

# MAINE STATE LEGISLATURE

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**House Legislative Record**  
of the  
**One Hundred and Eighteenth Legislature**  
of the  
**State of Maine**

**Volume I**

**First Regular Session**

December 4, 1996 - March 27, 1997

**First Special Session**

March 27, 1997 - May 15, 1997

ONE HUNDRED AND EIGHTEENTH LEGISLATURE  
FIRST SPECIAL SESSION  
22nd Legislative Day  
Thursday, May 8, 1997

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

Prayer by Father Francis J. Kane, Chief of Chaplain Service, Veterans Affairs Medical and Regional Office Center, Togus.  
Pledge of Allegiance.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Rines who wishes to speak on the record.

Representative RINES: Madam Speaker, Men and Women of the House. As I am sure that most of you know by now, Tuesday night, a letter written by me in response to a handout that had been distributed to all of us in this House by the Representative from Standish, Representative Mack. My words were perceived to be anti-Semitic and threatening. I had the opportunity yesterday to set down and talk to Representative Mack and apologize for my comments. It was only then that I began to realize what, in fact, I had actually done. While the sole purpose of my letter was to express my deeply held views that discrimination, any form of discrimination, was wrong. I had, in fact, judged a man I didn't even know. For my own actions, I know now, more than ever, that discrimination thrives on ignorance. Representative Mack, I cannot undo what has been done. I can only offer my sincerest apologies. The past couple of days have been a living nightmare for me and I cannot imagine what they must have been for you. For that and any discomfort that I might have brought to the men and women of this House, I am truly sorry. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Mack who wishes to speak on the record.

Representative MACK: Madam Speaker, Right Honorable Members of the House. I was shocked and saddened when I received the note. After meeting with the good Representative yesterday, I accept his apology. As we continue to debate emotional issues, I hope that we can agree to disagree without impugning each others motives or intentions. I hope that we can all learn from this incident that true support for diversity cannot be achieved through legislation. It must come from the heart.

The Journal of yesterday was read and approved.

**SENATE PAPERS**

The following Joint Order: (S.P. 645)

**ORDERED**, the House concurring, that the Joint Standing Committee on Banking and Insurance report out a bill, "An Act Authorizing the Bureau of Insurance to Release Aggregate Ratios of Consumer Complaints to the Public" to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

**Divided Report**

Majority Report of the Committee on **Judiciary** reporting "**Ought to Pass**" on Bill "An Act to Prevent Discrimination" (S.P. 338) (L.D. 1116)

Signed:

Senators: LONGLEY of Waldo

LaFOUNTAIN of York

Representatives: THOMPSON of Naples  
WATSON of Farmingdale  
ETNIER of Harpswell  
JABAR of Waterville  
MAILHOT of Lewiston  
POWERS of Rockport

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

Signed:

Senator: BENOIT of Franklin

Representatives: PLOWMAN of Hampden  
NASS of Acton  
WATERHOUSE of Bridgton  
MADORE of Augusta

Came from the Senate with the Majority "**Ought to Pass**" Report read and accepted and the Bill passed to be engrossed.

Was read.

Representative THOMPSON of Naples moved that the House accept the Majority "**Ought to Pass**" Report.

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

**Divided Report**

Majority Report of the Committee on **Education and Cultural Affairs** reporting "**Ought Not to Pass**" on Bill "An Act Relating to Applied Technology in Western Washington County" (S.P. 400) (L.D. 1295)

Signed:

Senators: PENDLETON of Cumberland  
CATHCART of Penobscot  
SMALL of Sagadahoc

Representatives: RICHARD of Madison  
BRENNAN of Portland  
DESMOND of Mapleton  
WATSON of Farmingdale  
BAKER of Bangor  
BARTH of Bethel  
McELROY of Unity  
STEDMAN of Hartland  
BELANGER of Caribou

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

Signed:

Representative: SKOGLUND of St. George

Came from the Senate with the Majority "**Ought Not to Pass**" Report read and accepted.

Was read.

On motion of Representative RICHARD of Madison the Majority "**Ought Not to Pass**" Report was accepted in concurrence.

**PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE**

The following Bill was received and upon the recommendation of the Committee on Reference of Bills was referred to the following Committee, Ordered Printed and Sent up for Concurrence:

**Banking and Insurance**

Bill "An Act to Create a Universal Bank Charter" (H.P. 1319) (L.D. 1869) (Presented by Representative CARLETON of Wells) (Cosponsored by Senator MURRAY of Penobscot and Representative: DAVIDSON of Brunswick) (Governor's Bill)

#### ORDERS

On motion of Speaker MITCHELL of Vassalboro, the following Joint Resolution: (H.P. 1320) (Cosponsored by Senator TREAT of Kennebec and Representatives: CAMPBELL of Holden, FULLER of Manchester, KONTOS of Windham, SAXL of Portland, Senators: AMERO of Cumberland, LAWRENCE of York)

JOINT RESOLUTION HONORING JOHN B. KNOX OF READFIELD ON HIS RETIREMENT FROM STATE SERVICE

**WHEREAS**, upon his retirement on December 31, 1996 and in appreciation of his years of service to the Maine Legislature, we wish to recognize John B. Knox in the Office of Policy and Legal Analysis; and

**WHEREAS**, in 1984 John began his employment with the nonpartisan Office of Legislative Assistants now known as the Office of Policy and Legal Analysis and, for over 12 years, conscientiously served in the office in the positions of Legislative Assistant and Legislative Analyst; and

**WHEREAS**, John staffed numerous joint standing committees and study commissions of the Legislature, including the Joint Standing Committee on Business and Economic Development during the 117th Legislature; and

**WHEREAS**, John gained the respect of committee members and his colleagues who have benefited from his high professional standards and his commitment to provide committees with useful information and analyses with which to make informed decisions; and

**WHEREAS**, his attention to detail and dedication to the Legislature made him a valued member of the nonpartisan staff; now, therefore, be it

**RESOLVED**: That We, the Members of the One Hundred and Eighteenth Legislature of the State of Maine, now assembled in the First Special Session, do pause in our deliberations to express our appreciation to John B. Knox and to recognize his unselfish and honorable commitment to this Legislature and to the State of Maine; and be it further

**RESOLVED**: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to John B. Knox with our very best wishes for the future to John and his family.

Was read and adopted and sent up for concurrence. Ordered sent forthwith.

On motion of Representative GAMACHE of Lewiston, the following Order: (H.O. 26)

ORDERED, that Representative Martha A. Bagley of Machias be excused May 1 and May 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph E. Brooks of Winterport be excused May 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Carol A. Kontos of Windham be excused May 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Julie Ann O'Brien of Augusta be excused April 14, 15, 16 and 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Jay MacDougall of North Berwick be excused May 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Gary J. Wheeler of Eliot be excused May 2 and May 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Thomas J. Wright of Berwick be excused April 28 for personal reasons.

Was read and passed.

#### SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 519 and Joint Rule 213, the following item:

Recognizing:

the following students and their coaches at Buckfield Junior-Senior High School, who placed first in the Division III "Can You Dig It" category of the Odyssey of the Mind Tournament held at the University of Maine in Orono: Meghan Andrews-Chute, Shannon Andrews-Chute, Chris Nilon, Eric Marston, Jessica Houle, Jeremy Samson and coaches Frannie Babb and Linda Andrews-Chute. We extend our congratulations and wish them well in the upcoming world competition to be held at the University of Maryland in June; (HLS 455) by Representative GAGNE of Buckfield. (Cosponsor: Senator FERGUSON of Oxford)

On objection of Representative GAGNE of Buckfield, was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the Representative from Buckfield, Representative Gagne.

Representative GAGNE: Madam Speaker, Ladies and Gentlemen of the House. It is my pleasure to introduce two of the six young people who were involved with the Odyssey of the Mind and I would like Chris and Meghan to go down front and not pass out things anymore right now. Besides being a very small high school of about 200 students, there are only about 50 in their junior class. They are both juniors there. The six students are raising money to go to Maryland for the World competition next month. Not only that, but Chris Nilon is also a delegate to Boy's State next month. He is the runner up in the American Legion oratorical contest and the second place school winner in the voice of democracy contest. Even as a small school it is outstanding that these young people achieve so much. Meghan Andrews-Chute not only is a member of the Olympics of the Mind team going to Maryland, but she is also the Zerex award winner in humanities. She is Girl Scout Student Delegate from the State of Maine. She is going to a Wider Opportunities Conference in Ohio this summer. She is the winner of two PTA state reflection awards. One for a musical composition that she had of her own that they judged locally and right through and another award for her work in art. I am very proud of them and I want you to recognize them today. Thank you.

Was read and passed and sent up for concurrence.

#### REPORTS OF COMMITTEES

##### Divided Report

Majority Report of the Committee on **Legal and Veterans Affairs** reporting "**Ought Not to Pass**" on Bill "An Act to Prohibit Landlords from Collecting Rent More than 3 Months in Advance" (H.P. 1107) (L.D. 1550)

Signed:

Senators: DAGGETT of Kennebec  
FERGUSON of Oxford

Representatives: TUTTLE of Sanford

GAMACHE of Lewiston  
CHIZMAR of Lisbon  
TESSIER of Fairfield  
LABRECQUE of Gorham  
BIGL of Bucksport  
BELANGER of Wallagrass  
TRUE of Fryeburg

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

Signed:

Senator: CAREY of Kennebec

Representatives: FISHER of Brewer

GAGNE of Buckfield

Was read.

On motion of Representative GAMACHE of Lewiston, tabled pending acceptance of either Report and later today assigned.

### CONSENT CALENDAR

#### First Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 422) (L.D. 1343) Resolve, Establishing a Blue Ribbon Commission to Study the Effect of Government Regulation on Small Businesses in Maine (EMERGENCY) Committee on **Business and Economic Development** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-183)

(H.P. 270) (L.D. 334) Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty Committee on **Health and Human Services** reporting "**Ought to Pass**"

(H.P. 1201) (L.D. 1701) Bill "An Act to Promote Economic Independence for Low-income Families" Committee on **Health and Human Services** reporting "**Ought to Pass**"

(H.P. 1224) (L.D. 1736) Bill "An Act to Register New Property for the Thorncrag Bird Sanctuary with the Department of Inland Fisheries and Wildlife" Committee on **Inland Fisheries and Wildlife** reporting "**Ought to Pass**"

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 9, 1997 under the listing of Second Day.

### CONSENT CALENDAR

#### Second Day

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 538) (L.D. 1657) Bill "An Act to Establish the Interstate Economic Development Commission for the Northern New England States"

(S.P. 28) (L.D. 26) Bill "An Act to Clarify Use of Tree Stands" (C. "A" S-177)

(S.P. 260) (L.D. 868) Bill "An Act Regarding the Form of Motorcycle License Plates" (C. "A" S-180)

(S.P. 370) (L.D. 1229) Bill "An Act to Authorize the Conversion and Reuse of the Perry Hayden Hall at Pineland Center as an Elementary School" (EMERGENCY) (C. "A" S-178)

(H.P. 39) (L.D. 64) Bill "An Act to Provide Reimbursement to Counties for Persons Jailed on Probation Revocations" (EMERGENCY) (C. "A" H-380)

(H.P. 241) (L.D. 305) Bill "An Act to Prohibit the Inhaling of Toxic Vapors for Effect" (C. "A" H-382)

(H.P. 264) (L.D. 328) Bill "An Act to Increase the Penalty for Burglary When the Actor has Prior Convictions for Certain Enumerated Crimes" (C. "A" H-384)

(H.P. 376) (L.D. 521) Bill "An Act to Encourage Collaboration and Cooperation among Agencies in the Interests of Juveniles within the Juvenile Court System" (C. "A" H-379)

(H.P. 394) (L.D. 539) Bill "An Act to Clarify the Laws Regarding the Board of Licensure in Medicine and Ensure That Physician Discipline Is Reported to the Appropriate Licensing Board" (C. "A" H-359)

(H.P. 397) (L.D. 542) Bill "An Act to Make Appeals to the Law Court From Revocation of Probation Proceedings Conditional and to Clarify the Matter of Bail Pending Final Disposition of a Motion for Revocation of Probation" (C. "A" H-377)

(H.P. 453) (L.D. 616) Bill "An Act to Provide Protection from Assault for Emergency Medical Care Providers" (C. "A" H-376)

(H.P. 480) (L.D. 651) Bill "An Act to Expand the Definition of 'Aggravated Criminal Mischief' to Make It a Class C Crime to Damage Property by Fire or Explosion" (C. "A" H-383)

(H.P. 546) (L.D. 737) Bill "An Act to Create an Apprentice Registration Category and to Exempt Certain Persons from Licensure under the Propane and Natural Gas Act" (C. "A" H-358)

(H.P. 643) (L.D. 896) Bill "An Act to Increase the Time Limit for Registering Deer to 24 Hours" (C. "A" H-370)

(H.P. 781) (L.D. 1069) Bill "An Act to Require Prisoners in Correctional Facility Work Programs to Pay Court Fines" (C. "A" H-378)

(H.P. 783) (L.D. 1071) Bill "An Act to Ensure That Crime Victims Are Informed of Their Rights" (C. "A" H-381)

(H.P. 1049) (L.D. 1466) Bill "An Act to Provide Flexibility and Costs-savings in Department of Transportation Property Acquisition Procedures" (C. "A" H-362)

(H.P. 1133) (L.D. 1589) Bill "An Act to Amend the Composition of the Information Services Policy Board and Establish a Clearinghouse on State Information and Information Technology" (C. "A" H-357)

(H.P. 1135) (L.D. 1591) Bill "An Act to Amend the Washington County Budget Process" (EMERGENCY) (C. "A" H-385)

(H.P. 1232) (L.D. 1749) Resolve, Authorizing the Department of Transportation to Erect Signs Identifying the World War II Memorial in Bangor (C. "A" H-363)

(H.P. 1251) (L.D. 1770) Bill "An Act to Create the Pleasant River Standard Water District" (EMERGENCY) (C. "A" H-360)

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

(H.P. 487) (L.D. 658) Bill "An Act to Reduce MTBE in Maine Drinking Water" (C. "A" H-386)

On motion of Representative MACK of Standish, was removed from the Second Day Consent Calendar.

The Committee Report was read.

The same Representative requested a roll call on the motion to accept the Committee Report.

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

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CAMERON: Madam Speaker, Men and Women of the House. I apologize. I don't know what this bill is about. Could anybody tell me quickly what it is?

The SPEAKER: The Representative from Rumford, Representative Cameron has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Madam Speaker, Men and Women of the House. What this bill is, if I remember correctly from committee, is a study bill to look at state levels of MTBE in Maine drinking water and to have them come back to committee with recommendations on safe levels that we will be voting on at a future date.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the "Ought to Pass" Report from the Committee on Natural Resources. All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 154**

YEA - Ahearne, Bagley, Baker CL, Baker JL, Barth, Belanger DJ, Belanger IG, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Bunker, Cameron, Campbell, Carleton, Chartrand, Chick, Chizmar, Cianchette, Clark, Clukey, Colwell, Cowger, Cross, Davidson, Desmond, Dexter, Donnelly, Driscoll, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Foster, Frechette, Fuller, Gagne, Gagnon, Gamache, Gerry, Gieringer, Goodwin, Gooley, Hatch, Honey, Jabar, Jones KW, Jones SL, Jones SA, Joy, Joyce, Joyner, Kane, Kasprzak, Kerr, Kneeland, Kontos, Labrecque, Lane, LaVerdiere, Layton, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Mack, Madore, Mailhot, Marvin, Mayo, McAlevey, McElroy, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Pendleton, Perkins, Perry, Pieh, Pinkham RG, Pinkham WD, Plowman, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Stanley, Stedman, Taylor, Tessier, Thompson, Tobin, Townsend, Treadwell, Tripp, True, Underwood, Vedral, Vigue, Volenik, Waterhouse, Watson, Wheeler EM, Wheeler GJ, Winglass, Winn, Winsor, Wright, Madam Speaker.

NAY - NONE.

ABSENT - Bumps, Green, Stevens, Tuttle, Usher.

Yes, 146; No, 0; Absent, 5; Excused, 0.

146 having voted in the affirmative and 0 voted in the negative, with 5 being absent, the Committee Report was accepted.

The Bill was read once. Committee Amendment "A" (H-386) was read by the Clerk and adopted.

Under suspension of the rules the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the bill was passed to be engrossed and sent up for concurrence.

**BILLS IN THE SECOND READING**

Bill "An Act Concerning Rabbit Hunting with Dogs" (H.P. 1132) (L.D. 1588)

**As Amended**

Bill "An Act to Amend the Enhanced 9-1-1 Laws" (H.P. 712) (L.D. 976) (C. "A" H-355)

Bill "An Act to Extend the Electric Rate Stabilization Program" (EMERGENCY) (H.P. 1252) (L.D. 1771) (C. "A" H-354)

Were reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were Passed

to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

Bill "An Act to List Specific Threatened and Endangered Species" (H.P. 598) (L.D. 789) (C. "A" H-367)

Was reported by the Committee on **Bills in the Second Reading** and read the second time.

On motion of Representative JOY of Crystal, was set aside.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative JOY: Madam Speaker, Men and Women of the House. First question is I noticed that one of the species which was recommended to be added to this list was deleted, the Blanding Turtle. I wonder if somebody could tell me where the habitat of the Blanding Turtle is? Question two, I noticed that the Peregrine Falcon is added to this list. This is a species that was reintroduced into Maine. I am wondering why that we would be adding to a list something that had been missing from Maine for a long time and has been reintroduced? Thank you.

The SPEAKER: The Representative from Crystal, Representative Joy has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Madam Speaker, Men and Women of the House. In answer to the Representative from Crystal's question is the Blanding Turtle was removed because they haven't been able to find any in the State of Maine. There is no point protecting them if they are not here. The Falcon, as a reintroduced species, does require protected status simply because of the delicacy of its nesting practices. We went through this list in committee in an exhaustive manner. We reviewed each species before the department. They defended each species. They told us where they were, what the population was, what the occurrence was and what the ramifications were. I think the list, as it stands from the committee, is a very worthwhile list. I see no problems with it. The committee saw no problems with it. We didn't have one dissenter on it. Certainly I think the list is worthwhile and I don't mean to editorialize, but I would like to emphasize that it was a bipartisan committee report on this bill that reviewed this list very thoroughly and we went through these same questions that the Representative from Crystal has asked many times in our deliberations. Thank you.

The SPEAKER: The Chair recognizes the Representative from Crystal, Representative Joy.

Representative JOY: Madam Speaker, Ladies and Gentlemen of the House. I have a great deal of concern with the fact that so many of these, including insects, have been added to the list of endangered species. I noted when the original list came forth that they indicated that the so-called Flat Headed May Fly was indigenous to a place called Roaring Brook in Baxter State Park. Roaring Brook happened to be a very popular campground and I am wondering if it was the committees recommendation to the park authority to close down Roaring Brook Campground? This is what usually happens in an area where endangered or threatened species are listed and located. Madam Speaker, when the vote is taken, I request a roll call.

Representative JOY of Crystal requested a roll call on passage to be engrossed as amended.

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

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. The addition to these species to the list of endangered was studied as the good Representative on my left has indicated. There was a thorough look at all the areas which we were furnished maps by the department that shows the exact area where all these species are located. During the discussion I heard nothing about people being excluded from some area because of the endangered species. The one that was discussed at great length were the butterflies on top of Mount Katahdin. People worried about what would happen in some other part of the state if these were considered. It was very well explained that they only exist in this one place. I would feel that we should support the addition to the list.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Madam Speaker, Ladies and Gentlemen of the House. I share some of the concerns of the good Representative from Crystal. On the committee a lot of us had concerns about adding invertebrates for the first time. A lot of us had concerns about adding the Peregrine Falcon for the same reasons mentioned before. The Falcon did exist here. Apparently DDT was the major factor in its demise. That doesn't lessen the concern about adding a reinstated animal. The insects, the concerns of mine were many. One was what life stage are we protecting? Some of these only live a couple of weeks and that is why butterflies are called ephemeroptera. In some of these, the mussel, the freshwater mussel, in the larvae stage it gets carried around by fish. I asked the department, what are we protecting? It is a great concern. They assured me it was the adult stage. There were about four or five of us on the committee that seemed to me were going to hold out against the invertebrates. Representative Underwood suggested an amendment with a condition, at least, that said, if we pass this the department will come to us before they do anything in management of these species. Any agreement or even consider anything in management of these species regarding people's land and so forth.

The other point I would like to make is that in Maine, at least, apparently, there has never been a real conflict with any of these endangered species regarding people's ownership and use of their land. We never heard any testimony to that affect. Thank you.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Fisk.

Representative FISK: Madam Speaker, Men and Women of the House. The primary issue here is obviously which species we protect and do we protect all of them. Which species are worth protecting? Are they the ones that inspire awe, like the eagles and the moose? Only those that are good for hunting, fishing and trapping, like the white tailed deer or the landlocked salmon? In other words, on those which provide some easily identified and quite direct benefit to you or me. However, nature makes no distinctions. In the web of life it depends as much of the small as the large, the bee as much as the bear and so do we. The process in which the biologists identified these species was extensive, scientifically rigorous and open to the public comment. Perhaps such views come from failure to understand the role insects play in nature. The may flies were mentioned and the may flies are a good example. Most of the flies tied by fly fishermen are copies of may flies because it is upon their springtime hatch that fish feed in such frenzy. Migrating water fowl also feel on them in no small way the health of a stream can be read by the health of such invertebrate populations. Every

creature, even those you can't mount on a wall or fry in a skillet, plays a critical role in maintaining the natural world around us.

