed by the discussion that took place. I can relate to those individuals in my district who are homophobic, but to them I say, look at me now. Two Sundays ago, I spent three hours after church with six lesbians from my district who wanted to discuss my position on the bill. Four years ago, I would have found some reason to avoid that, to not discuss the problems that they had, to do anything in my power to disassociate myself from them.

I have since learned that a good friend of mine from college is homosexual. I have had an opportunity to speak to him last year after the vote on the Gay Rights Bill. I own a few apartment houses and I have had an opportunity to rent the apartment above me to a homosexual man.

What Representative Stevens said is true and I can verify that through my own constituents, there is discrimination out there. The question at hand is, is this L.D. 430 before us a panacea or is it the solution that the State of Maine should adopt? I sat through the entire testimony on Monday, March 18th in the State Office Building, Room 113, and I have done the same for the last two sessions. I have done a lot of soul searching, I admit that there is a problem out there but I also have to be true and honest to myself as far as where the answer lies. I guess I look to myself and I see that the answer lies in education and, unfortunately, as was stated before, we can't legislate education nor can we legislate morals.

Now I would like to turn your attention to the growth that is happening in the legislature and in the State of Maine. In the early 1970's, the debate on the Gay Rights Bill was spotted and marred by homosexual slurs, taking offense at them as individuals — all that has changed. At least in reviewing the debate as it has gone on, close to 20 years, the debate has become more focused and continuing tonight the debate has been exemplary. As I pointed out, this is not an easy issue, it is not a very clear issue, but the legislature's focus has been an appropriate one.

Some members of this body would prefer no debate. They have their minds made up but this is not consistent with the progress we have made and continue to make in this area even today. As I said before, that is why I am sorry that every seat is not filled, for as this legislature becomes educated on the problems, so will our constituents.

I would just like to share with you an editorial that was on one of our television stations. I would like to share just a part of that with you this evening. "Sexual preference is a private matter and we think it should remain that way. The perennial effort to add sexual orientation to Maine laws governing discrimination, the so-called Gay Rights Bill, would raise new problems for gays while

attempting to correct many of the current abuses. The effort to pass a Gay Rights Amendment does serve a positive purpose, the need to examine our attitudes toward a significant segment of our population who did not choose their sexual orientation anymore than some of us turned to be left-handed. No, we don't think that sexual orientation should be a matter for state law, it should remain private."

This legislature, in the 114th, out of the Judiciary Committee, passed an extensive, comprehensive harassment statute, a harassment statute protecting all the citizens of Maine for any harassment that they come under, physical harassment, mental harassment, a protection that is served by all. I think it is important that this legislature keep that in mind. If you had had an opportunity to sit through the debate on Monday, March 18th, you would have learned that a lot of the people who came up and testified as to the problems that exist, that our current harassment statute would have addressed those. Some people were harassed in the workplace — our harassment statute protects them. No, it does not protect them from being fired but yes, it protects them from being harassed in the workplace.

I don't want to take up any more of the legislature's time although it is appropriate that we continue to be educated on this issue. I just want to, in parting, tell the legislature that the correct answer is personal growth in ourselves, in our constituents and the education in that. I do not feel that this bill is the appropriate procedure and I will be voting against it.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Before I present my prepared remarks, I know you received an awful lot of material on your desks and especially in the last two or three days but I do sincerely urge you to take a look at it and skim down through some of it. One you received just a little while ago shows a very impressive list of organizations, industries, that are supporting this legislation even including as you down through the list, the Reverend Philip G. Palmer, who is the Past President of the Christian Civic League.

One of the things that I don't have in my prepared comments but has come to my attention and I really do want to stress it is the comment that is being made (and I have never heard it before this year) and that is that some may be thinking of voting against it because "they" and I emphasize in quotes "they" want to take over. I find that being of Irish descent that every minority that has ever tried to make its way in this country to gain equal protection, nothing more, has heard and has been held back by that type of claim. Certainly the French who have played such an important role in many communities in this state have heard it. The Irish, Blacks, women, handicapped and so on and I would hope that you would set that view aside.

On our desks today by one of the opponents came an opinion from one of the newspapers and in it they were talking about teachers and what parents expect from their teachers as role models and it says, "Can homosexuals be role models for parents who care about their children's moral upbringing?" I would submit to you that we don't have to go much further than New Hampshire and much more recent in just the last few weeks and months to know that in truth there are people in every profession that I would not and you

would not want as a role model. Certainly we cannot list Pamela Smart, a heterosexual woman, as exactly the kind of role model we would want for our children.

You received a lot of the testimony before the hearing and the Maine Council of Churches made a statement and I would just like to quote briefly from it. "Both our political and religious heritage in this country supports the hard won wisdom that no one is free until all is 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 simply because they are a part of our common humanity. Governments have sought to exterminate homosexuals as well as Jews for the crime of simply being, not for anything they did or failed to do, just simply for being. We must risk the courage of our convictions to say "no" to such hatred and to model a different and more humane way of living together in a community." The Maine Council of Churches joins a host of other organizations, another statement from the Maine Council of Churches, and certainly I must say to you and hope that you will agree that this organization, the Maine Council of Churches, (you have it on your desks) must be at least as creditable in your mind as the Christian Civic League and, surely, they are just as representative of the people that we represent. There were many others, Mr. Speaker and ladies and gentlemen of the House, but I do have some remarks and I know that those of you who know me well know that I am not prepared to just say it off the cuff because there are things that I just want to say and feel I must say.

Depending on the number of years that we have been in public life, each of us has given many speeches to a variety of groups on a wide range of topics. A great many of those speeches are just for information, no great message, no great impact, just a speech. But sometimes, at very significant moments in time, you are acutely aware that the speech you are about to make is an important one. You realize that, not only are the words you choose important, but how you use them and why you use them and both of those factors are of equal and perhaps even greater significance. You want to be forceful but not abrasive and you feel you must be blunt but you know you cannot be cutting. So Mr. Speaker and my fellow lawmakers, a reference to which I will return time and time again, I begin by assuring you that I have tried very hard, as I prepared these remarks, to stay to the high road and to speak to the issues from my desk where I swore I would uphold the law and protect the rights of all Maine citizens to your desks where you stood and swore to do the same.

First and foremost, I must stress perhaps the most basic truth about this legislation and that is that it is about basic civil rights, not either condoning nor condemning a life-style. It is not about giving people a chance to shout to the world that they are homosexuals, it is about simple basic protection that if someone finds out that they are and doesn't like it, they are protected. The Maine Human Rights Commission can tell you how badly that protection is needed.

