

MAINE STATE LEGISLATURE

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Legislative Record
House of Representatives
One Hundred and Twenty-Fourth Legislature
State of Maine

Volume I

First Regular Session

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Pages 1-608

ONE HUNDRED AND TWENTY-FOURTH LEGISLATURE
FIRST REGULAR SESSION
34th Legislative Day
Tuesday, May 5, 2009

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

Prayer by Reverend Anne Stanley, Christ Episcopal Church, Norway.

National Anthem by The Buck Boys, Buckfield.

Pledge of Allegiance.

Doctor of the day, Laurel Coleman, M.D., Manchester.

The Journal of Thursday, April 30, 2009 was read and approved.

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

Bill "An Act To Reaffirm Maine's Commitment to Business by Amending the Pine Tree Development Zone Laws"

(H.P. 1024) (L.D. 1473)

Sponsored by Representative SMITH of Monmouth.

Cosponsored by Senator SCHNEIDER of Penobscot and Representatives: AUSTIN of Gray, CLEARY of Houlton, COHEN of Portland, GILES of Belfast, HUNT of Buxton, MacDONALD of Boothbay, MARTIN of Orono, PRESCOTT of Topsham, WRIGHT of Berwick, Senators: RECTOR of Knox, SULLIVAN of York.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** suggested and ordered printed.

REFERRED to the Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

Sent for concurrence.

Bill "An Act To Assist Maine Workers and Businesses in Succeeding in a Changing Economy"

(H.P. 1025) (L.D. 1474)

Sponsored by Speaker PINGREE of North Haven.

Cosponsored by President MITCHELL of Kennebec and Representatives: BUTTERFIELD of Bangor, CAIN of Orono, GILBERT of Jay, MARTIN of Eagle Lake, TUTTLE of Sanford, Senators: BARTLETT of Cumberland, JACKSON of Aroostook.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **LABOR** suggested and ordered printed.

REFERRED to the Committee on **LABOR** and ordered printed.

Sent for concurrence.

Resolve, To Recognize Women Veterans in the State House Hall of Flags

(H.P. 1023) (L.D. 1470)

Sponsored by Representative VALENTINO of Saco.

Cosponsored by President MITCHELL of Kennebec and Representatives: BEAUDOIN of Biddeford, BERRY of Bowdoinham, BOLAND of Sanford, BRIGGS of Mexico, CAREY of Lewiston, CHASE of Wells, CLARK of Millinocket, CORNELL du HOUX of Brunswick, COTTA of China, CROCKETT of Bethel, CROCKETT of Augusta, DAVIS of Sangerville, DILL of Cape Elizabeth, DOSTIE of Sabattus, EBERLE of South Portland, FITTS of Pittsfield, GOODE of Bangor, HARLOW of Portland, HASKELL of Portland, HUNT of Buxton, LAJOIE of Lewiston,

MAZUREK of Rockland, MITCHELL of the Penobscot Nation, MORRISON of South Portland, PENDLETON of Scarborough, Speaker PINGREE of North Haven, PINKHAM of Lexington Township, RANKIN of Hiram, ROSEN of Bucksport, ROTUNDO of Lewiston, SAVIELLO of Wilton, SCHATZ of Blue Hill, SIROIS of Turner, SMITH of Monmouth, STRANG BURGESS of Cumberland, TARDY of Newport, THERIAULT of Madawaska, TRINWARD of Waterville, TUTTLE of Sanford, WATSON of Bath, WHEELER of Kittery, Senators: COURTNEY of York, GOODALL of Sagadahoc, MARRACHÉ of Kennebec, RAYE of Washington, SULLIVAN of York.

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Committee on **LEGAL AND VETERANS AFFAIRS** suggested and ordered printed.

REFERRED to the Committee on **LEGAL AND VETERANS AFFAIRS** and ordered printed.

Sent for concurrence.