In regards to those who have difficulty in listing invertebrates and lesser known animal species, I would point out the following: Considered in isolation the loss of a species of no known value may seem a small price to pay for immediate economic benefit, yet many species, some known and some unknown, because of their unique genetic code may have the potential to greatly benefit future humanity with new pharmaceuticals, food, building and fire materials. Powerful new antibiotics are being developed from the slime of frog skin and cardiovascular drugs are being isolated from the saliva of bats. Former President George Bush's heart ailment responded to a drug derived from a wild flower and before him former President Ronald Reagan was treated with blood medication from a snake. A major value can come from the most humble of organisms.

Lastly, I would just like to point out that the IF & W Committee was quite forceful in their questioning on the various species that were listed. The Department of Inland Fisheries and Wildlife did an excellent job in providing scientific evidence that they needed. So much so that the committee, in total, which had a predisposition against listing certain animals on the list voted 12 to 1 to support the entire list, which speaks for the credibility of that list. I would also point out as Representative Perkins has done that the amendment to the bill requires that IF & W report back to the committee on its management program so that it can be tracked. Having said that, I would hope that you would support the pending motion. I thank you for your time.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. I noticed on the bill it says that the list is created based on scientific criteria and indicates biological status only, not management actions or habitat protection initiatives. It is the habitat protection initiatives that I am most concerned about. Can someone please tell me what kind of fines are levied on someone that might accidentally disturb the habitat or catch a butterfly? Let's presume it is a child that catches a butterfly on the top of Mt. Katahdin that is endangered. This has happened out in California folks. People have been severely punished for disturbing habitat or for destroying endangered species by accident. I am really concerned about this aspect of the endangered species list. Any initiatives or fines or anything else that comes down the pike that will help to preserve these endangered species, will they be major substantive rules and come back the Legislature? Thank you.

The SPEAKER: The Representative from Enfield, Representative Lane has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Madam Speaker, Men and Women of the House. The answer to the Representative's question is this is part of that amendment where all these programs that the department plans on implementing must come before the Joint Standing Committee on Inland Fisheries and Wildlife before implementation, during implementation and after implementation. We have been assured that the accidental destruction of the Tomah May Fly when you are walking across your canoe is not going to result in a \$1,000 fine. It is not going to result in prosecution. The reference to the butterfly on the top of Mt. Katahdin, we were given very compelling testimony by the park biologists there who showed us a box about 14 x 12 that was filled with these butterflies that had been illegally poached and sold on the black market to the tune of \$400 a piece. That is a fair amount of cash. She had also testified that she had seen

probably one or two per season on the top of Katahdin and all those 35 butterflies were taken in one months period. That is a serious problem. The problem is not a child very innocently collecting butterflies. The problem is the professional poachers of these species. Believe it or not, I have seen this before in terms of exotic species of anything whether it be animals, birds, insects or fish. The black market trade flourishes throughout the world and we need to protect our indigenous species here in Maine. That is why we enacted this bill in committee. Thank you very much.

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

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. The Commissioner of Inland Fisheries and Wildlife testified at the public hearing on this bill. I would like to quote the statement that he made. "The proposed list was created using the best scientific information available. It was sent to expert reviews outside the department. We met extensively with corporate and private landowners, agricultural concerns, developers and other interested parties to discover and straighten out our concerns whenever possible. These actions together with the fact that the list does not imply management and the department's strong commitment to cooperative management over regulatory approaches whenever possible have served to diffuse most of the concerns by the public over the listing of endangered and threatened species. Our Bald Eagle program had virtually trouble free history for the last eight years and can serve as a model for how a program can work." Thank you.

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

**ROLL CALL NO. 155**

YEA - Baker CL, Baker JL, Berry DP, Berry RL, Bigl, Bodwell, Bolduc, Bouffard, Bragdon, Brennan, Brooks, Bruno, Buck, Bull, Cameron, Chartrand, Chick, Cianchette, Colwell, Cowger, Davidson, Desmond, Donnelly, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Fisk, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Green, Hatch, Honey, Jabar, Jones KW, Joyner, Kane, Kerr, Kontos, Labrecque, LaVerdiere, Lemaire, Lemke, Lemont, Lindahl, Lovett, MacDougall, Madore, Mailhot, Marvin, Mayo, McAlevey, McKee, Meres, Mitchell JE, Morgan, Murphy, Muse, Nass, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Perkins, Perry, Pieh, Pinkham RG, Poulin, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Sirois, Skoglund, Snowe-Mello, Spear, Taylor, Tessier, Thompson, Townsend, Tripp, True, Underwood, Usher, Vigue, Volenik, Waterhouse, Watson, Wheeler GJ, Winglass, Winn, Wright, Madam Speaker.

NAY - Ahearne, Bagley, Barth, Belanger DJ, Belanger IG, Bunker, Campbell, Carleton, Chizmar, Clark, Clukey, Cross, Dexter, Driscoll, Foster, Gerry, Gooley, Jones SL, Jones SA, Joy, Joyce, Kasprzak, Kneeland, Lane, Layton, Mack, McElroy, Nickerson, Pendleton, Pinkham WD, Plowman, Stanley, Stedman, Treadwell, Vedral, Wheeler EM, Winsor.

ABSENT - Bumps, Stevens, Tobin, Tuttle.

Yes, 110; No, 37; Absent, 4; Excused, 0.

110 having voted in the affirmative and 37 voted in the negative, with 4 being absent, the Bill was passed to be engrossed as amended and sent up for concurrence.

**ENACTORS  
Emergency Measure**

An Act to Improve the Administration of Tax Increment Financing (H.P. 223) (L.D. 287) (C. "A" H-263)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative KONTOS of Windham, the following item was removed from the Tabled and Unassigned matters:

Expression of Legislative Sentiment recognizing the members of the Bucksport "Golden Bucks" Basketball Team, who won the 1997 Eastern Maine Class B Championship (HLS 307)

TABLED - April 14, 1997 by Representative SAXL of Portland.

PENDING - Passage.

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

Representative BIGL: Madam Speaker, Men and Women of the House. They are good basketball players. They are excellent basketball players. I would like to have you look behind that for a moment. Two key issues it took for them to get there. One, they had to have the attitude that they would develop their own personal skill. Secondly, and equally important, they needed the real attitude of having to put those skills to work in a team atmosphere. If you add those two things up, I think you will find when you turn around and look, you will be seeing some potential legislators. Like I have done with anyone I have had visiting here or anyone I speak to at home, I tell them we work over here because citizens say we want to participate. I have asked all of them to consider at some time during their lives that they will run for public office. When the Speaker asks you to turn around and look at them, stick a finger at them and say, do it.

Subsequently, the Sentiment was read and passed and sent up for concurrence.

**ENACTORS  
Emergency Measure**

An Act to Create and Incorporate the Jackman Utility District by Merger of the Jackman Water District and the Jackman Sewer District (S.P. 208) (L.D. 667) (C. "A" S-165)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 0 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Emergency Measure**

An Act to Amend the Charter of the Winterport Sewerage District (H.P. 910) (L.D. 1253) (C. "A" H-280)

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

On motion of Representative DAVIDSON of Brunswick, the rules were suspended for the purpose of reconsideration.

On further motion of the same Representative, the House reconsidered its action whereby the Bill was passed to be engrossed.

The same Representative presented House Amendment "A" (H-361) which was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-280) and House Amendment "A" (H-361) in non-concurrence and sent up for concurrence.



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**Emergency Measure**

An Act to Create the Mt. Blue Standard Water District (S.P. 423) (L.D. 1344) (C. "A" S-164)

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

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**Emergency Measure**

An Act to Increase Home Ownership (H.P. 1171) (L.D. 1648) (Governor's Bill) (C. "A" H-281)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, to Establish the Commission to Determine the Adequacy of Services to Persons with Mental Retardation (H.P. 431) (L.D. 581) (C. "A" H-273)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 3 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, to Study Registration for In-home Personal Care and Support Workers (H.P. 769) (L.D. 1046) (C. "A" H-284)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 17 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 378, Variance Criteria for the Excavation of Rock, Borrow, Topsoil, Clay or Silt and Performance Standards for the Storage of Petroleum Products, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality (H.P. 831) (L.D. 1136) (C. "A" H-278)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, Regarding Legislative Review of Chapter 380: Planning Permit, a Major Substantive Rule of the Department of

Environmental Protection, Bureau of Land and Water Quality (H.P. 909) (L.D. 1252) (C. "A" H-277)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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**Emergency Measure**

Resolve, to Authorize the Lincoln County Commissioners to Borrow Not More Than \$400,000 to Build the Lincoln County Communications Center (H.P. 995) (L.D. 1387) (C. "A" H-268)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 6 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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An Act to Clarify Maine's All-terrain Vehicle Laws and to Improve Competition between Maine's All-terrain Vehicle Industry and its Out-of-state Competitors (S.P. 101) (L.D. 380) (C. "A" S-166)

An Act to Amend the Laws Pertaining to Wine Tasting (S.P. 108) (L.D. 387) (C. "B" S-122)

An Act to Require Fair Compensation for Ratepayer Assets Used by a Subsidiary or an Affiliate of a Utility (S.P. 173) (L.D. 502) (C. "A" S-161)

An Act to Define the Term "Occupational Therapy Practitioner" in the Laws Regulating Professions and Occupations (H.P. 518) (L.D. 709) (C. "A" H-287)

An Act to Encourage Organ Donation by Making Information Available through the Secretary of State (H.P. 737) (L.D. 1001) (C. "A" H-260)

An Act to Amend the Real Estate Brokerage Laws (H.P. 772) (L.D. 1049) (C. "A" H-289)

An Act to Amend the Prehearing Settlement Process (H.P. 778) (L.D. 1066) (C. "A" H-286)

An Act to Better Inform Car Repair Customers (S.P. 352) (L.D. 1171) (C. "A" S-160)

An Act to Provide a Warranty for Assistive Devices for Persons with Disabilities (H.P. 897) (L.D. 1214) (C. "A" H-290)

An Act to Extend the Lobster Promotion Council and its Personnel Requirements (H.P. 921) (L.D. 1264) (C. "A" H-250)

An Act to Allow a Separate, Nonsmoking Area for a Beano or Bingo Game (H.P. 928) (L.D. 1275) (C. "A" H-285)

An Act Pertaining to Free Meals for Legislators during a Prayer Breakfast (S.P. 402) (L.D. 1297)

An Act to Ensure Adequate Review of Maintenance Dredging (S.P. 409) (L.D. 1330) (C. "A" S-155)

An Act to Promote Microbreweries (H.P. 1106) (L.D. 1549) (C. "A" H-269)

An Act to Create the River Flow Advisory Commission within the Department of Defense and Veterans' Services (H.P. 1112) (L.D. 1555) (C. "A" H-279)

An Act to Amend Professional Licensing Boards Laws (S.P. 500) (L.D. 1562) (C. "A" S-158)

An Act to Provide for Enforcement of the Laws Regarding the Protection of Underground Utility Facilities (S.P. 514) (L.D. 1598) (C. "A" S-163)

Resolve, to Require a Study of Training in Sudden Infant Death Syndrome (S.P. 435) (L.D. 1381) (C. "A" S-154)

Resolve, to Study the State's Regional Service Center Communities (S.P. 465) (L.D. 1437) (C. "A" S-159)

Resolve, to Study the Restriction of Entry in Lobster Management Zones (H.P. 1056) (L.D. 1488) (C. "A" H-247)

Were reported by the Committee on **Engrossed Bills** as truly and strictly engrossed, passed to be enacted or finally passed, signed by the Speaker and sent to the Senate.

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An Act Regarding Trap-tending Requirements (H.P. 161) (L.D. 203)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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An Act to Amend the Maine Pharmacy Act (H.P. 538) (L.D. 729) (C. "A" H-288)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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An Act to Require the Public Utilities Commission to Align Telecommunications Carrier Access Rates with Costs to Foster Economic Development and Competition throughout the State (S.P. 243) (L.D. 812) (C. "A" S-162)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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An Act to Establish the Rider Safety Act (H.P. 713) (L.D. 977)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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An Act to Require Economic Impact Criteria on State Procurement Procedures (S.P. 361) (L.D. 1220) (C. "A" S-147)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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An Act to Amend the Laws Regulating Occupational Therapy Practice (H.P. 1151) (L.D. 1616) (C. "A" H-282)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending passage to be enacted and later today assigned.

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Resolve, to Create a Task Force to Develop a Single Payment System for State and Federal Taxes for Small Businesses (H.P. 988) (L.D. 1368) (C. "A" H-240)

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

On motion of Representative KONTOS of Windham, was set aside.

On further motion of the same Representative, tabled pending final passage and later today assigned.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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The following item was taken up out of order by unanimous consent:

#### UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by House Rule 502.

HOUSE DIVIDED REPORT - Report "A" (8) "**Ought to Pass**" as amended by Committee Amendment "A" (H-364) - Report "B" (4) "**Ought to Pass**" as amended by Committee Amendment "B" (H-365) - Report "C" (1) "**Ought to Pass**" as amended by Committee Amendment "C" (H-366) - Committee on **Transportation** on Bill "An Act to Implement the Recommendations of the Task Force on Production and Issuance of Registration Plates" (H.P. 207) (L.D. 260) TABLED - May 7, 1997 (Till Later Today) by Representative DRISCOLL of Calais.

PENDING - Motion of same Representative to accept Report "A" "**Ought to Pass**" as amended by Committee Amendment "A" (H-364).

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. I urge you to defeat the pending motion so we can adopt Committee Report "B." What I am proposing will not drastically change the aspect of the State Transportation Budget. The fate of a new bridge or highway improvements are not at stake. What is at stake is a symbol. We will decide what symbol we will be placing on our license plates. We must choose between a lighthouse and a chickadee. Many of you and most of the media, I am sure, will ask why we are spending our precious time deciding this and talking about it. If we can spend a few hours talking about balking dogs, I urge you to give me the leave to speak a few minutes on this. This is something that will affect, not only everyone in the state, but has the potential to affect people as far away as a Mainer can drive their car. I know many cars won't make it past the state border.

Our license plate is the calling card of our state. Wherever we drive or whoever visits sees the plates on our cars. Unfortunately, what they see now has been described as a squashed bug or a crawfish. This is not to demean the lobster. If what was designed and put on our plate resembled a real lobster in any way, I don't think anybody would have a problem with it. Like the lighthouse, the lobster plate was conceived by

school children. The problem began when a committee was formed to implement them. The end result was giving Maine the distinction of being the only state in the nation with a dead animal on its license plate. After many years it was decided to correct a bad idea. In its infinite wisdom, the Legislature created another task force to study the problem. After many hours of work and much deliberation, a new design was released and there was our state bird, the noble chickadee, hanging upside down from a pine bow. First we had a dead animal and now we have our state bird, it is not dead, but in dire straits with its head just inches above the pavement.

Don't get me wrong. I am not here to demean the chickadee in any way. Any animal that can survive the Maine winters and still brighten an arctic day should be honored. I have spent many hours being amused by its antics and must confess that the last few times I have gone hunting, I have spent more time watching them than looking for deer. Besides being delightful to watch, the chickadee has many other qualities. It has a range from Newfoundland to the Rockies and along with its close cousin, the Carolina Chickadee, its range extends south to Florida. Many other states have seen the virtue of this bird and have adopted it as their state symbol. Massachusetts so honors its bird and its claim also as its state bird. If I remember correctly, that connection was cut 177 years ago. This brings us to our other choice.

As I said before, this, too, was conceived by school children. They got together and through their brainstorming and creativity came up with a truly memorial design. Even though they come from three small inland towns, they chose the lighthouse. Why a lighthouse? They wanted something that would stand out and honor our heritage and something to showcase our great state. Lighthouses symbolize many things. Their air of beacon over the oceans and have been long before radio and radar were thought of. They offer hope at the end of a long and tedious journey. Lighthouses give guidance to lost souls looking for a safe harbor. What more fitting symbol to place on our license plate. We have a choice to make. We can choose either a design by committee or one by the creativity of children. One is a black and white bird and the other is a bold and distinctive landmark. Will we replace a dead animal with something that could be mistaken as a squashed June Bug or will we choose a truly unforgettable design?

I ask your forgiveness for letting me speak for a while. As I said before, what we decide today will not balance the state budget and it will not decide what direction our schools will go in. All it will do is it will show the rest of the nation and the world that Maine is a leader. Let everyone else see our guiding light and follow or lead. When the first light of the new century shines on our nation, it will shine first on Maine, and what could be more fitting for a lighthouse to reflect that light and shine on our future as a nation's leader? I thank you for letting me speak and I urge you to defeat the pending motion and adopt Committee Report "B."

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. I would like to urge you to vote for the Majority Report with the chickadee design. This is clearly a personal choice according to your own subjective views of the matter. I just want to tell you why, I on the committee, chose to support that plate. First of all, I think it is a pleasing design. Graphically, it looks good and I think people will be proud to have it on their vehicles. It also represents a number of regions of the state and numbers the diversity of life we have here in plants and animals from all regions of the state. They have either chickadees or pine trees. My own district has a beautiful

lighthouse in it and I would be quite attracted to having the lighthouse plate too, whether or not it had the Rockland Breakwater Light. I think it is also a nice symbol for the state. It is restricted more to the coastal areas of the state. On the committee we were trying to have something that would represent as much of the state and as many of its citizens as possible to other people in the country.

Another problem I saw with the lighthouse plate was that there are several specialty lighthouse plates already in circulation in other states. Three, I believe, currently have, not their standard plate, but there are specialty lighthouse plates for several of the states, including one in New England. We do see these on the roads. They don't look a lot different than the current recommended lighthouse plate. We would see other plates that were similar to Maine's and I think the chickadee plate would be a little more distinctive for us. We are very happy that the school participated as much as they have in the process. They are here today lobbying us and I am proud that they have taken so much interest, but I want to caution us against responding only because children submitted this design above another design. We certainly gave them every right that citizens have to participate in the process. They took advantage of that. We welcome their input. I would say that at some point in every legislative process there is a winner and loser. I can't predict which one there will be, but I don't believe that we should necessarily regard that one as any more valuable because children submitted it. It is just as valuable to follow their bill through the process whether or not it wins or loses so that they see how it works. I would urge you to vote your own conscience on this plate and pick the design that you think will best represent the state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I, as the good Representative just said, this is a matter of personal choice and what you like. I happen to like the chickadee. We have chickadees at home outside our windows. We feed them and we like them, but, to me, it is more than a matter of that. I also agree with the Representative that we should not let our decisions be dictated because children did this. I will vote for the lighthouse plate. The reason is because they have done an incredible job of lobbying me. I have received so much mail. Probably on the other issue today I have received quite a bit of mail also. I have received more mail on this than almost any other issue. I think they have done a wonderful job. We have had postcards and I think they have really done a great effort of immobilizing the troops. I have heard from people all over the state and I will, for that reason, I will vote for the lighthouse. Thank you.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Winglass.

Representative WINGLASS: Madam Speaker, Ladies and Gentlemen of the House. I stand in opposition to the motion that has been made by my good friend and colleague, Representative Driscoll of Calais. I do so for a number of reasons and I am going to speak to them if I might with the body's indulgence. The chickadee and the pine cone are found pretty much universally in the United States. We find chickadees and pine cones in New Jersey, Connecticut, Massachusetts and we have even heard from the good Representative that this chickadee is, in fact, the state bird of Massachusetts. In committee deliberations we heard that the chickadee had such great qualities as being sociable, carefree, personable, alert and animated. I think the chickadee probably has all of those and I don't contest those qualities. Those are nice qualities. They are very nice qualities. I am not aware of a single chickadee in

history that lead the way for mariners who sailed the sometimes cruel sea. That task has fallen on the majestic beacons that we find here in the State of Maine. These beacons, which light the way for those men and women in trouble on the sea.

When you view the sample plate proposed by the Calais Representative you will see a pine cone. I don't find the cone particularly attractive. However, the beautiful tree from which the cone falls is almost, in this state, indispensable. The pine tree sustains life and it demonstrates vitality. It contributes to Maine's important economy. It provides important employment. It really is a sustaining element of our community. On the plate that we won't have an opportunity to explore if we, in fact, accept this particular motion, it stands proudly. That is, the pine tree stands proudly at the side of the lighthouse. Now, before us we are confronted with a choice. We have a cheery little bird or a magnificent devise of mankind. We have a small pine cone ready to fall or a gorgeous pine tree standing tall and serving us all. The choice, ladies and gentlemen, is ours. I urge you to seize the moment, reject the motion and let's move onto Committee Amendment "B." Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. As was mentioned earlier by the first speaker, this is one of those issues which is easy to trivialize in the press. There have been several editorials on the subject. I have to agree with a number of Representatives in the four terms that I have been in the Legislature, this would rank among the top four in terms of lobbying, letters and phone calls. Clearly, people care and not just the school children, which, by the way, they did a magnificent job of lobbying. I have gotten letters from adults throughout the state on this issue as well. People care. Why do they care? The license plate is something, which every day, represents the State of Maine or how we wish to be represented and how we wish to be seen and how we wish to be understood and not only within the state, but if you travel in other states or in Canada. The ultimate question here is, in all seriousness, it is not a question of birds and lighthouses per say, what is the most distinctive plate that when people look at it, it says Maine. That is the ultimate issue.