You have all heard many of the true, carefully documented stories of men and women who have been or had been living in some rental situation or working at some type of employment without any problems and were well liked by those living around them or working with them. Then someone found out that they

were homosexual and then, mysteriously, those same well liked people are no longer wanted around them. An example is a young man who testified at the hearing, who got a job at a store out of high school, a part-time job, the owner liked his work and promoted him to full-time. He progressed so rapidly that he was made night manager responsible for eight employees. The employees liked him and customers liked him and he was doing a good job until one day an unidentified caller told the owner about his sexual orientation and he lost his job, not because he wasn't good at his job because he was, not because he no longer worked well with his fellow workers or no longer got along with the customers because he did. He was fired because of his sexual orientation. I believe that is wrong and I believe that, as lawmakers, as Representatives of all the people, we all know in our heart of hearts that it is wrong and that we should do something about it.

Secondly, many of you have said you wished had the same courage that I do. Believe me, my position on this issue has nothing to do with courage and, even if it did, I am not about to question or challenge the courage of any of you, I have too much respect for people who see the need to run for public office and serve this great state, much too much respect to question your courage. No, I am not being courageous, I am simply practicing what was taught to me by my parents and what I stress to my children and the students and athletes that I came in contact with during my 23 years as a teacher and as a coach. Simply put, I was taught to stand up for what is right without fear of what might happen or what people might think and that was all the time, not just when it is safe or non-controversial. I feel quite certain that anyone here who has children and grandchildren or both have told their children the same thing. I ask you, should you do any less?

A third concern that has been shared with me is the fear of not being reelected if you support this legislation. First of all, we all know that the evidence just doesn't support that fear and I challenge anyone to show otherwise. Rather than that fear, I am much more concerned with the fear that homosexuals live with every day, fear of being discovered and, therefore, exposing themselves to the possibility of losing their job, their housing and other benefits because as it stands right now, the same laws that protect you and me, do not protect them. That is fear, my fellow lawmakers, that is very real and very justified fear. All this legislation does is to give those citizens of this state who live in our districts and in our neighborhoods and who go to our stores, our churches, our restaurants, our clubs, golf courses, places of employment, at least some freedom from the fear that you and I have never felt.

At this point, I want to assure you that I believe very strongly that any employer should have the right to fire employees and that landlords ought to be able to evict tenants and lending institutions should be able to deny credit and eating establishments must have the right to ask patrons to leave. I believe that there are many legitimate reasons why they should be able to do so but not because they are homosexuals. Homosexuals are not asking to be treated in a special way, just in a fair way, the same as everyone else. How can any lawmaker be against that? How can any lawmaker who believes in the Constitutional separation of church and state

be against that?

I have said it many times in the past but I must say it again, it is not our place to judge the life-style of any of our fellow citizens, whether they be heterosexual, homosexual, or bisexual, that is for a much higher authority than you or I to judge. Our job is to cause, create or bring about by legislation, laws that guarantee basic civil rights to all people, whether their personal life is acceptable to us or not. That is all this legislation does.

Getting back to the concern about being reelected — I guess I just have to have more faith in Maine people than that. I guess I just believe they don't measure a legislator by how he or she votes on just one issue but rather I believe that they look at the overall performance, your overall record. I believe that the people we represent take us as we are and I am asking you to think of these people who are our constituents, yours and mine, as who they are, not what they are. We are lawmakers, it isn't our job or our right to let our moral judgments impact on our sworn legislative duties. It is against the laws of this state, the very laws that we are sworn to uphold, for anyone to lose their job or their home or to be denied credit without cause unless you are a homosexual. How many times have you heard it said, "there ought to be a law" and how many times have you said it? Well, I am saying to you, to each of you who hold a seat in this House, wherever it might be, that there ought to be a law that says that injustice must stop and I plead with you to agree and to pass this L.D., not because you condone a life-style, but because you recognize an injustice and you accept and face up to your responsibility to do the job you were elected to do and swore that you would do.

I know that many of you have been under intense pressure, please think carefully about where that pressure is coming from and who it is coming from. The same group who feels that the state should do something about reintroducing prayer to our public schools are telling you that the state ought to stay out of this issue on religious grounds. I see that as being conflicting. The Christian Civic League and its leaders would have you believe they speak for main street Maine people — I say they do not. The polls show that they do not and I believe you know that they do not. How can an association that regularly uses such phrases as "God-willing, only God knows, it is God's will, we must accept as part of God's plan" feel as they do about this legislation? Are they just words and phrases that we call upon when it suits us? Religious leaders of all faiths have been telling us since childhood that everything that happens does so at God's direction, that everything has a reason, everything has a purpose — how can they now say that, in this matter, that teaching does not apply?

In closing, let me correct some things that need correcting. First of all, and if I get too blunt Mr. Speaker, I know that you will correct me — I have been accused of being overly aggressive to one of our members, even to the point of pointing my finger in an accusing way. Those of you that know me at all know that, while I can get angry and emotional, I would never knowingly be offensive to any of the members of this House, especially to the ladies. If I came across that way and it is not my sense that I did, I apologize to that legislator and to anyone to whom that legislator has spoken and who might have

been offended by that story.

Second, to those who were not endorsed by the Maine Lesbian-Gay Association, I say please do not take out your anger on the thousands of Maine citizens who did not know of that decision, did not play a part in it, had nothing to do with it whatsoever. Just as we regularly are not endorsed by one group or another and still support their issues when they are right, I now ask you to continue your support because it is just as right now as it was when you voted for it before. I say to you as bluntly and as politely as I can, and especially to any of that association who is within the sound of my voice, it was a dumb mistake that will never be made again or I shall never speak on this issue for the rest of my career in this House. That is how strongly I feel about a very poor judgment displayed by people who should have known better. It was a dumb politically inept decision which I must now ask you to put behind you. I am asking you to do so because we need your vote, because I need your vote.

Finally, it is being spread around that one of the reasons former Representative Dan Hickey lost is because the association worked against him. I couldn't believe that that was true and so I visited with Dan and Mrs. Hickey for about an hour at their home this morning. Both assure me that in fact they did not believe this to be true. Dan told me that he felt very badly about the plight of gay men and women in this state and that he had supported this legislation in the past and that nothing has changed to alter that position. On a personal note, while I am talking about Mr. Hickey and perhaps give you a chance to shift gears just a bit, Dan and Mrs. Hickey send their greetings and want all their friends over here to know that they are going to southern France later on this month for 20 days and are really looking forward to it.