ORDERS

On motion of Representative CLEARY of Houlton, the following Joint Resolution: (H.P. 1026) (Cosponsored by Senator COURTNEY of York and Representatives: AYOTTE of Caswell, BEAUDETTE of Biddeford, BEAUDOIN of Biddeford, BEAULIEU of Auburn, BECK of Waterville, BERRY of Bowdoinham, BLODGETT of Augusta, BOLDUC of Auburn, BRYANT of Windham, BUTTERFIELD of Bangor, CAIN of Orono, CAMPBELL of Newfield, CAREY of Lewiston, CLARK of Millinocket, CLARK of Easton, CORNELL du HOUX of Brunswick, CRAFTS of Lisbon, CRAY of Palmyra, CROCKETT of Bethel, CROCKETT of Augusta, CUSHING of Hampden, DILL of Cape Elizabeth, DOSTIE of Sabattus, DUCHESNE of Hudson, EATON of Sullivan, EBERLE of South Portland, EDGEComb of Caribou, EVES of North Berwick, FITTS of Pittsfield, FLAHERTY of Scarborough, FLEMINGS of Bar Harbor, GILES of Belfast, GREELEY of Levant, HASKELL of Portland, HAYES of Buckfield, HILL of York, HOGAN of Old Orchard Beach, HUNT of Buxton, JOY of Crystal, KAENRATH of South Portland, KNIGHT of Livermore Falls, LANGLEY of Ellsworth, LEGG of Kennebec, MARTIN of Eagle Lake, MITCHELL of the Penobscot Nation, NASS of Acton, O'BRIEN of Lincolnville, PETERSON of Rumford, PIEH of Bremen, PILON of Saco, Speaker PINGREE of North Haven, PIOTTI of Unity, PRESCOTT of Topsham, PRIEST of Brunswick, ROSEN of Bucksport, RUSSELL of Portland, SANBORN of Gorham, SAVIELLO of Wilton, SCHATZ of Blue Hill, SMITH of Monmouth, SOCTOMAH of the Passamaquoddy Tribe, STRANG BURGESS of Cumberland, SUTHERLAND of Chapman, THERIAULT of Madawaska, VALENTINO of Saco, WEAVER of York, WEBSTER of Freeport, WHEELER of Kittery, Senators: BRYANT of Oxford, HASTINGS of Oxford, JACKSON of Aroostook, NASS of York, SCHNEIDER of Penobscot, SULLIVAN of York)

JOINT RESOLUTION RECOGNIZING MAY 2009 AS LUPUS AWARENESS MONTH

WHEREAS, systemic lupus erythematosus, commonly known as lupus, is an immune system disorder of unknown cause and in its systemic form may affect the joints, skin and one or more internal organs, such as the kidney, heart and brain; and

WHEREAS, lupus is a chronic, complex and life-threatening disease, in which there is always the potential threat of serious illness and disability, and while lupus can occur in men, 90% of the sufferers are women in their childbearing years, with African-American women, Native American women and women of Asian descent particularly affected; and

WHEREAS, ordinarily, the immune system protects against infection by producing antibodies that successfully combat foreign infectious agents, but in people with lupus, the immune system produces antibodies that can harm the individual's own tissues; and

WHEREAS, people with lupus have many different symptoms, but the most common are fatigue, muscle and joint pain, skin disorders, and inflammation of internal organs and inflammation of the vascular and nervous system. Early detection and proper treatment is critical to the quality of life and survival rate of lupus sufferers; and

WHEREAS, researchers estimate that over 1,500,000 people in the United States have been diagnosed with a form lupus or related diseases and approximately 100,000 new cases are diagnosed each year; and

WHEREAS, to fight lupus, new research and new approaches to diagnosis and treatment are needed and the alleviation of the suffering of lupus victims can be achieved through patient services and the promotion of early detection of undiagnosed cases through lupus awareness programs; and

WHEREAS, scientists in biology, biochemistry, immunology, genetics and other fields are seeking to understand the causes of lupus and to develop better means of detection, treatment and prevention; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-fourth Legislature now assembled in the First Regular Session, on behalf of the people we represent, recognize that May 2009 is Lupus Awareness Month in order to make our citizens more aware of this prevalent disease; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Governor of Maine, the Honorable John E. Baldacci, and to the Department of Health and Human Services.

READ and ADOPTED.

Sent for concurrence.