In terms of a pleasing design, I know we are prohibited from actually displaying a plate, but if we were to display the two plates that are offered, I doubt there is anyone in the room who would not recognize the lighthouse for exactly what the lighthouse is. If I were to display the chickadee pinecone plate from a distance, you would not necessarily know what it is, which is precisely what was the problem with the lobster plate. From a distance you couldn't tell what it was. The same problem and in some ways even more so because the lobster's problem was the lobster was crushed under the numerals and letters. If the lobster stood alone, we would have known it was a cooked lobster, which by the way is not what the school children wanted. They wanted a blue/green/orange lobster. For some reason the state came up with the dead lobster. Don't blame the school children. We will be replicating the same problem if we adopt the chickadee plate. It is not discernible from a distance.

Also, the chickadee was adopted by the State of Maine in 1927 as the state bird, relatively recently. While on the flag behind the Speaker you have other distinctive symbols, such as the pine tree, which is also on the plate with the lighthouse and the moose going back to our founding as a state. The chickadee as some sort of state symbol is very recent. Quite frankly, if you go through Maine, let alone outside of the state, if you show them a lighthouse, they might say Maine. If you show them a chickadee, it is doubtful, immediately they are going to say that is Maine. In 1941, the State of Massachusetts uncharacteristically

following Maine's lead also adopted the chickadee. The chickadee is the state bird of Massachusetts as well as the state bird of Maine. It is a difference of 14 years. If you are looking to tradition, you have to look to the lighthouse plate, which also has the pine tree as Representative Winglass so eloquently stated.

The argument was also made that it should be as representative of as much of the state as possible. We all know that lighthouses are on the coast. Why are they on the coast? They are a beacon and the foghorns are the sound that guide the ships moving along the Maine coast that carry to all parts of the country and the world in our history the produce of all of the State of Maine. To simply see a lighthouse as the coast, in my eyes, is not indicative of its true history and function. Other states have birds. A lot of states have birds. A few states have the lighthouse as the specialty plate, which is exactly true. We should have it as the plate, because, ladies and gentlemen, it is the plate which represents the character of the State of Maine. I urge you to vote against the pending motion so that we can move on to vote Report "B."

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Madam Speaker, Men and Women of the House. I thought in our discussion this morning I would share some things about the Quoddy Head Light. West Quoddy is, to spite its name, is built on the eastern most tip of the United States. Some of you may not have known that. The light is one of the sixth oldest lights in Maine and an indication of the heavy ship traffic in that region. It was first built in 1808 under direction of President Jefferson. The station was 50 years later in 1858 under orders of President Buchanan redone with new machinery and uplifted at that point in time. Also, during President Roosevelt's time as president, he spent summers in that area. Most recently, President Clinton signed with support of our State Senators a law that would allow the Coast Guard to transfer lighthouses to the local communities. The span of years starting with President Jefferson and through our current president, I think indicates very dramatically a rich heritage of the symbol of what a lighthouse is to the nation at large and of course here for the residents of the State of Maine.

The student's proposed license plate is not only attractive and colorful, but it does represent all of the state. The students researched the facts and they included the ocean, the blue sky and of course, our famous pine tree. The pine tree stands tall and proud representing our woodlands and nature's growth and the lighthouse stands tall and proud representing manmade growth.

I would just like to move onto one other point and then I will allow others to speak. When we speak of education, we all claim, I believe, that we want children to grab hold of responsibility and take hold of their learning. To take hold of a project, to work together and to see it through. We have one fine outstanding example of this with the children from SAD 60. Last October, the children read about this in the newspaper that there would be a new issuance of license plate in the year 2000. What is really ecstatic is the children were reading the newspaper and not only read it, but they got an idea and went to their teacher, Mrs. Barbara Rodem, who, by the way, taught two of my children and is one outstanding teacher. While these kids came up with the ideas and just didn't want to play with it for a week a so, they wanted to go all the way and present it to this legislature. I am very proud to have been a sponsor of the original bill to bring this forth. I think the children, again, as someone mentioned earlier, this is not the only reason to choose the license plate, I think as we are talking about what we do put on our license plate, we are going to pick a symbol. The story behind what lead up to this license plate, I don't think should be downplayed at all

considering we will be deliberating on learning results before we adjourn for this session.

On thing I would like to point out for those of you who didn't know, the lobbying efforts were outstanding, as you all know, but something that, I think, really a lighthouse has its own beacon and these children showed true courage when they went to committee to present this bill, they were initially told that it was somewhat of a done deal. Instead of just getting despondent and quitting, they said they were going to give their testimony and that they did indeed. They not only did that, but they came back next week for the work session and presented themselves very, very well. I think that represents the best of the children of the State of Maine. I think it shows a dramatic and outstanding symbol of what the people of Maine stand for. We don't quit. We plow on when we think we are right. I would just ask you, ladies and gentlemen of the House, to defeat the current motion so we can go on and adopt Report "B."

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Madam Speaker, Men and Women of the House. As a member of the Transportation Committee and on the Majority Report to adopt the chickadee plate. I felt that I should tell you how we got to this point from the initial bill that came to us. At that time, Transportation Committee, who is pretty well known for coming out with unanimous decisions adopted unanimously the task force committee report, which included the chickadee plate. The only thing about that report that we are now sure of is that we will have a new plate, July 1, 1999.

Everything was going along according to the schedule of the Transportation Committee until these wonderful children from the Noble School came to us with their bill requesting us to consider the lighthouse plate. Even though I am still supporting the chickadee plate, I do applaud these boys and girls. They came to our committee in force. They filled the committee room and the hall outside the committee room. They were very respectful. They were respectful of the process. They were respectful of the committee members. They took their turn in speaking. They even developed a song that they sang to us. Some of them spoke in unison supporting their endeavor to have the lighthouse plate presented to us. For that, we really appreciate it. We think they learned a good lesson on how to perform and how to address this body of adults. I still will go to the chickadee plate because it adopts those three items, the state flower, the state bird and the state tree. It has been designed very effectively and I do believe that people will recognize it as a State of Maine plate. Some of these children are here with us here today. They are performing today just as well as they did that day they came before us. For that, we thank you, boys and girls.

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

Representative BOUFFARD: Madam Speaker, Men and Women of the House. In the 117th Legislature Representative Lemke came up with a bill saying he didn't like the lobster plate and he would like to do away with it. This is when the task force was formed to find out what we can replace the lobster plate with. The task force deliberated for over a year and finally came up with a design. A good design. It has on it the state bird perched on a white pine branch, which supports the pine cone. All three are symbols of the State of Maine. In testimony that the children and I will say, like Representative Savage said, the children were outstanding. They gave us quite an earful. They are to be commended for it. As a matter a fact, I did address them in saying not to give up and come back and find out if you can't get this West Quoddy Head Light plate to be one of the specialty plates for the State of Maine. It is a beautiful design.

In testimony it was said that it should be the Quoddy Head Light because Maine is known as the lighthouse state. I don't know if everyone got this catalog here, but I did and on the catalog on the inside there are numerous lighthouses. It is not something that is distinct to the State of Maine. As a matter a fact, in looking through it I found that there were lighthouses from Wisconsin. Wisconsin is a state that is nowhere near ocean water at all, but it has a lighthouse. The lighthouses are not distinct to the State of Maine. If you look overseas, having been in the Navy, I have been overseas and there are plenty of lighthouses over there. Although they are a symbol to guide the mariners into their ports, they are not distinct to the State of Maine. The chickadee, white pine and the pine cone are very distinct to the State of Maine. I urge you to vote for the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. This will probably be the only bill from Transportation that you will see everybody rise on. By this point in the session we have all been through a lot of public hearings and I know a lot of us, when we are in public hearings, look for the best testimony and the best presentation. These students from Noble Junior High have done just that. They did an excellent job. They had more information than we had on the chickadee. They presented every single case they can about lighthouses. As parents we urge our children to be involved in these kinds of situations and to come forward and to work hard, just as they have done. Many states have the chickadee as a state bird. There is only one state that has the Quoddy Lighthouse and that is the State of Maine. The State of Maine is known for the many lighthouses. In fact, as a good friend of mine once said, George Mitchell, "Maine is not the lighthouse state, but it should be."

On a final note, it would be hard for me to vote against Amendment "B." My mother collects lighthouses. I ask you, could any of you vote against your own mother? I love my mother dearly. These kids did a great job presenting their case and I am supporting Amendment "B" and I urge you to defeat the pending motion. Thank you.

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

Representative MUSE: Madam Speaker, Men and Women of the House. I really hate to say this. I had no intention of speaking on this. There I have said it. Like the good Representative from Augusta, I too, have fallen and will succumb to the lobbying efforts of the lighthouse brigade. I am probably one of the only members of this body who actually spent four years living on a boat, fairly recently. During the summer months and particularly during the fall when our coastline would resemble a big bowl of Trix, I would always enjoy taking the boat out and coming back into a harbor where a lighthouse would shine the way for me. I always appreciated having friends on board who were very quick to grab their cameras to take pictures of the lighthouses. I have also done a great deal of camping and I can't remember anybody that I ever went camping with running to take a picture of a chickadee or a birch tree or a pine cone. I realize that they mean a great deal to the State of Maine, but I would strongly urge everybody to defeat the pending motion so we can move on and adopt Amendment "B."

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Men and Women of the House. As you think through which of these symbols that you will choose for a license plate, let's think not so much about the wonderful lobbying efforts that the kids did and our

experiences of taking pictures and not taking pictures, but as the previous speaker mentioned and several speakers have mentioned, the significance of the symbol of the lighthouse. Which of these symbols that we are about to choose best reflect the motto of the State of Maine? You know what that motto is, "Dirigo, I lead." The significance of the symbol of the lighthouse in expressing the essence of the motto of Maine, I think is probably its strongest case for why we should choose the lighthouse. It really is the leader, leading the people, leading those troubled at sea, leading those who are looking for land and that is what our State of Maine does. Thank you Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Povich.

Representative POVICH: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative POVICH: Madam Speaker, Ladies and Gentlemen of the House. During the public hearings or during the work shops what mention, if any, was made to the question of competition with the conservation plate? By adopting the undoubtedly very, very beautiful lighthouse plate, will we be competing with the future sales of the loon plate? That is my question. I also wonder, albeit with very little seriousness that if we should commit this bill back to committee to find the ugliest plate imaginable, and by the way, my mother supports the chickadee plate.

The SPEAKER: The Representative from Ellsworth, Representative Povich has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. We talked about this briefly. It doesn't matter what new plate we come out with, it will still compete with the loon plate.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. I would rise this morning to tell you about my memory of lighthouses. The first being probably before I was attending school as we would be traveling out on Route 11 from Springvale to Lebanon on the height of land. My parents would tell my brother and I to look to the south and see the light at Boon Island. I would have to admit that today, I still look in that direction. I would also say to you that I have served many terms on school boards, District 60 being the last one I served on. We always tried to encourage the students to take part in public affairs. Even though this might be questioned as not timely in the way it came about here on this bill, I believe that it is a lesson for them to have taken part in this process. I am going to say to you finally that I would ask your support in having the lighthouse be the symbol on the plates for the State of Maine. Thank you.

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

Representative SNOWE-MELLO: Madam Speaker, Men and Women of the House. I would like to read you something I think is very important here. The visual appeals of West Quoddy Head Light Lighthouse has earned its many honors over the years, but none so lofty as its inclusion in the US Postal Services commemorative series of the lighthouse stamps. Only five were chosen to represent the 750 plus lighthouses that still stand in the US. West Quoddy Lights bold stripes clearly dominate the series. I please urge you to vote for Amendment "B." Thank you.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. I heard earlier this morning when we were talking and I heard about the lighthouse plate and that the pine tree was on there. Frankly, I never noticed it before because it is stuck in the corner like it is kind of out of sight. I had to leave the House a few minutes and I went out and looked. It is a fir tree. It is not a pine tree. It is a fir tree. The majestic pine of Maine is 80 or 90 feet tall with three or four feet through at the butt. It dwarfs a lighthouse. The association on that plate, in my view, was clearly to pacify people. It is not a pine tree. It doesn't represent the true size. It doesn't represent the entire state. We heard that when people look at the plate they should see Maine. If you will recall a couple of weeks ago, you all received on your desks a book about lighthouses. We received one that said lighthouses of Maine and a commercial one that had lighthouses from the entire nation, the coast of Texas, the coast of California, along the Mississippi River, the Ohio River. I don't know if you read that, but if you looked in you would find all of the different models and it told all the different places they were, the great lakes, they are all over the United States.

We heard already that Massachusetts and Rhode Island both have a specialty plate that has a lighthouse on it. That is exactly true. To hear that the lighthouse plate would say Maine, I have a difficult time with. To me, the chickadee plate talks about the whole of Maine. We heard about the lighthouse guiding people. They have done a wonderful piece of work over time and they are a great tradition and we are all very proud of them. One of the things that I think we are most proud of Maine is the nature of Maine. The natural part of Maine. There is nothing natural about a lighthouse. The chickadee is a natural part of Maine, which in my mind, is the piece that I am most proud of. That is the nature of Maine. It is what people come here to see. I don't see any lighthouses on Moosehead or on the Allagash River. Quite frankly, I am not real warm about either plate because I don't think they do a good job. I would rather see a moose or something like that that is more associated with Maine. The lighthouse, it's true, we have them on the coast of Maine. It is a gorgeous plate. The children worked hard, but it doesn't necessarily set Maine apart when you see the lighthouse because they are everywhere from here to Florida to California and all the large lakes and rivers in between. I would encourage you to support the pending motion.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Madam Speaker, Men and Women of the House. My good friend from Eliot made a comment that the chickadee is on several plates. My good friend from Rumford just suggested that the lighthouse is on several plates including Ohio, my old home state. It is on that septic tank called Lake Erie. Perhaps if we want something really unique we could put a broccoli on it for Aroostook County, Paul Bunyon for the Bangor area, a potato or maybe we should just leave it alone and put the chickadee on it like the task force suggested and like the Transportation Committee voted on back in January. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. Quite a bit of debate here and the only input I have for the men and women of the House is, it is simple. I have heard so many complaints about the last plate that I got tired of hearing them. The biggest complaint that I heard was that red thing on there, what does that represent where I live? I think it is time that we, at least out of respect for the whole State of Maine, that we enact a plate that does represent the whole

State of Maine and we can get rid of the concerns of people that live in Caribou who say, what does a lighthouse have to do with my backyard. I know we can be very intellectual and go up and explain to them the thing about lighthouses and how we got here and all that and if you happen to get down there and see one, it is wonderful. I think that we owe the whole State of Maine a very simple plate that exhibits what we, collectively as a body, have designated as our symbols of the State of Maine. Simply speaking, I hope that we can support the task force. Remember on that task force it is not a bunch of people who are out there to pick the symbol, they also spend a lot of time in that task force in designing this plate for law enforcement purposes to be able to see it properly at dark and light and also to clearly be able to see the numbers. There is a lot of other things that go into a task force to develop a plate design. It is not just that we like this design over that one. In that hope, I hope you will support the Majority Report.

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

Representative MACK: Madam Speaker, Right Honorable Men and Women of the House. This is a strong lighthouse. It is resolute. It is a noble lighthouse. It is a lighthouse I would like on my license plate. Since the chickadee is also Massachusetts' state bird, I was born in the State of Maine and the last thing I want anyone to accuse me of is that I came from the State of Massachusetts.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Men and Women of the House. I hope you will support the Majority Report on this bill. I wasn't on the Transportation Committee when they started talking about this nor was I on the task force. I would like to point out to you that this Legislature passed legislation requiring this task force to look into this and they did for something like 14 months. I think they did a professional job. I don't really have any particularly strong feelings about what we put on the plate for a design, because a plate, the first reason for a plate is for identification purposes. If I had my choice, I would probably want a baked potato with sour cream sauce in the upper left hand corner and along the bottom a potato field in full bloom. I say that because if each one of us had some input into this process, we would probably try to come up with something to highlight our area. I think the task force has done a good job, and these children a good job. I commend them for their job. I did get a lot of lobbying myself, but I should point out that most of the lobbying came from one area of the state. This plate is designed for the whole state and I think the chickadee does represent the whole state and that is the position that the committee took after looking at several designs. I hope you will support the Majority "Ought to Pass" Report. Thank you.

Representative MITCHELL of Vassalboro requested a roll call on the motion to accept Report "A" "**Ought to Pass**" as amended by Committee Amendment "A" (H-364).

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

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. The chickadee is found in many, many states, the northern tier of states. It is not only found in the State of Maine. I would like to read something that Governor King said, "It would be the West Quoddy Lighthouse that will first see rays of light in the new millennium." Thank you.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Madam Speaker, Men and Women of the House. Everyone can rest assured, I am not going to debate this. I have had a number of notes and I just want to clarify. There are three reports that you can vote on. The one you are voting on now is "A" the chickadee. "B" is the lighthouse and in deference to Representative Lindahl there is a "C," which is a plain plate. This is what we are voting on. We are voting on the chickadee now and then move on to lighthouse. Secondly, and lastly, the issue was raised of why is it distinctive to Maine. Places as far away as Ohio have lighthouses. The answer to that is the first lighthouse commissioned by George Washington in 1791 was Portland Lighthouse in Maine. So, we lead on lighthouses.

The SPEAKER: The Chair recognizes the Representative from Calais, Representative Driscoll.

Representative DRISCOLL: Madam Speaker, Men and Women of the House. I was on that task force, which was chosen by the Legislature and the Committee on Transportation. We did spend many hours working not only on this plate, but on other issues concerning development of the plate. I live in an area where I think I am about 40 miles from a lighthouse. I don't see it that often. When I sit in my livingroom and look out my window, especially in the wintertime, the first thing I see out there is the chickadee eating at my feeder. That chickadee didn't go south. He stayed here in Maine because he is a Maine bird and not a southern bird. When I go hunting, I have a friend following along in the trees to keep me company. It is not a lighthouse. It is a chickadee. Not only that, around me I have the pine trees and the pine cones and the pine flowers or tassels, so called. I feel that I am part of Maine. That is why people from the south who retire back here, that is what they look for. They look for things that they remember while out fishing and hunting. I suggest to you that the last time we had a group, which is a good group and their teachers prepared them very well, they picked the lobster. Here we go again with another thing along the coast. Let's represent the whole state. This is what the task force did.

We deliberated for many hours on how we could represent the whole State of Maine. We did not have one letter in that committee on a lighthouse. We did not see that until after we had a unanimous vote in the committee for this plate now on Report "A." Perhaps no other policy issue would evoke such lively public discussion as does the issue of license plates. Plate design is debated in coffee shops and in the Legislature. School children and civic groups develop and sponsor their favorite designs. Low digit designs are coveted and cherished numbers, even are passed from one generation to the next. Citizens vie to see who can sport the most clever vanity plate slogan. Motorists use their license plates to proclaim their philosophies, affinities, goals and desires.

Nearly every Maine adult and Maine business register vehicles and therefore has an opinion regarding license plate design. These political issues often obscure the license plates primary functions to uniquely identify individual vehicles and owners for law enforcement purposes, to improve public safety and to help to ensure the proper collection of vehicle taxes and fees. These are some of the issues the license plate task force, of which I was a member, kept in mind as it carried out its deliberations. However, the task force recommendations are the results of consensus decision during many hours of deliberations and was reached only after lengthy deliberation. The task force believes these recommendations to be the most prudent at this time. LD 260 is a result of these recommendations.

I would like to read you a letter, if I could. We received numerous letters for Report "A," the chickadee plate. "Dear Secretary of State. I think it is wonderful that the state is considering having the chickadee on the Maine license plate.

The chickadee is what state bird and Maine is known for and its trees also. Why not put a chickadee on a pine tree branch with a pine cone hanging from it just a rough sketch below? I am a bird lover, so much so, I made that print on a quilt. I hope and pray that they do come out with a chickadee license plate, no matter what the pattern. Thank you again for considering the chickadee." This is one letter of many many that we received supporting this plate.

I also would like to read a report to you, if I could. This is a public opinion research feasibility study, which was done on this plate. They polled 450 people around the state. The chickadee had 43 percent. The lighthouse had 35 percent. The lobster 4 percent and no preference, 14 percent. Most of the lighthouse votes came from southern Maine. Western, northern and eastern Maine voted for the chickadee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Clukey.

Representative CLUKEY: Madam Speaker, Ladies and Gentlemen of the House. Just briefly, there was some talk of the tree that is beside the lighthouse. Whether it is a pine tree or something else. I asked about that too when the artist was there in committee. I was concerned about it taking up too much space and the lettering would have to be too small. I found out that that tree doesn't exist beside the lighthouse. It was put in there according to the artist for artistic effects. The tree doesn't even exist beside that lighthouse.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. I apologize for prolonging this debate, but I feel there are a few points that need to be cleared up. When I am out hunting in the woods, actually, what follows me around the most is red squirrels. The lobster plate, which was formed by a group of students, what we have now is an altered lobster plate. It wasn't the original plate that the students did design. I was against any design on any plate when we first got into committee this year. Again, I have to tell you that these students gave the best presentation and the most information on why the Quoddy Lighthouse will best represent Maine. I have a quote here from the many letters that we got also to do lighthouses. It says, "Lighthouses are to Maine what castles are to Europe." Please let's go with the lighthouse license plate. I urge you to defeat the pending motion and adopt Committee Amendment "B."