I just know that there are people all over this state who are competent, sincere, creative, caring, religious and neighborly who are being deprived of being all they can be because of a glary weakness in the laws that protect the rest of us. L.D. 430 asks that the state extend to our homosexual constituents the same protection in four basic areas that is guaranteed to the opponents of this bill, no more, no less, it is as simple as that. All I ask of each of you is to have the same faith and trust in our fellow citizens as I do and to consider this legislation fairly and without prejudice. Maine's homosexual population isn't asking for anything more, I most assuredly and most emphatically am not asking for anything more and, regardless of what some would have you believe, your vote putting this legislation into law, will not allow, provide, or permit anything more.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I had a number of points that I wanted to make but virtually all of them but one have been made and so I will try to keep this as concise as possible and address one issue that I think I've heard time and time again.

I was struck during the hearing that those who were opposed to this piece of legislation, for the most part, felt that homosexuality was a matter of choice. Those that supported it approached it more as a matter of "who I am" rather than "what I do." I thought a lot about it and I listened to the experts



and I asked a psychologist and I read the materials and it is clear that homosexuality, one's sexual orientation, is a matter of discovery, not of choice. I ask you and I asked myself — when did I decide to become a heterosexual? When did you decide to become a heterosexual? I doubt that you did, I think it is something that just came somehow inside you. Something about me was attracted to women in a way that it wasn't to men and I frankly get rather irritated at the notion that I should be attracted to men in a sexual way. I wonder how I would have dealt with it if I had lived in a society where that was accepted and, indeed, encouraged such as ancient Greece. Certain homosexual practices, after all, were encouraged there. I might have been able to adapt to my behavior somewhat to that but I would not have been able to change who I am or what my sexual orientation is and I suggest that that is true for all of you here in this room. I suggest that that is just as true for those who are homosexual. What we are asked to decide here today is whether or not somebody should be allowed to live in the way that is in keeping with who that person is. I suggest to you that answer is, that should be allowed and we should prohibit actions which discriminate against a person because of their sexual orientation, something that is not a matter of choice.

I would further suggest to you that those people in this room who say, "Well, I really don't want a homosexual to be teaching my child" and I have had these conversations with members in this body — that is a way of saying that I am afraid my child is going to choose something different. Your child is not going to choose his or her sexual orientation anymore than you or I did. It is something that we are born with or somehow developed in our growth patterns. We don't know very much about how that happens but we know it is something that is discovered, not chosen. So I ask you to allow those people who are what they are to be able to live in keeping with that without suffering discrimination from the rest of us.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: L.D. 430 is one of those issues upon which it is difficult to speak but impossible to remain silent. This is a bill on which our minds like the newlyweds quarrels are probably already made up. Therefore I rise, not so much to persuade, but rather to deliberate.

The opponents of this bill have quite clearly and correctly (in my opinion) framed this issue as a question of conscience. The veiled and the naked political threats which we have received on both sides will do little to change the votes on this issue of conscience.

I stand here this evening, as I must always, a white, Anglo-Saxon, Protestant, Republican male in his late 20's from Oxford County and I cannot help but be a white, Anglo-Saxon, Protestant male and I consider it fortunate that I am those things — fortunate, not because it makes me better than others but rather because it makes my life a little easier. I also cannot help but be a heterosexual and that, as well, makes my life a little easier.

Throughout this debate, we have heard the horror stories of discrimination, of intolerance and prejudice against homosexuals that exist in this state. Most admit that the hate does exist and that the discrimination is real. There are many Maine

people who view homosexuality as a disease still, as deviant, as morally repugnant and some of these people lash out sometimes with brutal force but, more often, in more subtle ways. I submit that homosexuality is not a disease, it is not a condition, it is not even a life-style, just as heterosexuality is none of those things. It is rather simply a characteristic, not unlike the color of a person's skin or their ethnic makeup. Furthermore, it is a characteristic, a part of a person's whole character that is irrelevant to whether a person will pay their rent on time and be a good tenant or a conscientious worker, a faithful employee or will honor their debts. If you are like me, you find yourself looking more for reasons to vote against bills than for reasons to vote for them but if you accept that homosexuality can be an involuntary aspect of a person's character and if you accept that discrimination exists, how can you vote no?

By passing the measure before us, we are not making a person's sexual orientation a matter of public policy, we are rather prohibiting a person's sexual orientation from being a matter of certain private policies. By passing the measure before us, we are not expending special rights or granting special privileges, we are rather reasserting the basic rights and fundamental dignity of homosexuals as individual human beings. Some argue that the Maine Human Rights Commission is not the best agency to handle discrimination cases involving sexual orientation — if there is a better way to achieve the goals of this bill, to end this discrimination, then let it be presented. Some suggest that the Human Rights Commission is imperfect, that its processes are flawed, that its assumes guilt and demands that innocence be proved — if it is flawed and imperfect, then it should be corrected. However, that is not an argument to withhold one particular classification of discrimination from its purview. May we hasten the arrival of a day when we need no Human Rights Commission in this state, a day when the commission will be but a vestige of harsher times. This is the greater issue before us. Perhaps our vote today will move us toward that day when we can all walk down the streets of our country, our state, and our towns confident, comfortable and secure, secure not only within ourselves but also within our community of fellow humans. Judge not by what we are but by who we are.

For these reasons, when the roll is called, this 27 year old white, Anglo-Saxon, Protestant, male Republican Representative from Oxford County will vote his conscience and my vote will be yes.

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

Representative CATHCART: Mr. Speaker, Members of the House: I am proud to rise in support of L.D. 430, An Act to Prevent Discrimination.

As a member of the Judiciary Committee, I sat in on the hearing for the first time this year on this bill that many of us have voted on before. While I did vote in favor of the bill two years ago, I really tried (in the hearing) to go with an open mind, prepared to listen to the arguments for and against and make my decision based on those. I have to say that what I heard in opposition to this bill, two weeks ago, were arguments based on ignorance and fear. In the committee, when I spoke on this bill, I referred to those arguments as bigotry. Now I know



that opponents of this bill say they are not bigots. My definition of bigotry is "a firmly held belief often based on religion that is unreasonable and irrational" and I stand by my charge.

I know from personal experience growing up in the South in the State of Mississippi in the 50's and 60's about bigotry. I was fortunate, I was part of the privileged white race. I was also very fortunate to have the kind of parents who taught me that discrimination was wrong, that prejudice against people who were different from us was really not okay and that all of us were children of God and should be treated with respect. For those kinds of beliefs, my family was asked to leave the Presbyterian Church in the little town of Indianola, Mississippi and my parents were called "nigger lovers" by many of the citizens of that town. While I never knew the fear of perhaps being killed because of the color of my skin, I knew what it was to be ostracized by my friends for the beliefs that we held in our family.

I heard the same kinds of bigotry two weeks ago. I heard the same arguments that I heard about blacks in the South, "blacks are stupid, blacks are lazy, they are dirty, they are immoral, all black men want is to seduce white women" and the same kinds of things were said about gay people in that hearing. People, when I was growing up, made jokes about blacks based on the way they talked, the way they walked, other characteristics that people couldn't help. I have heard the same jokes here in the State of Maine.

Other experience with this kind of discrimination comes from 13 years of service in the Battered Women's Movement in the State of Maine. It is true what you hear sometimes about the women's movement — yes, there are lesbians involved in that movement, there are also straight women, we probably have about the same percentage of lesbians in the women's movement, 10 percent, as we have in the rest of society but I was privileged in that movement to work with some wonderful lesbian friends. I saw the struggles that they went through and the pain that they experienced, just because of their sexual orientation and I want to (and this is an aside) honor those women that I have known in those years in the movement who were lesbians because I think if we had not had that kind of dedicated women, we probably wouldn't have nine battered women's projects in the State of Maine that we have today in 1991. They did a terrific job.

As far as life-style, my lesbian friends seemed to have had the same life-style I had, we all worked very hard, much more than the hours that we were paid for. We went home at night and on the weekends, when we had a chance, we got out and enjoyed the beautiful country in Maine. We went fishing, hiking, swimming or whatever it was that we enjoyed doing. We tried to find a little time to do some community service, volunteer work. We went to church on Sunday — the only difference that I ever saw in life-style was that my lesbian friends would go home to a partner of the same sex at night while I would not. As I say, I didn't see a different life-style. I still have not, in all my years, met anyone who chose to be gay.

Like a previous speaker, I have to ask myself, if we passed a law here in this legislature tonight at lowering heterosexuality, would I be able to choose to be homosexual to avoid persecution so I wouldn't have to worry that I might lose my job or my home or even be thrown off the bridge in downtown Bangor at

night? I don't believe that I could change that, I believe it is part of my nature and the people that I have lived and worked with over the years who are gay did not choose to be gay either. I have known people who have gone through years of therapy, they have gone to their priest or their ministers and sought counseling, they have made every effort to change because of the pain that they felt by being the way that they were, the way they were created by God as far as I am concerned, and I do not believe that anyone could convince me that most people choose to be gay. So I don't think that is any argument against protecting them from discrimination.

I will not keep you, it is late, I am tired and hungry as you are, but all I ask is this — let's give some real meaning to those beautiful words that we said earlier this evening as we pledged allegiance to our flag up there, "with liberty and justice for all." Let's vote for this bill so there will be justice, a reality, for all the citizens of our beautiful state.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I am a Republican, I am an Italian-American and I am the product of discrimination from years ago. Discrimination is one of those types of things that happens to lots of people during the course of their life.

My forebearers on my mother's side fled Virginia at the time of the American Revolution because they were conservatives, Republicans I guess, — loyalists they called them then, and they went to Canada where they lived for several hundred years before my grandmother met a French-Canadian who was handsome and they were the subject of religious prosecution and fled to Maine.

My Italian grandfather fled Italy better than a hundred years ago and all of them ended up here in Maine. I have made this point before on the floor of the House and I make it again, my forebearers who came to Maine came here with a conviction that somehow they would not be persecuted here. I have never been persuaded, not withstanding the arguments made on the floor of the House tonight and at the committee hearings that prejudice exists in such a fashion so that the procedures that I want to discuss with you briefly should be invoked in order to circumvent it.

I will tell you as I have said on the floor of this House that I get discriminated against here, not because I am an Italian-American and in a protected class as an ethnic American, but because I am a Republican and I know that that is a legitimate form of discrimination and, more importantly, because I am a lawyer, which I do resent, but I am not protected and I am wise enough to know that this House will never protect lawyers from discrimination.

The point is that what I object to and what I have always objected to is the procedure. Now my learned young colleague from Norway made reference to the fact that I should be able to do something. The law which this bill will invoke is Title 5, Section 4612, and what it does is require that the Commission or its delegated single Commissioner or investigator provide an opportunity for the complainant and respondent to resolve the matter by settlement agreement prior to a determination of whether or not there are reasonable grounds to believe that unlawful discrimination has occurred. What that amounts to is

that the Human Rights Commission will, as an arm of government, act assertively against a Maine citizen in secret because these records are not subject to public scrutiny and they are not matters of public record. What will happen as a result of that is that the parties will be forced to meet and decide whether or not a private settlement agreement can be made. Now I oppose government intervention of that sort, plainly and simply. Assuming that that were not the end of the matter, then the matter moves under the next section of the statute to a point where a designated commissioner or a delegated commissioner or investigator conducts a preliminary investigation to determine whether or not in that person's opinion there has been some discrimination. If there is a finding of reasonable grounds to believe that unlawful discrimination has occurred, the commission, acting individually or collectively, shall endeavor to eliminate such discrimination by informal means such as a conference conciliation and persuasion and, again, the results of this, a secret. There are any number of unsophisticated Mainers who, if they took some sort of action which might possibly bring them into conflict with this law that you contemplate passing this evening, would immediately be placed in a position where they would be nervous, upset, and concerned because of the allegations that have been made against them. It is for that reason, and that reason alone, that I oppose this legislation.

I have suggested, knowing that this issue comes before us in this fashion on a biennial basis, that something be done to create Rights of Termination in people who are fired because of this, but nobody wants to do that. I admit that I have not done it myself — that people who have a vested property right by virtue of a lease hold be given rights if they prove that their tenancy were terminated because of this but nobody wants to do that either. The difference is the burden of moving forward. In this situation, as I see it, a person is accused and must go through two (nearly secret) proceedings before that person is given the opportunity to litigate — the cost, the discomfort, all of that is significant, so I think that the Human Rights Act does not provide the right vehicle.

I also think that the fiscal note is an indication of the fact that there is not much by way of real reason for us to assume that discrimination is rampant in this state. I believe, as my grandfather did before me, that the people of this state will accept you if, as he said, you work hard and pay your bills. It is not always easy. This society is called the "melting pot." This society as a "melting pot" has times when it is hard, it is not an easy society to live in or to adjust to. God knows I have had lots of the benefits for the society to confer upon an individual and I am appreciative of that but I want our society to excel because of its own courage to understand the differences that make us special and to achieve without government intervention. I abhor government intervention and I will vote against this bill this evening.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: I certainly cannot speak as eloquently on this issue as those who have spoken before me but I would like to add one little bit to the discussion this evening.