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

Representative BAKER: Madam Speaker, Ladies and Gentlemen of the House. I would just like to add a couple of points. Maine is my adopted state. Twenty-seven years ago I was living outside of Maine and the thing I knew about was a book called *One Morning in Maine* by Robert McCloskey. I thought Maine would be a wonderful, wonderful place to live. Twenty-seven years later, here I am. It is an adopted state that I have come to know and love. Part of that is because of its distinctive coast. Probably the only state in the union that has 3,000 miles of coast. I have been wondering what the tremendous appeal of the lighthouse is. I have thought a lot about it, the symbolism. I think there are two things. We have heard about the light aspect. Maine has long winters, long months of darkness, the winter solstice is a time when we need candles and light. I think the lighthouse speaks to the part of the country in which we live. It is compelling for that reason. I think there is also a powerful symbolism of the home. It is a lighthouse. Home is where the heart is. A home is comfort and warmth. I think those two aspects are part of the tremendous appeal. The lighthouse is built on rock. It is steady and stable

like the Mainers I have come to know and love. I hope that you will vote for Amendment "B." Thank you.

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

Representative GAMACHE: Madam Speaker, Ladies and Gentlemen of the House. I have no preference as to what emblem we may put on the license plate. However, stimulated as I was by the debate over the past hour, I have come up with a suggestion of my own. Why not a wind bag? We worked on it together. Actually, the question has been raised. This is the way the state will be recognized. I seem to recall, although it hasn't been mentioned here that there are five letters across the top of the plate that make it pretty clear to me that this is a Maine license plate. For all that has been said, it is regrettable not a word has been said about the melodious song of the chickadee. It is a thing of beauty. One more word about the chickadee. I have it on good authority that it was the chickadee, green bough in beak, that landed on Noah's Ark. Thank you.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Madam Speaker, Men and Women of the House. The gentleman from Lewiston has an interesting concept. I am not quite sure that we can all fit on that plate. Maine citizens would have their choice of regional wind bags or their favorite wind bag. My vote on this will be based on two issues. First, I looked at the choices and I applied, can you see it, type tests. I tried to think of mud season, which in spring and fall is two to three months in this state. A little bit of mud on that plate and I think that chickadee disappeared. I applied the spring pollen season. A nice coat or film of pollen on that and the bird disappeared. I also applied bug season starting in June up to about the end of October or the first frost. A few bugs on that plate and the bird disappears. I don't think there is a bird in Maine that can keep up with the bug volume that would hit that plate during a warm night in July or August.

The second reason would be institutional memory again. Students from Maine, Kennebunk and Saco, brought us a tremendous idea with the lobster. We happened to have a Secretary of State at that time that was hostile to it. We took an outstanding design and equated what one constituent called it, it resembled a fresh water crawdad, which became roadkill while crossing a highway. That was his editorial comment about the Legislature determining what should be on a plate. He was angry so we got the crawdad plate. I think these students have come up with a tremendous idea that is included in Report "B." I would like to do it right this time. I trust our current Secretary of State. I would urge the defeat of the report before us.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. Excuse me for extending this debate one more minute, but I will keep it to that. I just wanted to make the point that although I said their were winners and losers earlier, there is a very good chance that if the chickadee plate was adopted at some time in the future we would adopt the lighthouse plate very similar to this one as a specialty plate for Maine. I think it would be very fitting and it could use proceeds to benefit some activity of restoration and preservation of lighthouses or other maritime monuments in Maine. I think the committee voiced some support for that. I don't think that ideas will be lost, whatever the choice is made today. Thank you.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Gooley.

Representative GOOLEY: Madam Speaker, Men and Women of the House. One of the issues that was brought up a little while ago by Representative Cameron was that it is a fir tree



which is on the example of the license plate. Actually, I think it is a red spruce because the rocky coast of the State of Maine is pretty much 100 percent red spruce. There is some fir, but predominately it is red spruce. That is what it looks like to me. That doesn't happen to bother me too much that it isn't a pine tree. I am sure the design could be changed a little bit if we have to have a white pine tree, which is the state tree. However, it would be more fitting to have the red spruce because the red spruce are found all around these lighthouses. Also, I will admit that the chickadee does have a melodious voice, but there is nothing like the crash of waves on the rocky coast of Maine. Those are a couple of items, which I did want to mention to you. Also if somebody did want to have a bird on their plate, they could still opt for the loon plate. Thank you.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative MCKEE: Madam Speaker, Men and Women of the House. As a teacher who has tried to take students through the process of participatory democracy, I greatly admire the teacher who took these children through this process. I took some of my students to Washington DC once. I want to say that they have already won. They have already won. Just as those students who came to Inland Fisheries and Wildlife and talked about lead sinkers and the danger of fish swallowing those lead sinkers. The beautiful testimony that they gave. They have already won. The students that came from Erskine who spoke out about animal control and the member of the committee who said he hated to hear the veterinarian when gets up to speak against them. I said, don't worry, they need to hear it. They need to know that some things don't work out. Sometimes you don't win. You are going to win no matter what. They did win partly on that bill. The point here is that they have not lost. However, let me tell you this. As an English teacher, they have won the best modifier award. If I were an artist teacher, I would say they won the best of show. Let's vote Amendment "B" and give these kids the credit they deserve and not only for participating in democracy, but coming up with a heck of a good idea that maybe doesn't represent me and maybe doesn't represent my district and maybe doesn't represent my state. Heck I don't even identify myself with my license plate for goodness sakes. They won. Let's go with Amendment "B."

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. As I said in the beginning of this debate, I am sorry to waste our time, but I feel it is not a waste. I don't think this is a northern and southern issue or an inland to coastal issue. As I said before, my towns, that I represent, come from inland. We do not have any coastline unless you consider our border to New Hampshire our coastline. Sometimes I think we should have a lighthouse there also. It is not a northern and southern issue either because if it was truly a southern issue, these children would have chosen the Cape Neddick Lighthouse in York. They chose the most northerly, and I urge you to defeat this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Fisher.

Representative FISHER: Madam Speaker, Men and Women of the House. In memory of my dear friend, Representative Sam DiPietro, the Representative from South Portland, I will ask you if there is nothing more to add, let us fly on to another subject and light up the lights.

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

**ROLL CALL NO. 156**

YEA - Ahearne, Belanger DJ, Berry DP, Berry RL, Bigl, Bouffard, Brennan, Bull, Bumps, Bunker, Cameron, Campbell, Chartrand, Clark, Clukey, Colwell, Cowger, Cross, Desmond, Donnelly, Driscoll, Fisher, Fisk, Gagne, Gagnon, Hatch, Jones SL, Jones SA, Joy, Kneeland, Kontos, Labrecque, LaVerdiere, Lemaire, Lindahl, Lovett, Mailhot, McAlevey, McElroy, Meres, O'Neal, Peavey, Perry, Poulin, Povich, Quint, Richard, Rines, Rowe, Samson, Sanborn, Savage, Saxl JW, Saxl MV, Shannon, Stevens, Thompson, Tobin, Townsend, True, Usher, Watson, Wheeler EM, Winsor, Madam Speaker.

NAY - Bagley, Baker CL, Baker JL, Barth, Bodwell, Bolduc, Brooks, Bruno, Buck, Carleton, Chick, Chizmar, Davidson, Dunlap, Dutremble, Etnier, Farnsworth, Foster, Frechette, Fuller, Gamache, Gerry, Gieringer, Goodwin, Gooley, Honey, Jabar, Jones KW, Joyce, Joyner, Kane, Kasprzak, Kerr, Lane, Layton, Lemke, MacDougall, Mack, Madore, Marvin, Mayo, McKee, Mitchell JE, Morgan, Murphy, Muse, Nass, Nickerson, O'Brien, O'Neil, Ott, Paul, Pendleton, Perkins, Pieh, Pinkham RG, Pinkham WD, Plowman, Powers, Shiah, Sirois, Snowe-Mello, Stanley, Stedman, Taylor, Tessier, Treadwell, Tripp, Underwood, Vedral, Vigue, Volenik, Waterhouse, Wheeler GJ, Winglass, Wright.

ABSENT - Belanger IG, Bragdon, Cianchette, Dexter, Green, Lemont, Skoglund, Spear, Tuttle, Winn.

Yes, 65; No, 76; Absent, 10; Excused, 0.

65 having voted in the affirmative and 76 voted in the negative, with 10 being absent, Report "A" **"Ought to Pass"** as amended was not accepted.

Representative LINDAHL of Northport moved that the House accept Report "C" **"Ought to Pass"** as amended by Committee Amendment "C" (H-366).

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, Men and Women of the House. I hope to pick up a few votes here for those that were chickadee people. What is the purpose of a registration plate? It is to identify a vehicle. That is the sole purpose. It is not to advertise, but to identify. A simple plate that is highly visible and easily recognized. Maybe we can start a new trend. Some have said that the first light of the millennium will strike West Quoddy Head Light and that is wrong. In the United States, I believe it will be the top of Mt. Katahdin. We will have a little bit of debate on that, I am sure.

During the committee process, we also had a bill to adopt a loon plate as the State of Maine plate. I, like Representative Povich, fear that we are going to lose some valuable source of funds for the endangered, nongame species birds, restoration of forts and parks. If we come out with a very attractive plate like a lighthouse or a chickadee, who will pay the extra \$20 to get a loon plate. I have two loon plates. My wife has one and I have one. We put that extra money in just because we didn't like the ugly lobster plate. It looks like heck. I feel that we ought to take a go with Committee Amendment "C" and do a very plain plate that says Maine on it. Everybody will recognize it. Bruce Kyle of the Bangor Daily News did two articles on these registration plates. I don't have a strong lobbying group. I just wanted to present this as an option. After he did these two stories, he said he got a number of responses. The majority wanted a plain plate with no vacationland. It just says Maine and a number, and who from around the country couldn't pick that out as being a state of Maine registration plate?

During committee when we were hearing from people who wanted to adopt the loon plate, those speaking against it were the Department of Conservation, Inland Fisheries and Wildlife, Audubon Society, Friends of the Colonial Pemaquid, Friends of Fort Knox and Maine Wolf Coalition. All of these people were

against adopting the loon plate because they would have lost that revenue. I also feel that this is very important that we have a plain plate. People don't want to spend the extra money. They register their car and you can identify it. If you don't want that plain plate, you will flip the extra \$20 to parks and endangered game species animals will benefit. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, May I pose a question through the Chair?

The SPEAKER: The Representative may pose his question.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. What would be the trim color of the plain plate? Would it all be the same color or would there be color around it and the words a different color? Also, would it say Vacationland or not?

The SPEAKER: The Representative from Rockland, Representative Chartrand has posed a question through the Chair to any Representative who may care to respond. The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, Men and Women of the House. When I presented this initially I asked for a lobster plate without the lobster. It would be exactly the same. I do have an amendment, a House Amendment, that would remove the word Vacationland.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. At first glance, a plain plate also appealed to me. Driving down the road I noticed that state government vehicles and federal government vehicles are all black and white. Do we want to be known as a branch of the federal government? I think not. Please defeat this motion.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Wheeler.

Representative WHEELER: Madam Speaker, Men and Women of the House. I am still Representative Wheeler from Eliot. I urge you to defeat the pending motion so that we can adopt Committee Amendment "B." Just a little clarification, the slogan vacationland is the oldest slogan on a license plate in the United States.

The SPEAKER: The Chair recognizes the Representative from North Berwick, Representative MacDougall.

Representative MACDOUGALL: Madam Speaker, Men and Women of the House. I will just say it very quickly. In deference to my fellow colleague, Representative Lindahl, that the Quoddy license plate has the support of most major newspapers and several major television channels throughout the state. Thank you.

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

Representative BODWELL: Madam Speaker, Ladies and Gentlemen of the House. I urge everyone to vote for the black and white plate and to make the chickadee and the lighthouse plate specialty plates.

The SPEAKER: The Chair recognizes the Representative from Northport, Representative Lindahl.

Representative LINDAHL: Madam Speaker, Men and Women of the House. The loon plate was touted as the most successful conservation plate in the United States with over 96,000 of them having been sold. I think if you come out with a very attractive lighthouse plate, the sale of these loon plates is going to suffer and someone is going to have to make up the difference in this funding. Thank you.

The Chair ordered a division on the motion to accept Report "C" "**Ought to Pass**" as amended by Committee Amendment "C" (H-366).

A vote of the House was taken. 62 voted in favor of the same and 72 against, Report "C" "**Ought to Pass**" as amended was not accepted.

Subsequently, Report "B" "**Ought to Pass**" as amended by Committee Amendment "B" (H-365) was accepted.

The Bill was read once. Committee Amendment "B" (H-365) was read by the Clerk and adopted.

Under suspension of the rules the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Under further suspension of the rules the Bill was passed to be engrossed as amended and sent up for concurrence.

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By unanimous consent, all matters having been acted upon were ordered sent forthwith.

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The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul who wishes to address the House on the record.

Representative PAUL: Madam Speaker, Ladies and Gentlemen of the House. This year, 1997, is the 50th Anniversary of the Maine Trappers Association. There are approximately 5,000 active trappers in the state. Eleven hundred of those belong to the association. Please join me in recognizing the men and women of the Maine Trappers Association on their 50th Anniversary. They are all upstairs.

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On motion of Representative BUCK of Yarmouth, the House recessed until 5:00 p.m.

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(After Recess)

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The House was called to order by the Speaker.

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Senate Divided Report - Committee on **Judiciary** - (8) members "**Ought to Pass**" - (5) members "**Ought Not to Pass**" on Bill "An Act to Prevent Discrimination" (S.P. 338) (L.D. 1116) which was tabled by Representative THOMPSON of Naples pending his motion to accept the Majority "**Ought to Pass**" Report.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. This is one of those issues not unlike issues that we have dealt with in the recent past. It is very emotional. There are strongly held feelings on both sides of the issue. I want to say right up front that I have deep respect for the opposing view on this situation. I would like to quote out of the Maine Constitution. It is a particular phrase that I love reading over and over again. It is on page 3 of the booklet, Section 6-A, "Discrimination against persons prohibited. No person shall be deprived of life, liberty or property without due process of law, nor be denied the equal protection of the laws, nor be denied the enjoyment of that person's civil rights or be discriminated against in the exercise thereof." I quote that because when I read that I have always felt as though the people throughout the state, no

matter who they are, are protected from discrimination. They have the same protections that I do. When we go beyond that, we set up a minority status when we chose to put people in the Maine Civil Rights Act. We feel that warrants that because of discrimination, abuse or whatever. We have a list of those on the bill that we are trying to add a new class of people.

This is not something that I have addressed recently. I have thought long and hard on this, years and years ago or through the years, I have dealt with this issue in different forums. I have heard all the arguments that I am sure all you have. We went through a long protracted situation with the question referendum one a while back. We heard the arguments then. We heard the expression special rights. The argument was, no, these aren't special rights, they are equal rights. I feel that when we go beyond the Maine State Constitution they are special rights because then you are in a class that warrants this type of status. If you are working at an establishment and an employer decides he is going to lay somebody off, it is only rational to conclude that somebody in the protected status is certainly going to be the last one to go because of the threat of being called discriminatory or having some civil violation or whatever.

When I look at the minority status, I look at the US Constitution. While it is used as warranting minority status, I am sure you have heard it all before, but I will read it again. The US Supreme Court has quoted three criteria. "One, an entire class. The class of members must show that they lack adequate education, income levels and the opportunity to advance in society. Two, an entire class have to show obvious characteristics that clearly identify them. Three, an entire class must show they lack political influence." If the question of referendum one taught us anything, I would put forth the argument that the group that is looking for that status now doesn't fit those criteria. I was amazed, as a lot of other people were, of the extreme amount of money that was raised in their campaign. Also, the large list of corporate people and whatever, large impressive groups were backing defeat of that referendum and the political clout. It was really impressive.

When I look at the gay community and I look at what is trying to be done with this bill as far as housing, employment and credit, I not only look at the information that I have had through the years and the different testimony, but I also throw in today my life experience. I haven't led a sheltered life. I have seen quite a bit of life. I am 54 years old and I am not saying it doesn't happen. We have evidence that it does happen, but I can tell you ladies and gentlemen, personally, that I have never heard of it myself. I have never had anyone come up to me and say, Paul, have you heard that so and so lost their job and I would say why, and they would say that somebody found out that they were gay. I never heard it in my life. I have never known anybody, personally, and I know gay people in my community and I have gay friends. In fact, the person who is a very dear friend of mine, almost a son, is a gay person.

When I look at the people throughout my community who are gay and I look at what kind of jobs they have or where they live and all the rest of that, this issue, barring the anecdotal evidence, doesn't warrant this special status. Ladies and gentlemen, this is not equal rights. Once you are in this group, a person who employs or does the other things have to be very careful that there is no insinuation that discrimination is a factor. Like I said, when I look around the community and I see people in my community who are gay and I look at the jobs they have, they certainly are not menial jobs, some do and some don't. They are just the average folks. I never heard that in my life. I was shocked when I heard testimony that somebody was refused to eat a meal in a restaurant. It is unbelievable. I have to ask myself when I walk into a restaurant, unless they knew me

personally, how would they ever know I was gay to turn me down to eat? It is unfathomable to me. I am not saying it doesn't happen, but it is anecdotal.

One of the things I looked at when it came to housing, getting an apartment, I know renters, people I used to work for rented apartments. One of the big concerns of anybody who do rent can vouch for this, is getting your rent paid from your renter and making sure that they didn't damage the place. Hopefully, when they left you didn't have to put a lot of money into fixing it up. I can tell you, personally, myself, if I was running an establishment and if I knew the person was a homosexual, gay or whatever, I would never ever turn that person away. It is the same with a job. Most businessmen I know, we always heard the argument that business people, all they care about is the bottom line, making the big bucks. Well, you can be assured that businessmen do want to make money. If I had a carpenter working for me and he or she was dependable and they did a good job and they were making me money and I found out they were gay it would not make a bit of difference. They would still have their job as well they should. I put forward that 99 and nine-tenths of the time businessmen would feel that way. I can't imagine anyone getting rid of a good worker, good renter or a good person for a loan because they were gay. I am not saying it doesn't happen, but does it rise to the occasion that warrants this legislation?

We heard a lot in these debates on referendum one and we heard it from the executive and the side that wanted to defeat that referendum that this is a local control issue. I know you are going to debate that tonight. One of the things that was said at that time was they were worried about local control, but wait until it is time for state-wide gay rights. That will not be so much of a worry. Again, I hearken back to my community. I have never heard of a gay person being abused in my community. I have never heard of one losing a job in my community. I have never heard of one being turned down from getting credit in my community and my wife works in a bank, by the way. I would say that if you had that problem in your community maybe you need a little education. Maybe you need a forum to facilitate or work those things out in your community or maybe you ought to consider passing an ordinance, seems how referendum one was defeated. You have that option of doing that. If you think that local control was an issue back then, why isn't it an issue now? We have the City of Lewiston, I really didn't follow that too closely, but I guess they voted three to one to overturn it in their town and that supersedes local control.

We will be debating this for a while tonight. I do have a few other points then I will let other people talk, but I hope that you will put your emotions aside and take a look at this as a pragmatic issue. Does it rise to the point where this group of people deserve or warrant minority status in protection of the Maine Civil Rights Act or not? I guess that is the key question, I guess. I hope you will vote against the pending motion before you.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. The issue before us is extremely important. It is extremely serious and deserves all the respect that the men and women of this House can give them. The issue here is discrimination. There is discrimination against gays and lesbians in Maine. If you are fortunate enough to live in a place where you don't witness it, then you are a lucky person. As a heterosexual male, you are not likely to be the victim of such discrimination. You are not likely to be in a place where this is going to happen, but it happens. During our testimony at the Civic Center, we heard a number of people come forward and

give their personal stories, not anecdotal evidence, their own stories about events in their lives. Our neighbors and our friends being subject to humiliation, being fired from jobs, being denied housing and being denied credit so that they can buy a home because of discrimination. I won't even debate the issue of whether discrimination exists. It exists. The question is what we are going to do about it. We can sit on our hands. We can say it isn't so bad and it doesn't happen so often. We can hope it will go away, but it won't go away if we sit on our hands.

Discrimination, in any form, is wrong. Each one of you have an opportunity to help stop discrimination that is happening today and has been happening for as long as man has been alive, probably. I have seen it as a kid when other kids would get together and taunt someone they thought was a homosexual. I did it as a kid. I discriminated as an adult by laughing at someone's jokes. I am not proud of it. I can bet that today there are people who are around here who have heard jokes within the last day or two and chuckled at them. For every joke there is a victim of that joke and by sitting on your hands and doing nothing today, you are adding to that problem. I grew up believing that in America everyone is entitled to life, liberty and the pursuit of happiness. I was also taught, very basically, that every human being is entitled to three basic rights. You have the right to be fed. You have the right to clothing and you have the right for shelter. Yet, if we allow this discrimination to continue, we are interfering with each of those rights. No, gay and lesbians aren't going to go hungry. They will find a place to live and they will have clothing, but they don't have the same opportunities that you do for each one of those. Isn't that what it is all about? Not that any one of us are guaranteed a certain level of lifestyle or possessions, but that each one of us are guaranteed the equal opportunity for these things.

I sounds so simple to me. I understand arguments on the other side and they are good thinking people. I will never deny that. Every time we deny someone their rights we are diminishing all of us. I heard a lot of testimony and I heard a lot of issues raised. I heard that if we pass this that anybody could claim to be a homosexual and get special rights. It is not about special rights. It is about getting the same rights that you get. The great part about being where you are is that nobody denies you your rights. How do you identify a Catholic? How do you identify a Methodist? You don't. It comes up because somebody sees them go into a Catholic Church or they are in conversation and they mention they are a Catholic. The point is you can't discriminate against that person because of their religion. How will someone find out if someone is gay? Maybe they talk about it. Maybe all their friends know it. Maybe they really believe they have nothing to be ashamed of and they don't. All of that is a smoke screen. You have to believe that we are here to set public policy to protect people. I urge each and every one of you, especially those people who are undecided or on the line or leaning one way or the other, to vote from your heart to do what is right and to support this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Madam Speaker, Ladies and Gentlemen of the House. In response of my good friend, Representative Thompson, in the 20s and 30s when there were very few blacks in the area, Catholics were being discriminated against by the KKK. They seemed to be coming after us. Don't feel that because you are Catholic and it doesn't show that you weren't discriminated against. I spent my life fighting a French battle when I got on the bus when I was a child and somebody would say that it must be that Catholic kid because I had certain odor. My mother used to put camphor around my neck. I know what discrimination is, but I tell you that I don't think that we have

do go to this level. We have got numerous ways of approaching exactly what we are trying to do here. Normally, we argue the fact that we want to go with local control. Less than two years ago, gay activists told the people of Maine that they were against Concerned Maine Families referendum because they supported local control. How come they are now backing a state-wide gay rights bill that will take away everyone's local control? That does create some problems.