As everyone here knows, the University is and

should be microcosm of the larger society and should be a leader in areas of social change. Time and again, looking back over the history of this country, that has been the case. In 1987, the University of Maine System Board of Trustees approved four changes in the University policy on equal opportunity, including the addition of a sexual orientation clause in a list on a basis on which the University explicitly prohibits discrimination in employment, education and all other areas within the University System. It has been almost four years now since that was implemented.

This evening I would like to read to you an excerpt from a letter that was written to Representative Cathcart from Susan Easler who is the Director of Equal Opportunity at the University of Maine, Orono. "The policy relates only to non-discrimination and not affirmative action. It nevertheless appears to have helped produce a more positive, secure, and respectful working and studying environment for employees and students at the University. Generally, the policy has allowed earlier intervention in situations that might have otherwise become ugly. It provides a more positive and secure working, living, and studying environment for the gay and lesbian staff and students and, thirdly, assures avenues and eliminates any ambiguity about responding to incidents of discrimination based on sexual orientation."

I might add that in my discussions with people who have been opponents of this legislation that they are all very surprised to hear that the language on the bill is very short and does not provide any special opportunities to a class of people. All it does is ensure basic human rights and dignities to a class of people who, quite frankly, many times in our society are denied them. I would ask your support in this measure this evening.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: I never intended to speak on this bill but several weekends ago, I was awoken from my treasured Sunday nap by the voice of Margaret Thatcher. Now such an event may not have the same effect on you but what she said has forever stuck in my mind. Speaking to the Washington Press Club in what had been billed as a boring, run-of-the-mill speech, she made a startling revelation of about how the rest of the world abused the United State of America. She said that "America is the only country with the moral authority to accomplish what we had accomplished in the Persian Gulf because America, unlike any other country, is a product, not of race, religion, culture or history, but of philosophy. It is that philosophy that gives us the moral authority unseen in any other nation or culture."

These words are, indeed, startling but in a few words she struck a truth that all of us know in our hearts. We are a nation in a constant state of revolution. It is that revolution that keeps this nation alive. Tonight we fight that very battle in this House. At no time are we closer to defining our moral power than we, as members of this House, are here tonight.

When I went to law school four years ago, one quote echoed in my mind. Dean Charles Houston of the Howard Law School once said, "A lawyer is either a social engineer or he is a parasite on society." As a lawyer now, I cannot turn my back on that advice.

The choice tonight for us is the same choice I faced entering law school, either we walk away from this bill here tonight and allow time and stagnation to erode the ideological strength of our nation or we strike a new blow for justice and equality and pass a better nation on to our children.

I hope you will join me in supporting this bill tonight.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, Men and Women of the House: Being elected to the Maine House of Representatives was the proudest moment of my entire life. I now have the great privilege and high honor of rising to speak for the first time but, most importantly, to speak in support of the most burning issue of my lifetime, that being on civil rights of human beings.

I have received the same amounts of mail that all of you have received, the phone calls, the conversations that go on endlessly — I have gotten the high road and the low road.

I was going to read to you from some of the negative crap that I, along with everybody else, must have received and decided to lay that aside and read to you probably the most convincing argument to support this anti-discrimination bill that I have ever received. It goes, "Dear Representative Gean: Have you cosponsored L.D. 430 yet? I hope you have or hope you will if you haven't. As I watched the news on TV about the brutal slaying of the gay person in Portland over the weekend and then read of Police Chief Chitwood's tales of the skinheads in yesterday's paper, it sent a chill up my spine. Shades of Nazi Germany. People shouldn't have to live in fear and should be able to live wherever they like in accordance with the independent spirit we hold so dear in this state. Perhaps I am naive, but the only reason I can think of for objecting to an anti-discrimination bill is discrimination. To my politically naive mind, he or she who refuses non-discrimination to another is being discriminatory. How can anyone then be against a non-discrimination bill? How sad that there are those who are. It is sad that there is a need for such a bill in the State of Maine, but it is sadder yet that such a bill has not already been passed when there is an obvious need for it. Sincerely, Douglas MacDonald." He lives in Acton.

Mr. MacDonald has simply and eloquently cut through the fears, the ignorance, and the emotional confusion which surround this basic, yet vital, issue when he says "he or she who refuses non-discrimination to another is being discriminatory. How can anyone then be against a non-discrimination bill? How sad that there are those who are."

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to give particular thanks to Representative Paradis for mentioning Larry Connolly. As many of you know, Larry Connolly was my personal friend for over 20 years and I represent the same district that Larry did, District 26 in Portland. I know that this legislation was one of the most important initiatives that Larry Connolly made during his 16 years in the legislature and he introduced it at a time when there was much more opposition than we see today so I want to thank

Representative Paradis for that before I start.

I am going to keep it light and I crossed out most of the things I was going to say because I know the hour is late. This is the Easter season, this is the Passover season, this is the Spring, a season of new life and hope and this legislation gives particular meaning to that season.

This legislation takes from no one, it adds dignity to all, it costs nothing, it promotes nothing, it only gives protection. This is my personal feeling — do we really care who really loves each other, who is holding hands? I am more concerned and fearful of those who hate and those that practice violence. Why are we afraid of love? Why is it so great a concern in our society as to who wants to love someone else? The only thing I fear is violence and those who hate others.

The legislation speaks the most important purpose in the role of government, protection of its citizens, especially our most vulnerable. Having worked in civil rights in Nevada with the Paiute and Washo Indians, having worked in Florida with Blacks and Philadelphia with Puerto Ricans and Blacks, it is quite obvious that government has to play a role.

I heard tonight in the debate that people should be educated, maybe we should go a little slower — I heard all those arguments in the South. I remember meeting with a group of liberal white citizens who told me that Blacks will get their rights, we know that they are discriminated against, we have to go slow, we can't disrupt society, we have to educate each other, they have to earn their rights. Sounds good but if you are the one being discriminated against, if you are the one that has lost housing, if you are the one who has lost a job, if you are the one that lost an opportunity in our society, then are you willing to say let's go slow, let's educate each other, let's earn the rights? I don't think so.