I have a letter that I just sent around from the Catholic Diocese of Portland where it shows that nine states have passed legislation giving rights to gays and lesbians, but they did take into account some of the problems inherent in the bill. That is to remove some of these positions. Nothing was even considered by the committee. This is the same bill that we looked at three times, in 91, 94 and again we are looking at the same bill. I think if we were so concerned about rights then we would consider the rights of Catholics and other Christians and try to live within the community. I would support the gay rights bill, if they would include some of these issues that were included in the other states, but not at this level. I think that we have to rework this and put on a couple of amendments. Then I would support it. This is a first, but we would have to have the amendments that are being proposed. I think Representative Waterhouse's amendment. I thank you.

The SPEAKER: The Chair recognizes the Representative from Enfield, Representative Lane.

Representative LANE: Madam Speaker, Ladies and Gentlemen of the House. This is a very difficult issue to debate. We all know that. We all wish that we could pass legislation to make hate go away. That is what we are facing here. We are faced with one segment of population judging another segment of population. One segment judges the others saying that you don't agree with our need for rights, you hate us. The other segment is saying that you don't understand us. We don't hate you. I want to say that I do not hate gays. I do not hate lesbians. I have worked with them. I have talked to them. I have gone to ball games with them. I like them or dislike them as people, that is all. I just don't happen to agree with their lifestyle. I don't happen to agree that we should pass a bill like this to give rights based on behavior. Race, color, sex, physical or mental disability, religion, ancestry or national origin are not behaviors. Sexual orientation is based on a behavior. I think it is wonderful that we seem to have a national guilt conscience and we have created such things as the hate crime unit to take care of some of these things. We have a hate crime division. We report incidents of bias. We have isolated things like sexual harassment and all sorts of crimes that have to do with judgment. I am afraid of the consequences of that. We are in a position where we are judging the motives of the heart. I don't think we need to pass statutes that judge people's motives or thought processes or behaviors.

There is one way of making this issue that has come before this Legislature time and time again to go away. There is one way to solve this problem, I think, so we are not repeatedly faced with referendums. I would suggest to the gay and lesbian community that they do a referendum drive and take it to the people of Maine. Put it on our ballot and let the people of Maine decide, once and for all. Do we want, as a state, to have special rights? I consider them special rights. If it passed, obviously people won't consider them special rights. Do we not want to have special protection for sexual orientation in our Constitution? Madam Speaker, may I pose a question, please?

The SPEAKER: The Representative may pose her question.

Representative LANE: I am sorry I am always catching you unaware. I don't do that intentionally. One thing that has always bothered me in this debate and perhaps a member of the

Judiciary Committee could explain to me and that is the word orientation. What exactly does that mean? If we pass this into law, who comes under it? Is that how you think or is it something you do? Is it behavior or a thought process and how do you prove it? Thank you.

The SPEAKER: The Representative from Enfield, Representative Lane has posed a question through the Chair to anyone who may care to respond. The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. Boy, I didn't think we needed definitions, but I think everybody knows what sexual orientation means. It is very clear. A man's sexual attraction is to another man. A woman's sexual attraction is to another woman. Thank you.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Madam Speaker, Men and Women of the House. I am proud to have had the opportunity to be a cosponsor of, "An Act to Prevent Discrimination." I have been convinced that currently in Maine the rights of a certain minority continue to be violated. When I testified before the Committee on Judiciary I began with this quote which I share also with you. It is from the first inaugural address of Thomas Jefferson. "All too will bear in mind this sacred principle, that though the will of the majority in all cases is to prevail that will is to be rightful and must be reasonable and that the minority possess their equal rights, which equal law must protect and to violate that would be oppression."

In my judgment and in the judgment of many, this legislation is a civil rights bill. It makes discrimination unlawful. It gives no special rights to anyone, but it gives important protection to citizens of our state for whom a real problem of discrimination exists. It says a person cannot be fired from a job, evicted from an apartment, denied a loan or turned away from a restaurant or hotel solely because of his or her sexual orientation. The existing Human Rights Act already makes it illegal to deny employment, public accommodation or credit to all Maine citizens on the basis of race, color, gender, ancestry, national origin, age, religion and physical or mental disabilities. I believe, without a doubt and with my whole heart that we, as law makers, have a compelling responsibility to prohibit such discrimination on a statewide basis in order to protect all of our citizens. Not only do we have a responsibility, we have an opportunity tonight to demonstrate leadership in saying no to discrimination.

Contrary to the dissections of some, the Maine Human Rights Act does not give special job advantages to anyone. The act does assure that an employee or applicant for employment not be discriminated against because of sexual orientation, race, gender or religion. There is nothing in the Maine Human Rights Act that would require quotas. In fact, it would be unlawful discrimination under the act to do so. All other New England states have passed similar legislation. On Tuesday, New Hampshire, by an overwhelming majority made it illegal to discriminate on the basis of sexual orientation. Let us not be the only state in the region that allows this discrimination to occur. I suggest to you that the region and the nation, tonight, is watching us to see if we will make the right choice. Let us show them that we will not tolerate discrimination of any kind in our great state. For that reason, I urge you to vote for the Majority Report and make discrimination illegal in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative O'Neil.

Representative O'NEIL: Madam Speaker, Colleagues of the House. In my short tenure in this body I have learned a few things. One of them is that when we approach an issue of this magnitude, the debate gets rather dull. I sense that the vast

majority of us have pretty much made up our minds as to which way we will press that button when the time comes. For those few of you left who may be on the fence, I would like to impart a story. This story is about how I came to change my mind and come down on the side of Majority "Ought to Pass" on this particular LD.

It was several years ago that my best friend and I, who happens to live in Portland, were working together on a charitable event. We worked all day and he asked me if I would go out with him for a beer after we were done. I said, gladly. This person, you have to understand, at the time, was involved with the Equal Rights Law that was being enacted in Portland. He and I got into a philosophical discussion about that. I maintained my belief and my position that what he and his group were asking for was special rights. It sounds familiar to what we hear today. I maintained that belief. A little later that night when he and I were in what is known as a gay bar because this person happens to be gay, I have to tell you that I was the one that felt, you will excuse me, I felt like the "queer."

I really felt out of place in that room. It was a fabulous night spot as night spots go. He introduced me to several of his friends and acquaintances. Around midnight, feeling uncomfortable still, at least a little, albeit alighted a little, I told my friend that it was time for me to get out of there. I really did have to get up very early in the morning. I said my good-byes and made my way out. I want you to know that if I felt that uncomfortable in that environment, imagine how uncomfortable somebody who is gay feels when they are put in a compromising situation having to do with housing, employment, lodging or credit. I left this bar. My car was parked a good half mile away. It was midnight and who was at the top of the steps on this dark street to greet me as I left, wedding band and all, but a group of thugs. There were four maybe five of them. They proceeded to shout something at me that was really rather obscene and I immediately felt like saying, wait a minute guys, you don't understand, but I didn't go there. I kept walking. I was immediately fearful because they followed me. If I was this fearful, men and women of the House, over a case of mistaken identity, I ask you the empathize and think about how fearful somebody feels when they go into a situation of housing, employment, credit or lodging.

I proceeded to walk down the street and the jeers became a little louder and more frequent. They got closer. I decided it was a good time to break into a trot. Suddenly 10 or so feet beside me a bottle smashed. It wasn't a trot any longer. I scampered down an alley like a rat in the night horrified. I ask you if I was that horrified, again, over a situation of mistaken identity, imagine how horrified somebody would be in an issue of real gravity. Something that is important in their life. You see, I was a victim of gay bashing and that helped bring me around a little bit. I changed my outlook on whether or not folks needed to be protected. As to my friend, I have to tell you that he and I were friends for a good 15 years before I ever knew he was gay. When he told me he was, I was initially shocked a little bit, but I ultimately acquiesced and said that ultimately in addition to being gay, you have curly brown hair, blue eyes, right handed and you are the same guy. It just took me a couple of years and one frightening, horrifying experience in the streets of Portland to come around and realize that that political issue he was fighting for at the time was valiant.

My colleagues, if any of you still are swayable, I hope you can try to do as we were asked to do at the beginning of this session. You remember the walk a mile program. Try to empathize with the folks who get put into these situations of peril regarding housing, credit, employment and lodging. I am hopeful

that when you do, you will be able to confidently press the green button on the Majority "Ought to Pass" Report. Thank you.

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

Representative BIGL: Madam Speaker, Men and Women of the House. I want to tell you how I am going to vote. Then I am going to give you a short little story of why I am voting that way. I am not debating an issue. I am just telling you how I am going to vote. I am going to vote for the "Ought to Pass." My dad came over from Germany in World War I. He lived in the community. We were members of the community and along came World War II. My dad became a dirty Nazi. It was different from being a Jew, right? I would see my dad come with his face smashed in. I would see my brothers come home hit with a baseball bat. I heard things said to me. At times I wished I was French. At times I wished I was Italian. I couldn't be any of those things because I was German. I had to live with that. I am speaking about discrimination. I am not speaking about the technicality. I am speaking about what comes from the heart and soul. That is why I am going to vote for this. Thank you.

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

Representative PLOWMAN: Madam Speaker, Men and Women of the House. Discrimination comes in different places and comes often. I have said this before. I have worked in a bank where the main branch was a size 8 and under. If you were a size 8, 6, 4 or 2 you could work downtown. If you were a 10 and above, you worked in a branch. I have seen it. There is no protection for that. Imagine looking around and finding out that everybody around you is a size 18 and you go down to the main branch to do something and everybody else is a size 4. You have to drive an extra 20 miles to get to work and everybody else gets to be downtown. There is nothing you can do about that in here.

I would like to tell you about a taxpayer supported group that gets together every once and a while and they hire people and they discriminate. Certain people, qualifications aside, will not be considered. In this group there are officers and the good jobs go to a certain orientation. If you are of the other orientation or another orientation, you don't stand a chance of getting that good job. There is nothing in here that says that you are protected. Would you like to know what that taxpayer supported group is? It is the Maine State Legislature. Every two years the majority party votes in nonpartisan officers. The party members that belong to the majority. If you, this year, were a Republican, you were discriminated against. You were not eligible for a \$70,000 job. You are not eligible to work in one of the nonpartisan offices. You are not eligible to work in the partisan offices. I daresay that the Democrat National Committee would not hire me. I dare say that it is almost impossible to get a businessman in downtown Bangor to rent a Republican front space on the main street. They would rather lose money and have an empty store front than rent to a Republican. Political orientation is not protected.

Have I been discriminated against? I got thrown out of a store in my town by a Democrat when I first ran. He said, "I don't need your dirty Republican money." I couldn't buy anything in there if I wanted to. He wouldn't ring up my sale. Political orientation, I have been brow beat in the restaurants in my town. People have gotten up and said that I am not sitting next to a Republican. I had people tell me that they wouldn't sit next to a nursing mother. They found it reprehensible that I would actually nurse a child in public. There is no protection in here for a nursing mother. You can be asked not to do this.

So let's see. Nobody will rent to me. Nobody would hire me. I have been called a dirty Republican. I have had doors

slammed in my face. I can't get a job in some of the best offices in the state, with the best paying and with the best benefits. Go figure. For those of you who are going to sit here and say that we are the only people that this ever happens to and we need protection, guess what? It happens to Republicans and 20 years ago it happened to Democrats. We have a Chief Executive Officer who is an Independent, but he may sometimes be misperceived as a Democrat. How would he fall in if we were to add religion as a protected? Would he have rights as someone who perceived him to be a Democrat when he was, in fact, an Independent and he wasn't hired for a job. I know a lot of people who are Independents. Would they be hired for a job unless they came right out and said that they supported all the Democrat principles so that they could have a \$50,000 or \$60,000 a year job? It happens. It is really fat. How many more categories do you want to keep adding?

I am not going to stand here and say some of my best friends are gay. Some of my best friends are my best friends and I don't care if they are gay or heterosexual or what. There is an assumption made here every time someone stands that people who are going to vote against this don't know anybody who is gay. They have never talked with anybody who is gay. They have never had someone say to them that they are gay and continued on as a friend. Can you say that you have never had a family member come to me and say I am gay? That is an assumption that you hear. Because I don't know anybody, I can't understand. I do know someone and he is very close to me. We talk and I have known him just about all of his life. Not once has he asked me to stand up for him in any other way, but as a person. I stand up for myself and I don't demand respect as a woman and I don't teach my kids to demand respect as little girls and little boys. I teach them to demand respect. I teach them respect. Gay bashing is not allowed in my house. My children are aware that people have different lifestyles. At the age of 10 my son is very accepting and knows that that is out there. He didn't learn it at school. I certainly got to him before he learned it on the playground.

I am ignorant according to the assumptions being made. The person that I am very near and dear to stands up for himself, but he deserves dignity for being himself. He does not take his dignity from being gay. He does not take his dignity from being French. He does not take his dignity from being Catholic. All of these other things and he does not rest solely on a gay identity. He is a wonderful three-dimensional person and, God loves him, he is a Democrat to boot. When we are talking about discrimination here, this taxpayer supported body does it every two years and in its hiring practices and does it with impunity. I ask you to defeat the pending motion.

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

Representative QUINT: Madam Speaker, Esteemed Colleagues of the House. I am here today to present my personal testimony in support of LD 1116, "An Act to Prevent Discrimination." I struggled long and hard over what to say today because it is generally, even under the best of circumstances, not okay to say you are gay. I am proud of who I am and cannot separate the pride of being who I am for the commitment to serve the citizens of my district and the state.

This is not the first discrimination challenge my family of origin has had to endure. Forty years ago my father married a Catholic and I think they used to call them a "mick." My father's parents, my good and God fearing grandparents, refused to attend the wedding ceremony because my father was marrying one of those sinful Catholics. It is important to remember also that they stated that my father was making the biggest mistake. He was marrying a nonchristian and his marriage would probably

not succeed because of the incompatibility of Christian morals and Catholic values. My grandfather, before he died, made amends to my mother many, many years later. Forty years ago Catholics in my hometown were being denied employment, not getting loans for their farms and their homes and were denied public accommodations, in fact, as town history documents, there were even a few burning crosses found on the front laws of those Catholics. I am happy to say my parents are well, successful and still happily married. It is because of their commitment to God, their love of me and my strong Catholic and parochial upbringing that I have the courage and strength to stand before you today.

I am a second generation of the Quint family having to endure discrimination because of conservative, Christian principles. These same conservative principles who stated 40 years ago that my father's marriage to a "mick" was inappropriate behavior and are now saying today that my entitlement to civil right protections is about special rights and or a jobs bill. Not much has changed in 40 years and how the individuals of the conservative Christian right view members of my family, except today it is not about "micks" it is about "fags" and "dykes." I stand before you today to say discrimination against gays, lesbians, bisexual and transgendered individuals is an insidious and corrosive force in the State of Maine. Discrimination happens every single day. I know it because I have seen it. I have experienced it and I still carry around the fear, even the expectation that it could happen to me at any time. Every time I have to decide about where to stop on the road for a meal or think about applying for a job or considering getting a loan to make repairs on my home, I have to face the issue before you today. If I apply for a loan or a job, will I be discriminated against.

Ladies and Gentlemen, let's make it illegal. This bill needs your support because being gay is not a choice. The gay people of the state cannot avoid discrimination simply, as some people would suggest, by changing themselves. I know because I am gay and I know I cannot change that part of myself anymore than anyone else in this room can change their basic orientation.

Discrimination happens, I assure you. Many of my constituents and friends have shared with me personal experiences of being discriminated against and denied housing and employment opportunities strictly based on their sexual orientation. They live in constant fear of reprisal and concern for their jobs and housing. Discrimination based on sexual orientation is not only linked to urban areas or just Portland. Some of you may or may not know, but I was born, raised and lived 19 years of my life in Houlton. The shiretown of Aroostook County. It was a very common aspect of my life as a boy and as a young man growing up in Houlton to hear to the words "faggot" and "limp wristed sissy" and far more derogatory and insulting words. These words were intimidating and humiliating and painful to hear. These words were often spoken with angry and threatening gestures. Very often, as many people here today will testify, violence can also accompany those words. You may be thinking that this kind of conduct is about harassment. That is not what this bill is about. You may also be thinking that harassment and threats of violent behavior are already against the law and that there are criminal laws against such conduct.

Nevertheless, I will tell you this. If you are gay and you know there is no law protecting you from losing your job or your apartment should it become known that you are gay, then sometimes the only real choice is not to complain about harassment and not to seek police protection. This bill offers the kind of basic protection that gay people need just to be safely able to ask for police protection they too often need. I believe, I, and other gay people in Maine have something to offer in

contributions to make to our communities and the state as a whole. However, as long as discrimination remains legal in Maine and as we keep 10 percent of our state's population from having civil rights, we effectively restrict the contributions of our gay citizens. This truly is a loss for all. We will not stop discrimination until legislation prohibits it. I am asking you to support me and all the other gay and lesbian Maine citizens by voting green on LD 1116.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Dunlap.

Representative DUNLAP: Madam Speaker, Men and Women of the House. A fair number of people have been asking me in the last couple months why I sought office. It is a good question. I think the answer must be that when I decided to seek this office, I wanted to look back in my old age and say that I didn't just sit back and make a squabble. I actually tried to make a difference. I really felt the effects of that sentiment yesterday during Welcome Back Day when the former Representative of Poland, Representative Goth was addressing us from the rostrum. It really made a big impact on me. He served in the 87th Legislature in 1935 and I am sure he made a good difference for his people. That is what I would like to do. I would like to make a difference for my people. I think when I look at this bill, it is very odd how we do it. We are always thinking of someone else. I think through many of these debates that we have had in this session, we are always talking about someone else. I find it curious that the information-communication age has so blinded us to ourselves that all we think of is other people. Someone else in the remote distance.

I have looked back through my somewhat shallow institutional memory and tried to think of an instance in looking at that listing of many times burdensome times when a group of people under that particular listing in the discrimination statute has made a mockery of it or abused it. I can't come up with that answer that a group of people listed in that statute has made a mockery of it by abusing it. I think we have heard a great deal of testimony here that is very compelling about various forms of discrimination. Of course, we are talking about one form of discrimination in this bill. The curious thing about it is that when you are talking about sexual orientation, if I were employed as a heterosexual, I am bringing this up because people keep bringing it up as a jobs bill. I don't think it is a jobs bill. That is why I mentioned that earlier point about how I don't think it has been abused in the past. If I were employed as a heterosexual man by someone who is gay, they can't fire me under this bill. I am as protected as they are. It is not just simply a protection for a group of people. It is a protection for everyone. I think that is the second point that we have forgotten in all of this.

I am going to vote yes. I am going to vote in favor of this bill. When I come back here in 2059 and Clerk MacFarland with the assistance of Assistant Clerk Mayo, is reading the roll, I can give that address from the rostrum. I am not saying I will be the oldest. Probably Brian Bolduc will be the oldest one because he will outlive me by a fair amount. If I am the oldest one, when I am 94 years old in the 149th Legislature when I address them, I will say that I made a difference. I helped protect the people around me. Thank you very much.

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

Representative JABAR: Madam Speaker, Men and Women of the House. I rise to urge those of you who are undecided to support this bill so that we, as Representatives of the State of Maine, can end discrimination once and for all. We must end discrimination, not because of the cards and letters we received and the numerous phone calls we received, but because it is the right thing to do. Do not be afraid, read John F. Kennedy's

*Profiles in Courage.* I am willing to bet that Representative Quint read his book. It is time to lead and it is time to tell our constituents why we did the right thing.

The arguments which have been presented to us are misleading and inaccurate. To label this a jobs bill is just simply wrong. Laws against discrimination do not afford special status to anyone anymore than it does to me being a Catholic. I cannot be fired because of my religion. I am protected by the law. I am 50 years old. I cannot be fired because of my age. I am of Lebanese ancestry. I cannot be fired because of that. These protections do not give me any special rights or any special status. It gives me protection. That is all this bill is doing, is giving protection from discrimination for gays and lesbians.

Most of us in this chamber are proud of our heritage and the heritage that we all share are common and diverse. Whether we are Irish, Franco-American, Polish, Native American, Jewish, German or Italian, it doesn't make any difference. We probably can all look back in our history and point to circumstances and times when our ancestors were discriminated against. That does not make it right. We have progressed in this country beyond that. We have outlawed discrimination against blacks, religion, women, disabled people and older people. It is now time to end this intolerance, this hatred and this discrimination against gays and lesbians.

I cannot tell you a story about someone I know or an incident that I was involved with involving gays. I urge you to support this bill because in your heart and in your conscience, you know it is the right thing to do. Recently, I went to the Holocaust Museum in Washington. It is really quite an experience. I witnessed and saw things about discrimination against not just the Jews, but against Catholics, gypsies, disabled people and, yes, against homosexuals.