If you are on the fence and this decision is difficult, I implore you to follow your best instincts, not your fears. Don't listen to the cheap joke you may have heard last week, listen to the pain and suffering caused on your fellow Mainers by discrimination. These second-class citizens by law make up a fair percentage of Portland citizens but I know in my neighborhood and I know in the greater Portland area that it is all out of proportion to the numbers. They have contributed tremendously to the livability of our city. They serve as our teachers, they deliver our social services, they own our restaurants and they serve on the city council, a great contribution.

I am just going to end with one thought, it is Spring, so I am about ready to plant my garden and my garden has a lot of variety in it and a lot of color and that is the way it should be.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I am sitting here trying to decide how long ago, and I think it was in 1984, that I was challenged at a meeting that was called by Pat Ryan of the Human Rights Commission to talk about this bill in that year. I was challenged by a woman who said to us that were there, "think about the lesbian and the gay men in your lives and what kind of an influence and impact they made on you." Over the years, I have had lots of opportunities to do that. It is still, I think, one of the reasons that I feel most passionately about this bill is because of the

men and women who I have known over the years who are lesbians or who are gay.

I would like to take a few minutes to tell you about a few of those (I will mention women because I am closer to them) who have touched my life over the years because I think if I tell you about them, you will think about people that you know or who you may not know that are gays or lesbians. I also hope that in talking about those people, I will be able to, once again, address some of the myths that have been floating around in the last several weeks. Probably the issue that I hear the most frequently is that if people really wanted to be heterosexual, they could. When I hear that argument, I always think about my friend Jenny. Jenny and I were college roommates and about the time that I was ready to graduate from college, she came to me and said she really believed that she was probably a lesbian. We talked then and we talked many times after that about that and about her feelings about that. I was certainly a very naive 20 year old at that time and Jenny I think, over the years, tried very, very hard to deny those feelings, her need to act on those that she had at the age of 20. Jenny has had a very troubled life and I believe it is because all those years we have told her that being a lesbian was not acceptable.

After I left college, I found that she had become very promiscuous, I know in an attempt to prove to herself that she really was a heterosexual. I know of at least one abortion that she has had I think in an attempt to prove that she was heterosexual.

I was the Matron of Honor at a wedding that I knew from the beginning was disaster and it was. She was very soon divorced from that man. She then decided that maybe the way to deny her sexuality was to join a religious group and she did, a group that in fact had what I would like to think of as a Convent, but that isn't it because she was not a Catholic, but a place where she could go and be sequestered, secluded and not have to deal with the everyday world. That, too, was not sufficient for Jenny. At age 41, she had her first homosexual experience and is currently able to admit, and knows that I talk about her, that that's really what troubled her all of these years. She, too, lives in a state, it is not Maine, where she fears daily for the loss of her job in the same way that many lesbians and gays do in this state.

I also would like to tell you about my first boss who was a lesbian. Back then we couldn't talk about that, even though I felt very close to her. It was only when she was dying that she told me she had never felt safe to talk to anyone about it. But this is the woman, ladies and gentlemen of the House, who turned her conference room into a child care center when my daughter was born.

Last weekend, my husband and I had an opportunity to take advantage of our wonderful natural resources and went skiing. As we were getting ready to go into dinner, we checked into an inn in the northern part of the state, we ran into a couple that I have known for many years, professional women, who after great efforts managed to get a mortgage to buy a home but I thought about the fact that they could have appeared at that innkeeper's door and been told that there was no room in the inn, only because they were two women checking in.

Those same people who wanted religion added to the Human Rights Act are now asking us not to add sexual orientation.

The final comments I want to make in terms of being touched by my friends on this issue was after the debate in the other body last week. Some of us went out to dinner or a late night snack, I should say, and one of the comments that was made was that there was some communication that said, "Don't take my vote personally." I thought a lot about that over this long weekend too. I believe, ladies and gentlemen of the House, that there is no way to take a no vote on this bill but personally. A no vote denies the personhood of a considerable number of members of this state, residents of this state, your constituents. A no vote says, "I don't care whether you worry day in and day out about whether you will have a job." It says, "I don't care whether you can get a bank loan to buy a house, to buy a car." It says, "I don't care if you are unemployed." That, to me, is very personal and I take it very personally. I hope when you vote tonight that you will think about it, that there are members of your constituency, that are your friends and there may be members of your family who will a no vote very personally.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: This is the third time that I will be voting on this bill and I do feel compelled to say what I feel I need to say this time.

First of all, I would like to read a letter, a very short one, from a constituent. "Dear Carolynne: I am writing to indicate my support for L.D. 430. As I am sure you are aware, the first Article of the Constitution of the State of Maine states: 'all men are born equally free and independent and have certain natural inherent and unalienable rights among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness.'" I believe that L.D. 430 will enable a large portion of Maine's populous to finally achieve benefits of Article I of our Constitution. I agree with my constituent. Surely housing, public accommodations, employment and credit have directly to do with enjoying life and liberty and with acquiring and possessing and protecting property and pursuing happiness.

I agree and I feel that there is no question that statistics prove and that all of the testimony for the Committee on Judiciary proves and the long list of those who testified in support of this bill proves that there is a need for this legislation because, quite simply, there is discrimination out there. Where there is discrimination and where it is recognized and when it is recognized, it is in line with the tradition of this country that steps are taken against that discrimination. One of the most significant steps in my mind is the adding of amendments to the Constitution and/or civil rights legislation.

I am not naive enough to believe that if we pass this piece of legislation tonight that it will change the hearts of people or the minds of people or wipe out prejudice in a moment but I do firmly believe that it will help immensely because it will articulate that we recognize that discrimination has existed and we proclaim to the world that we recognize that fact and that it is wrong. We would further indicate and mandate that such discrimination by law should no longer be condoned. It is a

statement of an article of political faith, if you will. It takes us down that road towards full realization of our political ideals in line with a good American tradition.

As a holder of this office of state legislator, however modest that may be, I feel it is my duty unequivocally to support this piece of legislation for those reasons and for many other reasons that were given here tonight.

On the practical side, ladies and gentlemen, I do not understand when we finally recognize that discrimination exists why we would not want to do everything to help people earn a living, especially in these hard times. That ought to be very clear to us that we need to help people earn a living. When they are discriminated against employment, to pass this piece of legislation will assist in that direction.