I want to read to you a quote that I read from back in the 1940s. "I would like to develop a couple of ideas for you on the question of homosexuality. There are those homosexuals who take the view: what I do is my business, a purely private matter. However, all things which take place in the sexual sphere are not the private affair of the individual, but signify the life and death of the nation, signify world power or 'swissification.' The people which have many children has the candidature for world power and world domination. A people of good race which has too few children, has a one way ticket to the grave, for insignificance in fifty or a hundred years, for burial in two hundred and fifty years. .

Therefore, we must be absolutely clear that if we continue to have this homosexual burden in Germany, without being able to fight it, then that is the end of Germany, and the end of the Germanic world. . ." Heinrich Himmler on a document entitled *Question of Homosexuality*.

I am not here saying that the people who do not support this bill are like the Nazis. The point I am trying to make here is that Germany back in 40s was a closed society, only to the Aryan race. There was no room for gypsies, no room for Catholics, no room for Jews, no room for disabled people and no room for homosexuals. I would like to think that in this country we have progressed well beyond that. We are an open, tolerant and enlightened society. In the United States we have always been proud of the fact that we are a melting pot of cultures, races, religions and ideas. What are we afraid of? We are not a nation built on fear. We have nothing to fear. It is time for us to now end this fear by supporting this bill and ending discrimination. Thank you.

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

Representative MAYO: Madam Speaker, Ladies and Gentlemen of the House. I stand today in support of this

particular piece of legislation as a cosponsor and as someone who feels very strongly on the issue. I personally feel that discrimination has no place in the State of Maine. Some of you may not be aware of the fact that I spent about half of my early years growing up in Old Town. Believe me, I saw considerable discrimination in that community. There was discrimination against the Franco-Americans and certainly against the Native Americans. We must not have people in this state allow discrimination against anyone, but particularly based upon sexual orientation, in the areas of employment, credit, accommodations and housing. If I felt that passage of LD 1116 was going to affect small business, I own three small businesses for over 30 years, I would have some concerns. We have not heard from NFIB, which represents small business in this state and we have heard on an affirmative basis from the chamber and business alliance. My constituents, by a small majority, are opposed to this particular piece of legislation. I have heard from many of them. Some with post cards and some with telephone calls and some with letters. However, I feel compelled to vote my conscience on this matter and I do hope that my constituents will understand the reasons for my vote when we vote tonight. I would urge that we accept the Majority "Ought to Pass." Thank you.

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

Representative DAVIDSON: Madam Speaker, Men and Women of the House. I am not going to expand too much on comments made by previous speakers although there was one point that was brought up earlier about political orientation. As someone who grew up in a huge family of all conservative Republicans, I am thinking about drafting an amendment.

Bills like these, the one before us, are the reason why I am here. We are asked on a daily basis to impart our judgment on hundreds and hundreds of bills. Today, for example, on the Banking and Insurance Committee we spent all day hammering out things like subrogation equity, insurance and ombudsmen for managed care. They are all important things. Very rarely, I would challenge you, that there is a bill that is going to be before us this session that goes right to the human spirit like this bill does. I was driving up today and felt really lucky to be able to be a part of this, what I hope is going to happen tonight.

I am strongly supportive of this bill. There are a couple of points that I want to make on it. I feel that a lot of times in this chamber, I am behind the eight ball. I came in here when I was 23 years old. I don't have the background of having a family, wife, kids and house. There are a lot of other things that I think generational gap that myself and other members of this body can bring to the ball game. One of my passions in life is studying African American literature. In particular, studying the history of the Civil Rights Movement. There are two points that have been brought up tonight that I couldn't help just sitting here and jotting down some notes that were directly relevant to that. If you go back and you read some of the testimony of certain Senators that were at that same moment, at their time and at their generation, that had the chance to vote on things like the Civil Rights Voting Act, you read a lot of people who look back now, 25 or 30 years later and you can read a tremendous article in the New York Times about this a while back about people who deeply, deeply regretted the decisions that they made 25 or 30 years ago in the way that history either smiles or frowns upon them.

I talked to my father, who was around my age in North Carolina while the Civil Rights Movement and a lot of the sit ins were happening down in his area. It is unfathomable for me. I literally can't believe the types of things that happened. I can't relate to them. I wasn't here. When I am married and I have



kids, I cannot wait to look those guys in the eyes and say that on May 8, 1997, I did what in my heart I knew was the right thing. Did everyone buy it? No. Was it comfortable for everyone? No. Was it comfortable for all my constituents? No, but it was the right thing to do.

On local control, you can go back further if you want to call it the Civil Rights Movement in the 1860s, emancipation proclamation, where people made what they thought were very, very good points that slavery is an integral part of the Mississippi economy. Let Massachusetts decide what they want to do and let Mississippi decide what they want to do. I assure you that in my heart there is no such thing as local control of basic human freedoms and basic human rights. I am strongly supporting this measure and I encourage you to embrace history and embrace this moment. You won't get many like them while we are here. Thank you Madam Speaker.

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

Representative COWGER: Madam Speaker, Men and Women of the House. Let me first just say how proud I am to have Representative Quint as my seat mate. We should all be so lucky. LD 1116 is not, I repeat, not about providing special rights that we have so often heard. I draw your attention to the policy language in the bill and also the language of the Maine Human Rights Act, which calls upon us as a state to protect and I quote "All practices infringing on the basic human right to a life with dignity." As you have heard here tonight, if you are a Christian, Jewish, Buddhist or any other religion, you are protected against discrimination in the areas of employment, housing, public accommodations or credit. If you are married, widowed, divorced or single, you are likewise protected against discrimination against the Human Rights Act because of your marital status. If you are African American, Caucasian, Native American or another race or of a different ancestry then likewise, you too, are protected under this act. If you are physically or mentally disabled, male or female and regardless of age, you are also protected under the Human Rights Act, but you are not protected because of your sexual orientation. You can be fired from your job, kicked out of your apartment, denied lodging at a hotel or a bed and breakfast, legally, because you are gay or even if you are perceived to be gay. This is why there is a need for LD 1116.

I ask everyone in this room to consider personally the list of classes that are currently protected and whether you or someone you are close to is among this list. The only impact of this legislation is equal protection for everyone. I, again as I said, once before on the floor of this House, to call your attention to the Pledge of Allegiance, which we all took this morning, which said, "With liberty and justice for all." No where in this bill is there any language condoning or endorsing a particular lifestyle. This bill is just a protection of basic rights. Let's ask ourselves, do we have freedom from discrimination regardless of our religion, race or ancestry, sex or any disability or handicap? The answer is clearly yes. Is there the same protection from discrimination based on someone's actual or perceived sexual orientation? The answer is clearly no.

Please support this bill and show that Maine will not tolerate discrimination. I just want to make one other point. Maine, unfortunately will not be the first in the country on this issue. In many ways I am proud of our motto which says, "I lead" in translation. This is indicative of our independence and highly nature in the state. We need only look at New Hampshire, our neighbor, which only this week passed similar legislation. Many of my colleagues in this body point to New Hampshire as perhaps setting the model for Maine. I have spoken with some of you about New Hampshire's policy of no sales tax and you like

that. Some of you have talked about lower paid legislators. They have that in New Hampshire. I am sure we will be discussing lower cigarette taxes, which encourage more sales over our border, they will have that. I ask you to take a look at this if you do not listen to anything else I say, and you agree with these issues, then join me in becoming the 11th state to grant equal rights regardless of sexual orientation.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Madam Speaker, Colleagues of the House. I was torn on how to vote on this for a long time. The more I talked to the opponents and listened to the opponents the more I tend toward supporting this. I plan to vote for it tonight. Usually the discussion with the opponents came down to things we have heard tonight like special rights, jobs bills and all those things. I don't see how that is pertinent because the people are already listed in Maine. I don't see that as a problem. They talk about quotas and all those things. I don't see that as a problem with the groups that are protected now. The main thing that turned me around was when I looked at the opponents and looked them in the eye and said do you not believe there is discrimination based on sexual orientation? The answers that I got back are the reasons why I am going to vote for this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative O'Brien.

Representative O'BRIEN: Madam Speaker, Ladies and Gentlemen of the House. I am glad that Representative Davidson is comfortable and excited about this vote because I am clammy. I have to say that this is an extremely difficult decision for me. It has been throughout the campaign and before I decided to run. It has always been an issue that I have grappled with. Now I am here and need to make a decision. I know that opponents and proponents know that I am on the fence. I have been on the fence and I feel pulled in the last few days. I can't take two steps without hearing somebody else's view. I have sought out those views. Members of this body have given me books to read on both sides and I have done that. I have polled my constituents. Last night I talked to someone who wanted to speak to me who called herself a recovering lesbian. I also called a lesbian couple. I asked them the same questions back and forth. I have prayed about this. I have literally had nightmares about this. I have spoken to my minister about this and to me it isn't a political decision. It is a decision of conscience and it is a decision of my heart. I have finally come to the decision that I will vote for this.

I need to say that I am very uncomfortable. I have to say and I have expressed it to several people in the halls today. It is uncomfortable for me. It doesn't feel right. The gay lifestyle doesn't feel right to me. I will admit that. The bottom line is I had to think about what if one of my five children or if my brothers and sisters came to me and said that they are gay and am hurting. I am doing this for them. I am not rising to change anybody's view. Believe me, I wouldn't do that after what I have gone through the last few days. I would say that I ask for tolerance on both sides. Tolerance has to come from both sides. We can't claim to be tolerant and say we want diversity if we are not willing to listen to the other side. Both sides have very, very heartfelt views and they come from the heart and the gut. They are real. We need to remember that after we get out of here today, no one is a bigot, no one is a homophobe, no one is a whatever. This is probably the most difficult decision that many of us will have to make. Many of us are very comfortable with it and some of us are grappling. I implore you all to respect everyone's position on this. Thank you.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Kane.

Representative KANE: Madam Speaker, Ladies and Gentlemen of the House. The time has really come for this issue. We are finally at a point in history where we are able to reframe and redefine this whole issue, not as one of special rights, but as so many previous speakers have said, it is one of civil rights. Think for a moment the other protected categories currently covered, race, religion, nationality, gender, age and disability. Every one of the citizens in our country that have had to experience discrimination have gone through a very similar process, whether it is race, age or nationality.

We have heard stories from many of the speakers about their own and their families' experiences. Our society deals with these kinds of issues in a very predictable course. There is a history of oppression followed by a period of denial, rationalization and justification. Finally, an emerging period of enlightenment followed by, eventually, a period of action. We, ladies and gentlemen, are beginning to enter onto that bridge between enlightenment, which causes a great discomfort that many of us has expressed and action. We have a unique opportunity as several Representatives have indicated earlier of participating in a momentous event in the civil rights of our state. I urge you all to participate in that by supporting LD 1116. Thank you Madam Speaker.

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

Representative SAXL: Madam Speaker, Men and Women of the House. I rise today as a cosponsor of LD 1116 and as a strong, strong supporter of this measure. When the vote is taken later today, I ask the Speaker for the yeas and nays. You have heard a lot of talk and I have read more than my share of day glow pieces of paper distributed by my colleagues on both sides of this issue. One this pervades this debate, discrimination is a reality in Maine today.

This is a story that I don't think I have shared with any member of this body. When I was growing up in Bangor, I had two very good friends. They were two of my very, very best friends. A young man I played hockey with since the age of six. I was on the left wing and he was on the right and another friend of mine who I grew up with and played senior little league with. He was on my baseball team. One day when we were in high school, one a sophomore and the other a junior and another friend of theirs went out into the streets of Bangor and they harassed a gay man. Not only did they harass him, but they beat him. Not only did they beat him, but they threw him over a bridge and he died. They did this because he was a gay man and because they feared him or they resented him or he was different.

Ladies and gentlemen of the House, discrimination is real in the State of Maine. I have heard my colleagues say that I am against discrimination, but. There are no buts today. Discrimination is never right. Nobody should be denied a bank loan solely because of their sexual orientation. No one should be denied that bank loan because they are a Catholic or a Jew. Nobody should be denied accommodations because of their sexual orientation, nor should they be kicked out of a hotel because they are old. This isn't about quotas. This isn't about special rights. This is about doing the right thing. My good friend, Representative Davidson, brought up the Civil Rights Movement. I think it is here today. Martin Luther King said to us that he had a dream that one day people should be judged by the content of their character and not the color of their skin. That is no less true today for us dealing with LD 1116, the civil rights bill. If Maine is truly the way life should be, then I ask you fellow

members of the House to join me today in supporting this bill and making history in the State of Maine.

Representative SAXL of Portland requested a roll call on the motion to accept the Majority "Ought to Pass" Report.

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

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative McKee.

Representative McKEE: Madam Speaker, Men and Women of the House. As I have said on this floor several times, I am a teacher. I teach at a high school not too far from here and I come from classrooms every single morning. I can tell you as a teacher of American literature and as a teacher who tries very hard to reflect a multi-asinity in America. As a teacher who has tried to expose students to the stories of Franco-Americans and African Americans and Native Americans and women and the survivors of the Holocaust. Having exposed them to the words of Martin Luther King and his letter to Birmingham Jail and listen to his responses to his quotation, "A threat to justice anywhere is a threat to justice everywhere" or "What affects one directly affects us all indirectly."

Leaving the classroom this morning I left Jim and Huck on the rack. At the school gym when Huck realized for the first time that Jim had feelings and he apologized for the first time in his life to a black man. Teachers across the State of Maine are teaching values every day by what we say, what we do, how we treat our students and by what we choose to teach in our classes. I can stand here and say tonight that I do believe that the children that I teach will go away from high school with a decent sensitivity toward African Americans, Native Americans, Franco-Americans, women and survivors of the Holocaust. I am worried about one group. I can tell you that what we do tonight will probably be the most important thing that I can tell my students tomorrow morning.

My students admit that they are homophobic. Mrs. McKee, I don't know why I feel this way. I just do. I don't like homosexuals. I say, remember when we read *Hunger of Memory* by Richard Rodriguez. Did we ask, is he gay before we read it? When we read that beautiful poem by May Sartin, did we ask, is she a lesbian? No. When we finished those books we had a heightened sense of what it means to be a Hispanic American. We had a heightened sense of what it means to be old and in a nursing home in the State of Maine. We had a heightened sense of what it means to be a human being. Have you ever seen a 17-year-old boy cry because he was being harassed because his parents, two women, who care for him and come in for conferences and love him? Have you ever seen a young 17-year-old unwed mother cry because she can't tell anyone else, except her teacher, that she is gay? Have you ever been in a crowded high school gym at an honors award ceremony with 10 people to be selected for a very select academic society when the spotlight suddenly flashes to a young man that you have watched grow, speak in class and you, is going to go on to make a great contribution to the world? When that spotlight goes on him there is a cat call. As he stands and he bravely marches down that aisle to accept the honor that he has worked so hard for to hear to gathering storm of cat calls. If we can do the right thing tonight, we can begin to address the remaining discrimination that I see in high schools.

I want to close with something that is on my bulletin board. It was written by a 14-year-old girl in an essay. "He prayed his prayer. It was not my religion. He spoke his language. It was not mine. He took my hand. It was not the color of mine, but then he laughed. It was the sound of my laugh. When I heard him cry it was the way I cried." I urge you to join me in voting to prohibit discrimination in the work place tonight in these halls.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative Powers.

Representative POWERS: Madam Speaker, Men and Women of the House. As I have talked to many, many people over the last year and a half knowing that this bill would be before us at this time, I find myself wondering why it is that I am so clear that I support prohibiting discrimination in Maine. I guess people on the basis of their sexual orientation. Actually that probably came from roots that I don't even remember although I can tell you I am proud that my grandmother and many of her contemporaries were deemed militant in their request for the right to vote. Their willingness to persist for what was only fair and just, despite all sorts of resistance, resulted in a social shift that none of us today questions. This is the same grandmother who after the second World War was willing to hire a young German refugee when most would not. In thinking about the conversation that goes back and forth about agendas and militancy. If there is any agenda in the effort to allow gay men and lesbians to have legal recourse when discriminated against, it is the agenda which seeks just the kind of fairness and justice that my grandmother stood for and for which I will vote.

Regardless of our agenda, for most of us here, it is unlikely that we will be discriminated against and if it were to happen most of us would have recourse to due process. Regardless of our gender we have that recourse as we heard of our religious traditions, racial and national backgrounds. We have that recourse. If any of us become physically or mentally disabled, if we are not already, we have recourse. I have not had to call upon our system of justice for protection from discrimination in any of these domains. Maybe you have, but most of you probably have not.

As with so many things we can forget and take for granted what our rights are, not even having to think that they are there to back us up. It is that to which we are entitled and we are fortunate to have others fight for the clear statement of those protections. For any of us who are not heterosexual, we cannot rest in the comfort of having recourse to due processes. If we are discriminated against because of the gender of a person we prefer to relate intimately with when it comes to matters of housing, credit, public accommodation and employment, we may not have needed that legal backup than I have needed to seek protection of the basis of my gender, age or ability. There is demonstrated discrimination against gay men and lesbians in Maine and there is no legal recourse. Again, it is about fairness and justice. It is not fair and it is not just. I urge you to join me in voting to accept the "Ought to Pass" Report on LD 1116.

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

Representative BRENNAN: Madam Speaker, Men and Women of the House. A couple of months ago there was a special on PBS on Thomas Jefferson. Part of the special had to do with the struggle Thomas Jefferson had in drafting the Constitution, but it also talked about the genius of Thomas Jefferson with coming up with the simple word, at that time, that all men are created equal. I am sure that if you were to draft it today that it would say that all people are created equal. Unfortunately we haven't always lived up to that lofty ideal that all people are created equal. My great grandfather and my great grandmother came over to this country from Ireland and were greeted by signs that said, Irish need not apply for jobs. That was discrimination. When I was 10 years old I lived in a town in the south and I went to the movies and to the bathroom and the sign over the bathroom said, White only. That was discrimination and the worst part about that discrimination was that it was sanctioned by law and it was sanctioned by the community. They said it was okay to discriminate. I would say

that that discrimination against my great grandparents and that discrimination in that southern town was wrong. The discrimination today in this state based on sexual orientation is wrong.

I want to be able to tell my two sons that this state does not endorse by law the discrimination against people based on sexual orientation. I want to be able to go home tonight and tell them that this Legislature said that it is wrong. In 1993 I was here when this body of the Legislature, the House and the other body voted for the first time in the history of the state to end discrimination. I was proud we were able to move in that direction and it was unfortunate that there was a Governor's veto. It is rare, if ever, that I would ask anybody to try to repeat history but tonight I am asking each and every one of you to please repeat history. Repeat the history of 1993 because by repeating that history, we will make history. Thank you.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Madam Speaker, Ladies and Gentlemen of the House. There are a few here who were present when the anti-discrimination act came up a couple of sessions ago. We were privileged at that time to hear discussions similar to that which we have heard tonight. I want to thank my colleagues here for the elevating and uplifting discussion. It makes a lasting impression. Those of us who have heard it will not be exactly the same afterwards. I am grateful that I heard it before because it gave me great courage.

A few years ago I was sitting in church on a Sunday morning and opened the bulletin and the minister had inserted anti-gay pamphlets. It wasn't just information. It was inflammatory, complete with mean little cartoons of gay people. I was shocked and I was dismayed. After the collection was taken, I rose to my feet and I said, if you are as upset with this as I am, I want you to know that the deacons had no warnings that this would be inserted. It has never been the policy, nor the practice, of the church to engage in such activities. I sat down. Had I not heard from my colleagues giving testimonials on the anti-discrimination bill, I would not have had the courage or the good sense to have stood up at that point and spoken. It was an interesting outcome. Nothing was said. One old man said afterwards, "I am glad you said that." That matter never came up again. When people ask me how a deacon of a Baptist Church can support that kind of legislation, I say discrimination in my own church.

I know anti-discrimination laws are necessary, not only for the restraint of law, but for their educational value. This is an educational uplifting experience and I am glad to be a part of it for the second time. I remember how difficult it was to vote for the anti-discrimination bill the first time. It is not difficult this time. I do it with great confidence. I do it knowing that it is a good, kind thing to do. I hope you will join me in doing so. Thank you.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Wright.

Representative WRIGHT: Madam Speaker, Men and Women of the House. During this debate I have been reflecting on my Irish Catholic upbringing. More than once I have caused the nuns to say a few rosaries for me. I am sure I drove my priest into fits by questioning what he said during the sermons. During my youth, I fell away from the church, teenagers know everything. Then seven years ago my father died and it has caused me to reflect on my Catholic upbringing. What keeps coming back are the words of Jesus. "Love your neighbor as you would love yourself. Do unto others and you would have others do unto you. Let those who have not sinned cast the first stone." I urge you all to reflect on these simple words as you vote tonight and I would also urge you all to vote to pass this. I thank you.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative MacDougall.

Representative MacDOUGALL: Madam Speaker, Men and Women of the House. I rise tonight because I am convinced that a broader agenda is behind this bill. Gay activists tell us that all they want is to be treated like everyone else and they do not intend to launch lawsuits or threaten civic organizations like the Boy Scouts. Within months following the enactment of Portland's gay rights ordinance, the Pine Tree Council of Boy Scouts of America headquartered in Portland was the target of homosexual activists. There were ugly demonstrations by about 50 members of Queer Nation and demanded that a lesbian be allowed to be a den mother. Following months of calls by gay activists, the United Way officially defunded the Boy Scouts in December of 1992 costing the Boy Scouts thousands and thousands in lost funding. The Portland United Way was the second chapter in the nation to take such an action. If we pass this legislation, ladies and men of the House, we will be setting up the State of Maine for attacks on fine organizations like the Boy Scouts. I think we all agree that the Boy Scouts are part of what is good in our nation and in the State of Maine and certainly within my own district. Thank you for listening.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Colwell.