I would like to read excerpts from another letter from one of my constituents. It is from a constituent whose son had to finally accept the fact that he was homosexual. "My oldest son studied hard in college and was a top student. His Sophomore year in college, he wrote home that he was discouraged in his studies and had even thought of suicide. We were shocked and I immediately called him and said things like, 'don't study so hard.' I have taken all my kids to church every Sunday since they were infants and home has always been a special place for all of them. My oldest son acted like he wanted to come home very much but he always seemed to have something to do which prevented him from coming. Finally one day after graduation he called crying. He said he was gay. He came home the next day and he said, in college, some kids were openly gay. He used to pray, 'Dear God, don't let me be like them.' This was when he mentioned suicide to us. I said that a lot of kids commit suicide because they get on drugs. My son who has never smoked or used drugs said, 'why do you think they use drugs and kill themselves? It is because they are gay and cannot stand to be different.' In an effort to help him, I have read several reports and studies by doctors, clergymen and so on. My son finally said, 'I don't want to embarrass my family so I am leaving the area and I will stay away.' This is tearing us to shreds. Medical science doesn't know why about 10 percent of our population is born gay. It is a painful matter for all concerned." I read this letter to show that, in the case of this young man as in the case of most people who are homosexuals or lesbians, he did not have a choice. He had a very difficult time accepting the fact that he did not have a choice and accepting the fact that he was different because society around him made it difficult for him to do that. Indeed, he almost preferred to die.

I will tell you that any piece of legislation that helps to alleviate a situation like this is about families, ladies and gentlemen, it is about binding wounds and it is about helping those whose consciences are tortured. It is about families, about holding them together.

Lastly, I have to say a few words on the floor of this House about my own Christian perspective. I know that this is not a theological forum and I do not want to turn it into one but a lot of the opposition to this bill has come from good friends of mine who, on the basis of their own particular Christian conscience, have asked me to vote against it. For that reason, I think I need to put on the

Record how I see things as a Christian.

I will not preach too long. First of all, I have been taught that we are all God's children, that we are all made in the image of God, that we are all brothers and sisters in Christ and there are no exclusions. It did not say that we are all — except this group or that group. People sometimes implore the expression "God's law." Well, according to my conscience, "God's law" is as follows and I am taking it out of the Gospel of Matthew.

In answer to a lawyer of the Pharisee's who tempted Jesus with the question, "Which commandment in the law is the greatest?" Christ answered, "Thou Shalt Love the Lord Thy God With Thy Whole Heart and Thy Whole Soul and Thy Whole Mind. This is the greatest of the commandments and the first."

The second, ladies and gentlemen, is this: "Thou Shalt Love Thy Neighbor As Thyself." On these two commandments, all the law and the prophets depend — to be more specific, once again in Matthew: "Do To Others All That You Would Have Them Do to You." That is the law and the prophets. To my way of thinking, along Christian lines, what Christ is telling us there is that we must love one another and that we must love one another unconditionally and how can I do that, ladies and gentlemen, as a believing Christian and not take those step necessary to assist those in living and in earning a living who are discriminated against and when I know that they are being discriminated against, not only now but have been discriminated against down through the ages and the years?

I know there are a lot of fears out there and I will not judge anybody, no matter what side of this question they are on but it seems to me that Christian love is about dealing with, overcoming, and transcending fear — indeed, Christian love is supposed to drive out fear.

It seems to me, on the basis of our Constitution, on the basis of the tradition of this country, and on the basis at least of the Christian tradition, which is the only tradition I can speak to because that is what I am, that the very least I can do is to support people in living and in making a living and that means voting for this piece of legislation as I hope you will.

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

Representative ATTEAN: Mr. Speaker, Men and Women of this House: I can remain silent no longer, this is my seventh year in this House, my fourth term and I have listened to this debate, not only in committee, but in conversation. I did not envision myself rising today and speaking on this bill when it purports to sexual discrimination but I would be doing a disservice, not only to myself, but to my people whom I represent.

I must support and I strongly urge your support of this piece of legislation. I must support any legislation which would protect any individual from any type of discrimination. I myself, my children, my grandchildren, my parents, my grandparents and all of my ancestors have been subjected to discrimination for the past four millennia. It was not just isolated incidents but daylong, weeklong, yearlong, constant prejudice and discrimination.

This legislation is not about sexual preference but legal protection under our laws for those who choose a different life-style. If it takes clear and

specific language in our laws in order to prevent discrimination against gays, then let it be so. Let's not have ambiguities in the law where these poor unfortunates can be taken advantage of or anyone can be taken advantage of. One need only to look back in the history of our country to the Emancipation Proclamation and in recent history, to the Civil Rights Act, to the Indian Citizenship Act of 1924, to the Voting Rights Act of the mid-1950's which allowed American Indians in Maine to vote.

People talk about the process of education, that's what it took, it took a process of education, it took a process of legislation to make all of us aware of the injustices that are visited upon certain segments of our societies.

I listened to this debate tonight and I have heard some of the things that were said — there were some of the good Representatives who talked about the Harassment Law — I remembered the role that I played in that Harassment Law and how I stood up at this very desk and spoke to it. I remember how hard that Harassment Law was to pass into law; yet it is law. Unfortunately, that Harassment Law is not enough when it allows outright discrimination against anyone for any reason whatsoever. If the law needs to be clarified, then let's do it.

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

Representative OTT: Mr. Speaker, Men and Women of the House: I rise to make several brief comments on L.D. 430 in order to explain my position.

I am a member of the Judiciary Committee and was one of the six who opposed passage of this bill. I based my vote at that time on my traditional political background and what I thought were problems that I thought passage would create by affixing a governmental stamp of approval on what I perceived to be a special group of people. I grappled with that decision ever since. I have heard and have read and done some research over the weekend in the public library in Portsmouth on all the arguments, both pro and con, on this particular bill. It seems to me that these arguments that are against passage of this bill really reach out and stretch for a rationale that I think pale in light of the overwhelming testimony and evidence that has been presented by the proponents.

The other area that seems to be in opposition to passage is the feelings of some legislators that they must adhere to a voice that they hear back in their home districts. As has been stated here this evening, I would like to echo the thoughts of a British philosopher and statesman who might say these words better than I on how we are to vote away from our constituents. Edmund Burke stated "Your Representative owes you, not his industry only, but his judgment, and he betrays instead of serving you, if he sacrifices it to your opinion." In other words, a Representative is elected to represent the people of his district, not to be an empty barrel into which his constituency shouts commands so that the echoes can be heard in the House chambers.

I like to think of myself as being a person who would not practice or condone any discriminatory practices, both those against people who may be of a particular color in their skin, those who may be of a particular religious faith, those who are disabled or because they may be male or female. While support of this bill and its passage may create a whole host of problems dealing with homosexual activity and future

agendas that a Gay Right Movement may choose to pursue, I think that these problems have to be faced and dealt with on another day and at another hour.