Representative COLWELL: Madam Speaker, Men and Women of the House. I really felt compelled to speak since I am surrounded by the good Representatives Quint, Cowger and Jabar and they were so eloquent and I am so proud to be sitting back here with these fine men. I was raised to believe, like everyone here, that in America every person in our great country must be treated equally under the law. I was raised both to believe by my parents that it was never okay, never, to discriminate against anyone. In politics a lot of things are negotiable. This is not negotiable. Civil rights are not negotiable. Unfortunately in our state it currently is okay to deny housing, loans and jobs to people who are different. People who have different sexual orientation. That is why it is essential that we pass LD 1116 now. We need to send a message and we need to send a message that every citizen of the State of Maine does have equal rights.

The issue of special rights is a great advertising campaign, but it is a smoke screen ladies and gentlemen. This law guarantees no special rights. It only guarantees the same rights that all the rest of us have. Gay people do pay taxes. They do have the right to vote. They should have equal protection under the law. Currently they don't. I would suggest that a special right would be the result if we don't pass this legislation. That is the special right to continue discrimination in the State of Maine. That is why I urge this good body to vote yes on this LD. Thank you.

The SPEAKER: The Chair recognizes the Representative from Bowdoinham, Representative Shiah.

Representative SHIAH: Madam Speaker, Colleagues of the House. I want to bring a little different perspective to this debate. What we are trying to do is amend the Maine Human Rights Act with this LD. The Maine Human Rights Act, as you probably know, is enforced by the Maine Human Rights Commission which is over in the Hallowell Annex in the old Stevens School in Hallowell. I happened to work for the Maine Human Rights Commission back in the late 80s. I sort of helped direct a project in housing discrimination. I got to see firsthand how the Human Rights Act is enforced in our state. I just want to mention a couple of things. How it works is someone who thinks they have been discriminated against under one of the categories contacts the commission office and an investigator is assigned to that case. Currently there are four investigators. What happens then

is an investigator will go out and meet with the person and/or the person will come into the office and there will be an extensive fact finding discussion and research on each particular case. The investigators, after reviewing all this information, will bring it to the commission and ask the commissioners to make the final decision on each case. Currently some are concerned that maybe there are abuse or false charges brought that aren't true. I just want to let you know that the current investigators, of the four, I just talked to the director this morning, there is one who has two years experience in Maine and eight years of experience in Vermont for a total of 10 years experience in investigating human rights violations. Two of the other investigators have 10 years experience with the Maine Human Rights Commission and one investigator has 22 years experience at the Maine Human Rights Commission.

Those of you who may be concerned that there will be problems with enforcement or people will bring frivolous suits, I want to let you know that we are fortunate in Maine to have four very qualified and excellent professionals who investigate complaints on behalf of all of us. Traditionally, of all the cases that are brought to the Maine Human Rights Commission, approximately two-thirds are found not to have reasonable grounds or are dismissed for various other reasons and only one-third of the cases move forward. For those who might be concerned or are still undecided that there might be abuse of this law, I just wanted to let you know we are fortunate to have not only the commissioners themselves, but a staff of very professional and very capable people. I hope that is not one of your concerns in voting for this bill. I wish you would join me in strongly supporting this amendment. Thank you.

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

Representative BISULCA: Madam Speaker, Men and Women of the House. If I could vote, I would vote to support the pending motion to accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Glenburn, Representative Winn.

Representative WINN: Madam Speaker, Ladies and Gentlemen of the House. I, too, have conflicting emotional responses to this situation. However, what I am trying to focus on are the legal ramifications. It is an awkward position to be in because I think most people who know me think of me as a very compassionate and tolerant person. At least I think of myself as that. I think of myself as being a nice and decent person and certainly not a bully. However, I feel like if I vote against this bill, that I will automatically be classified as a bully. I want to stand here before you all tonight and let you know that that is not how I perceive reality. I don't think I am a bully.

I am planning on voting against this current motion as it currently exists for a variety of reasons. One is that I have asked numerous homosexuals in my district how they feel about this as well as other people around the state and the country. Most of the homosexuals really don't think this is necessary. I know not the ones in the balcony. A lot of them have said that it is really only the politically militant sexualities that are pushing this agenda and the mainstream average person really doesn't see the need for it. I have even asked some of the people in the balcony if they have ever needed this sort of protection and they said no, that they have never needed it. Nothing has ever happened, but they would like to have it there just in case. I would support some measures that provided equal protection for all human beings. I would support a measure that sends this out to a referendum so that all the people could vote on it. A couple of years ago \$1 million was spent to convince people that this should be a local decision for each local community to decide for themselves. The state should not mandate the sexual issue on

the entire state. I have a district where I think that is very appropriate for each community to decide for themselves.

Orono tends to see this issue one way. Kenduskeag and Levant tend to see the issue completely differently. I think they should be allowed to make their own decisions. I could also support amendments that address the concerns that were raised by the Catholic Church. I think most of those are very reasonable. I could also very easily endorse changing the individual specific laws that are barriers to access. I have raised this issue to numerous people saying that it is really true that a bank is not going to lend to a person, no matter how much interest they can get, because of their sexual orientation, let's change the banking laws. If it is really true about housing, let's change the housing laws. If it is really true about labor, let's change the labor laws. I don't see a need to provide blanket umbrella protection because of sexual orientation. I am trying to show for the record that I am flexible. I am not a bully.

I am trying to take care of people, if they have a legitimate need, but since many people tonight have talked about their own personal perspective, I am going to talk about mine. The last time we had an emotional debate like this it was about abortion. As you will remember I had spoken and during the conservation I mentioned that I have a severely handicapped child. For those of you who have actually read this LD, on line 15 is the list of the protected categories. Right now it says that a person will have protection because of color, sex, physical or mental disability, etc. On line 15 they want to make it color, sex, sexual orientation and then physical or mental disability. Basically, what they are saying is that someone that is bisexual is going to have the same protection as somebody that is physically or mentally disabled. Down on line 27 or so it says bisexual or having a history of that preference or being identified with that preference. I have a hard problem saying that someone that is bisexual needs the same protection as someone who is physically and mentally disabled. I have a hard time saying that somebody that is homeless and mentally ill doesn't need more protection. I have a hard time saying that the gentleman that we saw this afternoon in the wheelchair is supposed to have the same protection as someone who is identified as being bisexual. I also have hard time with this existing language on line 20 where it references credit. It says you cannot be denied credit on the basis of age, color, race, sex or sexual orientation, marriage status, religion, ancestry or national origin.

Anyway, they are adding this credit, but you can't be denied credit because of your sexual orientation. They are allowing you to deny credit to someone who is physically disabled. Basically the gentleman we saw in the wheelchair out in the lobby is going to have a harder time getting bank credit than someone who is bisexual. I have a problem with that. For those of you who are interested in the historical perspective and a lot of people seem to be. There is a whole issue of providing protection for people who are physically and mentally disabled go back to the United States Constitution where it says that if we deprive somebody of their liberty, we have to provide them with due process of law. The point is if you lock somebody up, if government takes a mentally disabled person or physically disabled person and locks them up or deprives them of their freedom it is the responsibility of the government to ensure that extra special protection is there to make sure that the situation is not abused. For example, that is why we have the Pineland Consent Decree. Those mentally disadvantaged people were basically locked up in an institution because the government locked them up, the government was responsible to guarantee due process of law.

Many of you, especially on the Education Committee, have been hearing another bill about the black box, about taking handicapped children and locking them up in a black box in

school. The reason why that is such an issue is because, yes, government can take disabled people and lock them up in a black box and granted there may be situations where that is appropriate. Because they have lost their liberties and their freedom, it is governments' responsibilities to provide extra measures to protect those people.

I, as I mentioned, have a daughter who is mentally disabled and she has a friend Darlene who is severely mentally retarded and another friend Amy who is a dwarf who is in a wheelchair. These people need us to help. These people need an extra hand. I am not convinced that the people because of sexual orientation because someone is identified as being a bisexual needs the extra hand. In helping me make this decision I referred to the United States Supreme Court which has three criteria for making a decision as to whether a group should receive protected status. The three criteria are basically that as a group they are identifiable. I will tell you personally I don't know, I don't care and I don't think about what people's sexual preferences are. I don't think anybody can identify this group as whole. I know I was speaking with another member of the body recently saying and expressing my concerns about this bill and then they told me during the conservation that, yes, they were now a homosexual themselves. I felt awkward, but the point was that I did not know who I was talking to.

In the bathroom a couple of hours ago I was in one of the stalls and there were a couple of other people in the other stalls and they were talking about this bill. One person said, "I want to have a sticker. I need to have a sticker. I feel the need to be identifiable today." The point being that without the sticker none of us knew who she was or how she felt or what she was inclined to think or act upon. The point is that as a group homosexuals are not identifiable. The second point is that as a group in order to receive protected status, you are supposed to show strong evidence that as a group you are consistently, economically and socially disadvantaged. I think all of us know that this isn't a criteria that this group has met. They have high incomes, very successful businesses, the most lovely homes in my district and high education levels. On the other hand, I do know a lot of other people who are mentally ill and physically disabled who are not able to enjoy that high standard of living. Again, the point is that as a group, I do not believe that at this point and time they are economically and socially disadvantaged.

The last point is that as a group in order to receive special protection you are to be politically powerless. I think it is obvious for anybody who knows, we have had people in the most powerful positions in the State of Maine, past and present, who control enormous amounts of wealth and enormous amounts of political pressure and power. They are extremely active and extremely effective. I am not going to go into all the different positions in this body, on the second floor and in the national level that are in this group, but it is a lot. They are not politically powerless. Again, looking at this criteria from the Supreme Court, I do not see why this group, or how this group, meets criteria logically for inclusion as special protected class. They are not identifiable. They are not disadvantaged and they are not politically powerless.

I see this in some ways, this is probably a creative alternative way of looking at it, but I see this as relating to the Endangered Species Act. I think it is true that there are certain species that need special protection, like the falcon and the bald eagle, but I don't think the robins and the chickadees need this special protection. It is not that it is a personal issue. I personally don't care for falcons. I personally am delighted when the robins return. I do honor the chickadees for their strength and endurance. The point is that there are some groups, categories and species that are truly endangered and truly need the extra

protection that government can provide them. I think it is an insult to the species if you add everybody into the endangered species act. If you add the chickadees and the robins, it is an insult to the bald eagles and the falcons and the whole concept behind it. It is supposed to be there for species that really need the extra hand.

Yes, I understand that a lot of painful things happen and I understand that people say mean things and that they don't follow the golden rule. I feel very bad about that. This law isn't going to stop people from being bullies. It is not going to make parents show up for a wedding if they feel the way they do. I know. I married a Democrat two decades ago and my parents still aren't talking to me, at least not much. I know how it hurts to have people call you names. I haven't said this for probably 30 years, but my nickname was jolly green giant. That hurt a lot. I know it is uncomfortable to have to censor yourself, but you would like to be free and say whatever it is you want to say, but it is true that we all need to censor ourselves. I have to censor myself about swearing and about smoking. I couldn't smoke during the whole campaign because I knew people wouldn't vote for me. When I lived in sin I couldn't tell my parents and played all sorts of tricks. I have had to pretend that I am not too smart because people don't like smart people. I have had to pretend that I am not too tall and back off and learn new body language. It is not nice to discriminate, but I think to a certain extent part of this happens and this law isn't going to stop that sort of thing from happening.

Again, I guess the final point is that there are some people that really, really need the extra hand and the special protection from government. Those are the mentally ill and physically handicapped people. I really don't think at this point in time that people who are bisexual really fall and meet those three criteria. The one point that I want to close in on besides showing that the logic does not warrant adding this group of people to protected status and reminding you that I am willing to change the individual laws or send this out to referendum or change the entire language to protect everybody equally. The last and final comment I want to make is regarding fear. People were saying that is a fear issue. It is not. I have two daughters. One who is handicapped and one who may very well turn out to be gay. I still feel the way I do. The handicapped daughter needs the help. The gay one will do fine on her own. Thank you very much for letting me explain my position.

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

Representative MAILHOT: Madam Speaker, Ladies and Gentlemen of the House. I rise this evening as you well all know being on the Judiciary Committee. You all know my vote was in support of the act against discrimination. I will tell you why. As you all know, I am from Lewiston and that doesn't scare me a bit. I am very proud of it. At the public hearing at the civic center, a person from Lewiston stood right in front of me. They had tagged the front of the building with two or three rows from Lewiston. He pointed his finger right at me and he said, "Don't forget. Lewiston will remember you and we are going to remember the next time elections come." That didn't scare me either. There was a letter left in the doorway of my house with the voting records of 1993 on the anti-gay referendum that Lewiston had. They didn't scare me either. What does scare me is that about a year and a half ago I was in a place of business and this person that I know very well needed a receptionist. This gay man had applied for the job and this person had told me that this was the best person that I could ever get. He is great with a lot of credibility and integrity. This person would be the greatest person for this job, but I can't hire him because he is gay. I am afraid I am going to lose business and I can't take that risk. The

other thing that really scares me and hurts me even more is that there are parents, relatives and friends that don't accept their children, their relatives and their friends when they do find out that they are gay or lesbians. That is a thing that should never, never happen anywhere. I beg you to vote not to discriminate in the State of Maine and support this motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Lebanon, Representative Chick.

Representative CHICK: Madam Speaker, Ladies and Gentlemen of the House. First off, I would say that I don't intend to spend a lot of time in mentioning things that have come to my attention this evening. I have said to people in the halls today that I intended to listen to the debate here this evening. I don't believe that I am about to expire. However, a lot of experiences in my life have gone across my mind this evening. I have served time in the military. I have spent many terms on school committees. I have served in municipal offices. I have served on both sides in labor, head of a union then I sat on the other side. Thinking about all these experiences, I am going to support this bill because I don't believe that it is really about some orientation. I believe it is about discrimination. The experiences I have had in my life have been many that I couldn't rule out that there wasn't discrimination. Simply put, I don't find any problem about looking around to see who is going to float a referendum to put it back on the voters. I believe that the district that I was elected from sent me here to make a decision and I am not going to shrink from that, not this evening. I would say that I intend to support this bill and to try, as best I can, to stop discrimination. Thank you.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Chartrand.

Representative CHARTRAND: Madam Speaker, Men and Women of the House. Like my good friend from St. George, I have been very moved by a lot of the statements from my colleagues here tonight. I plan to vote for this bill, not because it will end discrimination against gay people or any other people, because it won't end that. We will have discrimination. Gay men and women will still be discriminated against in this state and in other states. Other people will be discriminated against for other reasons and be singled out because for some reason some of us feel that some people are lesser than ourselves at times. That is why it is important for all us in this chamber to send a strong message to our state and our constituents tonight that we believe it is time to at least make this type of discrimination illegal. It won't end, but it will give some of the people who are victims of it a legal outlet. It will give all of us a little better feeling or movement toward a spirit of tolerance in the state and elsewhere. It is important, I think, to send that message to the people of Maine with a strong majority. I urge all of you who might be still considering how to vote on this to join in with what we hope to be a strong majority to pass this bill and to send a message to all the people of this state that it is time to end or to at least begin to end this type of discrimination and create a little broader spirit of tolerance throughout the state. Thank you.

The SPEAKER: The Chair recognizes the Representative from Raymond, Representative Bruno.

Representative BRUNO: Madam Speaker, Men and Women of the House. Like the good Representative from St. George, I was here four years ago when this bill passed the first time. I am ashamed to say that I voted against it the first time. It wasn't an easy vote. Anyone who is not feeling comfortable, like we heard tonight, this is not an easy vote because many of your constituents feel that this will not pass, but this comes down to your own personal judgment. My children say to me, "Why do you tell jokes like that?" I can't answer them. It is just plain wrong. In four years I probably have grown up a little bit or

matured a little bit and maybe got a little grayer, not as gray as my friend from Lebanon, but I am getting there. If someone like Representative Chick who has lived a lot longer than I have and has had many more experiences than me can vote for this bill, I know I can. I am glad to have come back and had another chance to do it again. I am in a different position now where I deal with different people. I think that experience that I have gained in the last four years has opened up my eyes to a lot of things. There is discrimination out there. This bill is not going to change that. You can't legislate the civility, rudeness and bad jokes. You can't change that. It is going to happen. What you can do is send a message from this body that the people of Maine respect that it is wrong. Maybe my children's children won't have to deal with this issue ever again. I am standing up here to let you know that four years ago I voted against this and I will support it tonight. I feel better for it. Thank you.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Bull.

Representative BULL: Madam Speaker, Men and Women of the House. I rise tonight in very strong support of the Majority "Ought to Pass" Report on LD 1116. As the good Representative from Brunswick, Representative Davidson stated, this is truly a historic day. It is also an unfortunate day in that we even have to be dealing with this issue at all. It is too bad that we, the government, have to tell people, no it is not all right to discriminate against people. It is too bad that we have to have the Human Rights Act at all, but unfortunately we do. There is discrimination happening here in Maine against people because they may be a woman, black, Jew, Polish and yes, because they may be gay. I think it is very important that we understand that, no, this is not an easy situation for many people. I have been getting letters from both sides of this issue. This is an issue that you have to go beyond what you are hearing and do what is in your heart. You have to ask yourself as you get ready to push that button, if you have not decided yet, when the time comes to vote, you need to ask yourself what is the right thing to do? What is the legacy that we, as members of this body, want to leave for future generations? This is an issue that this state has been dealing with for many years. I guess almost as long as I have been alive. I hope tonight that we can finally say that we, here in Maine, say no against discrimination based upon persons' sexual orientation.

There has been a lot of rhetoric on this issue about why we don't need it and about how there is a gay agenda out there. I don't know about you, ladies and gentlemen, but I have not seen any gay agenda. There have been discussions about frivolous lawsuits, the assumption that gay people will get this right and go sue people. I think it is important to realize that in the City of Portland there have been four cases filed under their local ordinance and all of them have been settled out of court. The people that filed these claims, these complaints, they were not looking for money. They were simply looking for justice and for people to accept the fact that what they did was wrong and they shouldn't have done it.

As many people have mentioned before, such as the good Representative from Raymond, Representative Bruno, this bill is not going to end discrimination against homosexuals here in Maine. What it will do is it will say to everyone here in the state and throughout this country that we do not condone discrimination based upon your sexual orientation. Please, ladies and gentlemen, when the bell starts ringing do what is in your heart. Please, I urge you to vote "Ought to Pass" on LD 1116 and put us on record as opposing discrimination here in Maine.

The SPEAKER: The Chair recognizes the Representative from Bremen, Representative Pieh.

Representative PIEH: Madam Speaker, Ladies and Gentlemen of the House. I used to go to school in Birmingham, Alabama. I went to the school where Governor Wallace stood in the doorway and he said, "Over my dead body will this school be integrated." Most of you don't have the gray hair I have and may not have even been around at that time. I was and I do remember that. I was in fourth grade with his son. I remember the Sunday that we were walking to breakfast and we learned that the church had been bombed and a little girl had died. My father then landed a job in a country day school, a private segregated school, to be the head master. His first action was to bring someone in of Asian descent, which was unheard of. The bomb threats started for our family and my parents made a tough decision. They took a job in Minnesota. I am really proud tonight and wish my dad could be here. I can support this bill "Ought to Pass" and make a step toward ending that fear for another group of people. Thank you.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative McAlevey.

Representative McALEVEY: Madam Speaker, Ladies and Gentlemen of the House. I find myself in an interesting position tonight and probably share those same concerns and feelings that many of you are also feeling. Three years ago, before I came to this body, I was solicited by then the Representative from District 12 and he informed me that he was going to run for the Senate and asked me to run for the House. My first instinct was to say, no, I don't want to be one of those darn politicians. He said that is basically the reason why we are asking you. Tonight I am faced with two decisions. I live in a conservative district. I have had a lot of good people who have strong feelings about this call me, pray for me and write to me. I am faced with a decision. Do I make a political decision and do what I think the folks back home think they want or want? Do I make a decision of conscience? I have met a lot of people today, this week, so have you who are citizen lobbyists. Both sides are very fervent in their positions. I supported the seatbelt bill and then backed out of it because the majority of my people at home told me, don't tell me I have to wear a seatbelt. I backed out and changed my position on that. Tonight I also have the chance to also back out. I can't because I am going to vote my conscience. I urge you to support this bill.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Cameron.

Representative CAMERON: Madam Speaker, Ladies and Gentlemen of the House. Most of you who know me know I have some fairly strong opinions on things and don't usually have trouble speaking my mind. For some weeks now, I have dreaded this night. I, like my seat mate in the 115th, voted against this measure. I, like you, heard Representative O'Brien, struggle with this decision. I envy those of you that it is a black and white decision regardless of which side you are on. It is not a black and white issue for me. I am happy to say, or unfortunate to say, that as a child I didn't experience what it was like to be French. I didn't experience what it was like to be Catholic. I grew up in a French Catholic community. I do know what it is like to hurt. Not many of you have mentioned it, but living in the community that I did I grew up on a dairy farm. For the most part I hear in this body people very supportive of our agricultural community across the state. I can tell you as a child growing up in a community that was not agricultural oriented. I was always the last kid to play ball. I was always the last kid picked to go to the party. It hurt. It hurt a lot. While I can't totally feel some of the things that I have heard here tonight. For some of the things that I have heard people say, I am sure it was gut wrenching to talk about it, to dredge up old memories and old hurts. I do know what it is to hurt.

I do know what it is to hurt when I hear people say things about my children. I have to tell you that it is my children that helped me with the wisdom that it takes to vote tonight. My children look at me and say, "Dad, what is the issue? Why is it an issue?" I can't answer. I will tell you that while I am not proud of what I did the last time this issue came up and I can also tell you that as I have sat here this evening, I have gotten many phone calls from my constituents. They are not going to be happy. That is okay. I will probably walk out of here tonight still not understanding why it is so difficult to do the right thing. This is the right thing and I will support it and I know it won't end discrimination. I know it won't end the hurt that children and adults impart upon one another, but if it helps only one citizen in our great state, Representative Davidson said it very well, I am proud to be part of an evening that will change the course of the history of our state.

I walked in here tonight not knowing what I was going to do. I honestly didn't know. I honestly dreaded sitting through this evening. I have heard some of the most heartfelt testimony tonight from friends and colleagues who are not really friends because I don't know them very well. It has been one of the most moving and beneficial experiences in my five years here. I thank you all for that. I encourage you to vote for this present motion.

The SPEAKER: The Chair recognizes the Representative from Newport, Representative Kasprzak.

Representative KASPRZAK: Madam Speaker, Ladies and Gentlemen of the House. I would ask you to defeat the pending motion, "Ought to Pass" on LD 1116. I have yet to understand the need for this legislation. Are not people who practice homosexual behavior teachers, lawyers, doctors and even legislators? How do we know that people practice homosexual behavior? Only because they told us so. Are people who practice homosexual behavior living in boxes on the street because no one will give them a home? Are people who practice homosexual behavior without jobs because no one will give them one?

Passing this bill will not end discrimination. I can guarantee it. The portion of law that we are intending to change already includes the prevention of discrimination on account of religion, but as has been pointed out by members here tonight that people are still discriminated against because of their religion. There is still discrimination on account of religion and I assure you because of my own religious orientation that there is, with these statutes in place, discrimination. What makes us think that this change in law will end any kind of discrimination? We can go on telling stories all night long about homosexual behavior and how those people have been discriminated against. People could in the same manner share stories about their religious orientation and how they have been discriminated against even within this very body.

I could go on to tell a very sappy story about my first encounter with such things in this building. I am sure you know it goes on. I am sure many of you know who has been a part of it all. I ask, again, is there a need for this legislation? Will it end discrimination? I think we know that it won't. So, why are we passing a new law adding more statutes to our Maine State Law? Thank you.

The SPEAKER: The Chair recognizes the Representative from Brooklin, Representative Volenik.

Representative VOLENIK: Madam Speaker, Men and Women of the House. Sometimes in this body when we adjourn we do so in lasting memory of someone who has died. I just want all of you to know that tonight when I cast my vote I will be casting it in loving memory of my brother, Tom, who was gay and died of AIDS two years ago. Thank you.

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

Representative JONES: Madam Speaker, Ladies and Gentlemen of the House. This has been a very difficult issue for me. I have very much wrestled with it. I want to share with you briefly why I am going to support this. For ten days now I have received E-Mail, letters, phone calls and people in the corridors, but I had to reflect back on my stepson, who I consider my son, David. David, as you know has several disabilities. There was discrimination as David was growing up as a young child. Thankfully there have been major strides to change that. Tonight, I agree with many that this is not going to stop discrimination, but it is a start. It is a wonderful start. Also, I have with my constituents a gentleman from Shirley Mills, which is just outside of Greenville, had me down to his house Sunday afternoon. He said, "Sharon, I need to share with you a story. It happened 60 years ago when I was a young man of 18 years old." Representative Chick reminded me that I certainly should have the courage to stand up and relate that story. He was part of the CC group in Greenville. There was a young man who was part of that group that was different. He didn't know why. There was another gentleman that continually taunted this man that this man indicated that he was indeed gay. He was beaten. He was removed from the military. I promised Paul and my son David that there was not going to be another 60 years that anybody has to be discriminated against in the State of Maine. Thank you.

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

Representative BAKER: Madam Speaker, Men and Women of the House. There is little that I can add to the eloquent testimony that I have heard in favor of this bill that we are to vote on tonight. I only want to say that I believe that this is the single most important vote I will cast in the 118th Legislature. I am deeply honored for the opportunity to vote in favor of this bill. Thank you.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative True.

Representative TRUE: Madam Speaker, Ladies and Gentlemen of the House. I did not intend to speak. I do not have anything written down. I have a few things to say. I am going to vote against this this evening for the following reasons. I have been very fortunate in my life to be born in a family that at an early age learned to love one another and to love the people that we come in contact with. That in itself, in my opinion, was a lesson, certainly, that you do not discriminate. The greatest teacher that I ever had was my mother. She and my dad created that family atmosphere that certainly engendered in all of us that feeling. It isn't that I don't believe what this says. I say this with certainly not a degree braggadocio. It is my hope that I have lived what this is trying to prevent, if that is the way that you feel about it in your heart. I say to each one of you what others have said that this is the law. The only way that it is going to disappear is going to be the will of the people. Perhaps you will understand even better.

Many years ago in traveling to a foreign place to recruit students to come here to this lovely state of which I love, I was critical publicly of the way people of a different color were discriminated against in the schools. I was politely or not so politely asked to stay out of the schools for three years, of which, knowing that was the law, I did not do. However, it did not prevent me from being heard outside the school because the law didn't say anything about that. I am pleased to be able to say that I helped approximately 400 of those young people in the years that I served them. I wonder how many of you really paid attention to our colleagues in the front row who represent the Penobscot Nation. I thought that what he had to say and you



remember it was very brief, but I wonder how many in this room really knows what he said. It does not take an orator of many words to make a point.

I have on my desk a letter. I will not read it to you, but it is a note asking me to vote for LD 1116. I hope that this young lady who is here understands why I am voting the way that I am. I hope that I have not disappointed her because I love her dearly. I don't worry about the people in my district because I hope that what I have tried to do in my life will speak for itself. I hope they will understand why I am voting the way that I will. In listening, there probably won't be many of us, but so be it. I did want you to know that I am not against people practicing, so that you discriminate as it relates to anyone. As strange as it might seem, I felt in growing up when I was one of those people that wasn't chosen, I am sure it was because I was so small. My mother said that if I wanted something bad enough and worked hard enough and understood that I could reach the goals that I wanted to and I have.

In my capacity in the jobs that I have had, I have hired people in the groups that we have discussed this afternoon. I have also had them as students. I have had them in my classes in high school and in college. I feel strongly, not knowing and not studying perhaps as knowing why they were perhaps what someone might term as different. I can't remember too many people making this type of determination. I know the world has changed and I have had the privileges of going all over the world and seeing many types of people and races of people. Having studied history, I have felt sorry that perhaps we didn't enter into our relationships in Europe sooner because perhaps it would have prevented the Holocaust. I ask each and every one you whether you vote yea or nay that I will give you a little proverb again from my mother. Practice what you preach. Thank you.

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

Representative ROWE: Madam Speaker, Men and Women of the House. I know it is late. I, like many of you, felt compelled to stand and speak on this bill. Every evening when I go home late and I have gotten home late for the last five or six days, my daughter is asleep and I stop in her bedroom and she always wakes up and asks me what I did in Augusta today. The same thing will happen tonight. Tonight I will tell her very proudly that I helped pass a bill that would prevent discrimination based on sexual orientation in the State of Maine. I know what she will say. She will say, "Dad I love you." Then she will go back to sleep. I don't know what my daughters sexual orientation will be and I don't care. I do know that I will go to bed tonight knowing that I have done something terribly important for her and the other children of this state. Thank you.

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

Representative MUSE: Madam Speaker, Men and Women of the House. I have heard some people stand tonight and say that this bill will not stop the harassment. It will not stop the cruelty and it will not stop the injustices that are occurring here in the State of Maine. I agree with them. It will not. What passing this bill will do is it will make a foundation. A foundation to begin to teach from and that is what is needed. When laws were passing to end slavery, it didn't make it better the next day. When women were given the right to vote, men didn't wake up the next day and say, come on dear, I will drive you to the polls. These are freedoms that we, today, simply take for granted. It takes time to understand and embrace these freedoms. It can't begin until we take that first step and begin the journey. My friend, Representative Davidson, has told us that this is an historic event and it is. I am very, very pleased that not only all of my constituents but everywhere I went in the City of South

Portland the vast majority of people that I spoke to supported, very strongly supported this bill.

Very briefly I would like to quote to you from our ninth President, William Harrison, who in 1840 said, "In America a glorious fire has been lighted upon the altar of liberty. Keep it burning and let the sparks that continually go up from it fall on other alters and light up in distant lands the fires of freedom." I would urge you to support the pending motion. Thank you.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Cross.

Representative CROSS: Madam Speaker, Ladies and Gentlemen of the House. It would appear from those of you that have spoken that this would be quite overwhelming, if you will, or those who are in favor of the present motion. I wasn't even going to get up, but the reason I did is my district, which is overwhelmingly given the information to vote no. I wanted you to know that that is not the sole reason that I will vote no. My family was in the grocery business from way back and I was in business with them. I never in all the time that I worked in the store and with the store business, which was 27 years, did I ever notice any discrimination in hiring. There was no discrimination on the person who in rural Maine. The farmer came in. He brought his lunch. He didn't go home to dinner like I did. If my mother knew that somebody didn't bring a lunch, she was on the school board, that child came to my house and ate dinner with me and we enjoyed each others time. I just want you to understand that I followed the tradition of nondiscrimination in my business, my bringing up and all the time that I have been here. As you well know, I talk to you all and I don't discriminate on whether you are a Democrat or a Republican. At the same time, I do not discriminate. It isn't in my being. Consequently with that kind of an upbringing as well as the surge of information that I have had from my constituents back home, I will be voting no against the Majority "Ought to Pass" Report.

The SPEAKER: A roll call has been ordered. The pending question before the House is acceptance of the Majority "Ought to Pass" Report. All those in favor will vote yes, those opposed will vote no.

#### ROLL CALL NO. 157

YEA - Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Bull, Cameron, Carleton, Chartrand, Chick, Cianchette, Colwell, Cowger, Davidson, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Mailhot, Marvin, McAlevey, McKee, Mitchell JE, Morgan, Muse, O'Brien, O'Neil, Ott, Paul, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Stanley, Stevens, Tessier, Thompson, Tobin, Townsend, Tripp, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Ahearne, Belanger DJ, Berry DP, Bragdon, Buck, Bumps, Bunker, Campbell, Chizmar, Clark, Clukey, Cross, Desmond, Dexter, Donnelly, Driscoll, Foster, Gerry, Gooley, Honey, Jones SA, Joy, Joyce, Joyner, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lovett, MacDougall, Mack, Madore, McElroy, Murphy, Nass, Nickerson, O'Neal, Pendleton, Pinkham RG, Pinkham WD, Plowman, Richard, Sanborn, Sirois, Snowe-Mello, Spear, Stedman, Taylor, Treadwell, True, Tuttle, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Barth, Belanger IG, Bodwell, Fisk, Meres, Poulin.  
Yes, 84; No, 61; Absent, 6; Excused, 0.

84 having voted in the affirmative and 61 voted in the negative, with 6 being absent, the Majority **"Ought to Pass"** Report was accepted.

The Bill was read once.

Under suspension of the rules the Bill was given its second reading without reference to the Committee on **Bills in the Second Reading**.

Representative WATERHOUSE of Bridgton presented House Amendment "A" (H-397), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Waterhouse.

Representative WATERHOUSE: Madam Speaker, Ladies and Gentlemen of the House. I think we all are aware that there has been talk that if this issue passed and was signed into law that there would be a citizens initiative. Along with that citizens initiative there was one organization that had expressed the opinion that it would no longer be in a neutral position on this issue unless there were some amendments put to this piece of legislation because it was so broad and sweeping and that they would support that citizens initiative. There are a number of states that have passed the gay rights legislation and none of them are as broad as this. Four or five of the ones that are on the amendment, Senator Kennedy's legislation before the Senate, had five of these amendments. This is my attempt to compromise to address the concerns of those various groups so that we will not have to face a divisive citizens initiative. This will address their concerns. I feel that it is reasonable measures. I hope that you will support adoption of this amendment. Thank you.

Representative THOMPSON of Naples moved that House Amendment "A" (H-397) be indefinitely postponed.

Representative WATERHOUSE of Bridgton requested a roll call on the motion indefinitely postpone House Amendment "A" (H-397).

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

The SPEAKER: The Chair recognizes the Representative from Kossuth Township, Representative Bunker.

Representative BUNKER: Madam Speaker, Men and Women of the House. I am sure that some of you saw my light during the previous vote. Please don't take that light in error. I, as a Representative, represent my district and I made only one promise and that was to represent my district. I did so on a previous vote. I would highly recommend that everybody in this chamber follow my light on this vote. Thank you.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion to Indefinitely Postpone House Amendment "A" (H-397). All those in favor will vote yes, those opposed will vote no.

**ROLL CALL NO. 158**

YEA - Bagley, Baker CL, Baker JL, Berry RL, Bigl, Bolduc, Bouffard, Brennan, Brooks, Bruno, Buck, Bull, Bunker, Cameron, Carleton, Chartrand, Chick, Cianchette, Colwell, Cowger, Davidson, Desmond, Dunlap, Dutremble, Etnier, Farnsworth, Fisher, Frechette, Fuller, Gagne, Gagnon, Gamache, Gieringer, Goodwin, Green, Hatch, Jabar, Jones KW, Jones SL, Jones SA, Joyner, Kane, Kerr, Kontos, LaVerdiere, Lemaire, Lemke, Lindahl, Mailhot, Marvin, Mayo, McAlevey, McKee, Mitchell JE, Morgan, Murphy, Muse, O'Brien, O'Neal, O'Neil, Ott, Paul, Peavey, Perkins, Perry, Pieh, Povich, Powers, Quint, Richard, Rines, Rowe, Samson, Savage, Saxl JW, Saxl MV, Shannon, Shiah, Skoglund, Stanley, Stedman, Stevens, Tessier, Thompson, Townsend, Tripp, Usher, Volenik, Watson, Wheeler GJ, Wright, Madam Speaker.

NAY - Ahearne, Belanger DJ, Berry DP, Bragdon, Bumps, Campbell, Chizmar, Clark, Clukey, Cross, Dexter, Donnelly,

Driscoll, Foster, Gerry, Gooley, Honey, Joy, Joyce, Kasprzak, Kneeland, Labrecque, Lane, Layton, Lemont, Lovett, MacDougall, Mack, Madore, McElroy, Nass, Nickerson, Pendleton, Pinkham RG, Pinkham WD, Plowman, Sanborn, Sirois, Snowe-Mello, Spear, Taylor, Tobin, Treadwell, True, Tuttle, Underwood, Vedral, Vigue, Waterhouse, Wheeler EM, Winglass, Winn, Winsor.

ABSENT - Barth, Belanger IG, Bodwell, Fisk, Meres, Poulin.

Yes, 92; No, 53; Absent, 6; Excused, 0.

92 having voted in the affirmative and 53 voted in the negative, with 6 being absent, House Amendment "A" (H-397) was indefinitely postponed.

Representative PERKINS of Penobscot presented House Amendment "B" (H-401), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Madam Speaker, Men and Women of the House. After the tremendous, tremendous debate, I just need to say that I have so much respect for people in this body after tonight's debate. I had no idea that I would have so much respect for the people here. I really appreciate this evening. I know it has gone on. I will be as brief as I can, but there are things that are near and dear to my heart too as well as the things that were said in the debate.

This amendment would exempt employers with five or fewer employees from the part of the bill that we just passed to do with employment. Actually, this would amend the Maine Human Rights Act. It seems kind of mean and spleeny after the eloquent debate and words that we heard in here. Believe me, I feel strongly about this. There has been a direction in our history to lose sight of the fact that very small businesses should be treated differently in the federal and state Human Rights Act. Housing is treated differently in small situations, if you live in one of the units. I repeat, it is already recognized that in intimate situations in housing, you can discriminate at the federal level for any reason in a small rental situation if you live in one of the units. I think that is excellent and wonderful.

I would like to have the same in Maine in employment. We are talking about mom-and-pop type businesses. If you just take a second and look at what is the basic rationale for government telling people what to do in their lives. We don't allow it in a lot of our situations. We don't allow it with whom we associate or go to dinner. I maintain that in an intimate small business, mom-and-pop type business, which gets nothing from government except deed protections and hassles, compared to the big companies that get four or five kinds of tax breaks. I think private small business should be exempt and that is what this bill is all about.

Representative THOMPSON of Naples moved that House Amendment "B" (H-401) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Men and Women of the House. With all due respect to my good friend from Penobscot, I mean that sincerely, I ask that you join with me. We have made quite a statement here tonight and I wish to ask you to stay with me and Indefinitely Postpone this amendment. We have a great victory here tonight. Let's keep that victory.

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

Representative COWGER: Madam Speaker, Colleagues of the House. I rise in response to my friend from Penobscot. He has regularly pointed out to this body that we need small business representation in this House. I stand before you as a small business owner. I have three employees. I urge you to vote for the pending motion.

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

Representative SAXL: Madam Speaker, Men and Women of the House. I just want to make sure that everyone understands what is in this amendment and that this amendment begins to unravel the Human Rights Act as it now stands. In fact, what you are saying is that small employers would be allowed to discriminate on the basis of race, sex, religion, age, national origin and disability. I can tell you that I am opposed to any amendment which would touch the Human Rights Act which has served us so well for these past 25 years. Thank you Madam Speaker.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "B" (H-401).

A vote of the House was taken. 98 voted in favor of the same and 40 against, House Amendment "B" (H-401) was indefinitely postponed.

Representative PERKINS of Penobscot presented House Amendment "C" (H-402), which was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Perkins.

Representative PERKINS: Madam Speaker, Colleagues of the House. A few days ago I wrote a letter to my papers back home and I said I will likely vote for this bill and I am not completely comfortable with the way we are doing things. It seems like we keep adding to the list. I know, as I heard in the last debate and in my heart, that gays are discriminated against. There is no question. I just have a feeling like once and for all we ought to say you can't discriminate for any reason in housing, lending and in employment except for specific reasons related to lending. It says something like a bonafide concern related to whether you are going to get repaid. In housing it has to do with real concerns to do with the rental of the dwelling and not to do with anything else. I don't know why we keep adding and adding and adding with all this divisive debate on and on and on. It just seems to me we ought to just face up to what we are saying. We shouldn't discriminate for any reason except real bonafide reasons related to these four categories. That is what this is about. Thank you.

Representative THOMPSON of Naples moved that House Amendment "C" (H-402) be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Naples, Representative Thompson.

Representative THOMPSON: Madam Speaker, Ladies and Gentlemen of the House. House Amendment "C" has an interesting concept and I am sure would deserve some consideration. However, I don't feel this is the time to discuss this issue. I would ask you to join with me in Indefinitely Postponing House Amendment "C."

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Plowman.

Representative PLOWMAN: Madam Speaker, Men and Women of the House. With all the different kinds of discrimination that has been discussed here tonight that are not covered under the Maine Human Rights Act and the full knowledge that this is going to pass and cover one more group, I would dare say it is discrimination to say we will cover this group and not the others, such as things that have been debated here and in other Legislatures. There is discrimination against people who are overweight and people who have a political orientation. If we are going to be declaring it for some and the Constitution isn't good enough for you, then maybe you should declare it for all. I urge you to defeat the pending motion.

The Chair ordered a division on the motion to indefinitely postpone House Amendment "C" (H-402).

A vote of the House was taken. 90 voted in favor of the same and 50 against, House Amendment "C" (H-402) was indefinitely postponed.

The Bill was passed to be engrossed in concurrence.

By unanimous consent, all matters having been acted upon were ordered sent forthwith.

#### BILL HELD

Bill "An Act to Restrict Circulators of Initiated Petitions from Being within 250 Feet of Voting Places" (S.P. 102) (L.D. 381)

- In Senate, Majority "**Ought to Pass**" as amended Report of the Committee on **Legal and Veterans Affairs** read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-181).

- In House, Minority "**Ought Not to Pass**" Report of the Committee on **Legal and Veterans Affairs** read and accepted in non-concurrence.

HELD at the Request of Representative PENDLETON of Scarborough.

Representative PENDLETON of Scarborough moved that the House reconsider its action whereby the Minority "**Ought Not to Pass**" Report was accepted.

On further motion of the same Representative, tabled pending reconsideration and specially assigned for Friday, May 9, 1997.

The following item was taken up out of order by unanimous consent:

#### REPORTS OF COMMITTEES

##### Divided Report

Majority Report of the Committee on **Inland Fisheries and Wildlife** reporting "**Ought Not to Pass**" on Bill "An Act Relating to the Designation of Species As Endangered or Threatened" (H.P. 430) (L.D. 580)

Signed:

Senators: KILKELLY of Lincoln  
RUHLIN of Penobscot  
HALL of Piscataquis

Representatives: PAUL of Sanford  
CLARK of Millinocket  
CHICK of Lebanon  
DUNLAP of Old Town  
UNDERWOOD of Oxford  
TRUE of Fryeburg  
GOODWIN of Pembroke  
CROSS of Dover-Foxcroft  
PERKINS of Penobscot

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

Signed:

Representative: USHER of Westbrook  
Was read.

On motion of Representative PAUL of Sanford, tabled pending acceptance of either Report and specially assigned for Friday, May 9, 1997.

On motion of Representative PAUL of Sanford, the House adjourned at 8:30 p.m., until 9:00 a.m., Friday, May 9, 1997.