I realize that sitting on the fence and jumping on one side and then jumping back on the other side has its political repercussions but, if there is discrimination and I believe that there is against homosexuals, then I do not have to wait two, three, or has been said, seven years to change my vote. I address you, not to try to influence your vote but to explain my position in light of my vote in committee, I will be voting yes when the roll is called.

Representative Martin of Eagle Lake 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 pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Butland.

Representative BUTLAND: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Waldo, Representative Whitcomb. If he were present and voting, he would be voting no; I would be voting yes.

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

Representative MARSH: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Coplin Plantation, Representative Powers. If he were present and voting, he would be voting yes; I would be voting no.

The SPEAKER: The pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 22

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

NAY - Aikman, Aliberti, Anderson, Bailey, H.; Bailey, R.; Barth, Bell, Bowers, Carroll, J.; Clark, H.; Cote, DiPietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Hale, Hanley, Heino, Hepburn, Hichborn, Hichens, Hussey, Jacques, Jalbert,

Kerr, Ketterer, Kutasi, Lebowitz, Libby, Look, Lord, Luther, MacBride, Macomber, Marsano, Martin, H.; McHenry, Merrill, Michaud, Murphy, Nash, Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlman, Savage, Sheltra, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Vigue, Waterman.

ABSENT - Ault, LaPointe, Nutting, Tupper, The Speaker.

PAIRED - Butland, Marsh, Powers, Whitcomb.  
Yes, 68; No, 74; Absent, 5; Paired, 4;  
Excused, 0.

68 having voted in the affirmative and 74 in the negative with 5 being absent and 4 paired, the motion did not prevail.

Subsequently, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: JOINT RESOLUTION (S.P. 300) RELATIVE TO RECOGNIZING THE ESTABLISHMENT OF CHILDREN'S CASTLE which was indefinitely postponed in the House on February 26, 1991 (came from the Senate with that Body having adhered to its former action whereby the Joint Resolution was adopted in non-concurrence), which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Gwadosky of Fairfield, retabled pending further consideration and specially assigned for Thursday, April 4, 1991.

The Chair laid before the House the following matter: Bill "An Act to Allow Service of Civil Process by any Licensed Private Investigator or Bonded Security Agency" (S.P. 434) (L.D. 1155) which was referred to the Committee on **Judiciary** in the House on March 21, 1991 (came from the Senate with that Body having insisted on its former action whereby the Bill was referred to the Committee on **Legal Affairs** in non-concurrence), which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Lawrence of Kittery, the House voted to recede and concur.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

**SENATE PAPERS**

Bill "An Act to Amend the Automobile Insurance Laws" (S.P. 512) (L.D. 1373)

Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" (S.P. 514) (L.D. 1375)

Came from the Senate, referred to the Committee on **Banking and Insurance** and Ordered Printed.

Were referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act to Clarify the Workers' Compensation Act" (S.P. 513) (L.D. 1374)

Bill "An Act to Promote Economic Development" (S.P. 515) (L.D. 1376)

Came from the Senate, referred to the Committee on **Labor** and Ordered Printed.

Were referred to the Committee on **Labor** in concurrence.

Bill "An Act to Create a State Municipalities Investment Pool" (S.P. 516) (L.D. 1377)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and Local Government** in concurrence.

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

**SENATE PAPERS**

Bill "An Act to Institute a System of No-fault Automobile Insurance" (S.P. 529) (L.D. 1407)

Came from the Senate, referred to the Committee on **Banking and Insurance** and Ordered Printed.

Was referred to the Committee on **Banking and Insurance** in concurrence.

Bill "An Act to Establish the Maine Correctional Institution - Warren" (S.P. 518) (L.D. 1396)

Came from the Senate, referred to the **Joint Select Committee on Corrections** and Ordered Printed.

Was referred to the **Joint Select Committee on Corrections** in concurrence.

Bill "An Act to Increase the Minimum State Share of Total Education Costs" (S.P. 521) (L.D. 1399)

Came from the Senate, referred to the Committee on **Education** and Ordered Printed.

Was referred to the Committee on **Education** in concurrence.

Bill "An Act to Establish a Seasonal Permit for the Sale of Deer Hides" (S.P. 519) (L.D. 1397)

Came from the Senate, referred to the Committee on **Fisheries and Wildlife** and Ordered Printed.

Was referred to the Committee on **Fisheries and Wildlife** in concurrence.

---

Bill "An Act to Appropriate Funds for Support Services for Persons Who Are Homeless" (S.P. 520) (L.D. 1398)

Came from the Senate, referred to the Committee on **Human Resources** and Ordered Printed.

Was referred to the Committee on **Human Resources** in concurrence.

---

Bill "An Act Concerning Discrimination under the Maine Human Rights Act and the Workers' Compensation Act" (S.P. 525) (L.D. 1403)

Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed.

Was referred to the Committee on **Judiciary** in concurrence.

---

Bill "An Act to Base Workers' Compensation Insurance Surcharge on Preventable Injuries" (S.P. 523) (L.D. 1401)

Came from the Senate, referred to the Committee on **Labor** and Ordered Printed.

Was referred to the Committee on **Labor** in concurrence.

---

Bill "An Act Relating to Mobile Home Parks" (S.P. 528) (L.D. 1406)

Came from the Senate, referred to the Committee on **Legal Affairs** and Ordered Printed.

Was referred to the Committee on **Legal Affairs** in concurrence.

---

Bill "An Act to Provide Confidentiality of Proprietary Data Provided to State Agencies" (S.P. 524) (L.D. 1402)

Bill "An Act to Provide Confidentiality for the Records of Individuals Who Receive Funds from a Community Development Program Created Pursuant to the Maine Revised Statutes, Title 30-A, Chapter 205" (S.P. 527) (L.D. 1405)

Resolve, Requiring the Maine State Housing Authority to Study Continuing Care Retirement Communities and Life Care Communities (S.P. 526) (L.D. 1404)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

Were referred to the Committee on **State and Local Government** in concurrence.

---

Bill "An Act to Provide State Reimbursement to Municipalities for Property Tax Losses Due to State-owned Property" (S.P. 522) (L.D. 1400)

Came from the Senate, referred to the Committee on **Taxation** and Ordered Printed.

Was referred to the Committee on **Taxation** in concurrence.

---

(Off Record Remarks)

---

On motion of Representative Erwin of Rumford, Adjourned at 8:05 p.m. until Thursday, April 4, 1991, at five o'clock in the afternoon pursuant to Joint Order (S.P. 517).

---