SPECIAL SENTIMENT CALENDAR

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

Recognizing:

Donald Simoneau, of Fayette, a member of the George Bunten American Legion Post 10, for his longtime service to the American Legion and his contributions to his community. Mr. Simoneau is a United States Army veteran of the Vietnam War era. In the army, he served as an MP. He has held many positions in the American Legion, at his home post and in the county and district. For the past six years, he has held offices at the department level, serving as Department Commander, and he has chaired committees at the department and national levels. In the post's 90-year history, Mr. Simoneau is only the second member to be promoted from Blue Hat Legionnaire to Department Commander. Mr. Simoneau is also an active member of his community and has worked with state and federal lawmakers to promote opportunities in Maine for veterans and children. We acknowledge Donald Simoneau's exemplary public service, and we send him our appreciation for his work for the American Legion, his community, his State and the Nation;

(HLS 293)

Presented by Representative JONES of Mount Vernon.

Cosponsored by Senator GOOLEY of Franklin.

On **OBJECTION** of Representative JONES of Mount Vernon, was **REMOVED** from the Special Sentiment Calendar.

READ.

On motion of the same Representative, **TABLED** pending **PASSAGE** and later today assigned.

REPORTS OF COMMITTEE

Divided Report

Ten Members of the Committee on **JUDICIARY** report in Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-109)** on Bill "An Act To End Discrimination in Civil Marriage and Affirm Religious Freedom"

(S.P. 384) (L.D. 1020)

Signed:

Senators:

BLISS of Cumberland

HOBBINS of York

Representatives:

PRIEST of Brunswick

BRYANT of Windham

DILL of Cape Elizabeth

CLEARY of Houlton

HILL of York

KRUGER of Thomaston

STEVENS of Bangor

BEAULIEU of Auburn

Two Members of the same Committee report in Report "B" **Ought Not to Pass** on same Bill.

Signed:

Representatives:

NASS of Acton

CROCKETT of Bethel

One Member of the same Committee reports in Report "C" **Ought to Pass as Amended by Committee Amendment "B" (S-110)** on same Bill.

Signed:

Senator:

HASTINGS of Oxford

Representative MITCHELL of the Penobscot Nation - of the House - supports Report "A" **Ought to Pass as Amended by Committee Amendment "A" (S-109)**.

Came from the Senate with Report "A" **OUGHT TO PASS AS AMENDED READ and ACCEPTED** and the Bill **PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-109)**.

READ.

Representative PRIEST of Brunswick moved that the House **ACCEPT** Report "A" **Ought to Pass as Amended**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** Report "A" **Ought to Pass 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 Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This bill, LD 1020, is obviously a bill which has people on both sides with deeply held positions. It is, of course, very emotional. When the Judiciary Committee held a hearing on this bill, there was perhaps one of the largest hearings held on any legislative matter. We had over 3,500 people attend. We heard comments from over 200 people. We reviewed 2,500 written comments. To sum up the arguments that we had, those who were for the bill

essentially said that the bill's passage would provide dignity for marriages of gays and would end discrimination against gay couples. To sum up the argument against the bill, basically, gay marriage is contrary to traditional, religious teachings. The Judiciary Committee met, carefully considered this matter, considered the comments from all sides, and voted 11-3 to support the Ought to Pass as Amended Report. The amendment, by the way, is just a fiscal note. Of the three that voted against, two voted not to support the bill and one voted to require a referendum on the bill, a position which the majority of the committee rejected.

It might be useful, I think, to review briefly what the bill does. If you look in Section 2 of the bill, it says that marriage is the legally recognized union of 2 people. Gender-specific terms relating to the marital relationship or familial relationships, must be construed to be gender-neutral for all purposes throughout the law. Section 3 of the bill says that marriage of a same-sex couple that is validly licensed and certified in another jurisdiction is recognized for all purposes under the laws of this State. Section 4 says that a marriage application may be issued to any 2 persons otherwise qualified under this chapter regardless of the sex of each person. Section 5 is an affirmation of religious freedom, and I think it is important enough so I want to read it to you. It says: This Part does not authorize any court or other state or local governmental body, entity, agency or commission to compel, prevent or interfere in any way with any religious institution's religious doctrine, policy, teaching or solemnization of marriage within that particular religious faith's tradition as guaranteed by the Maine Constitution, Article 1, Section 3, or the First Amendment of the United States Constitution. A person authorized to join persons in marriage and who fails or refuses to join persons in marriage is not subject to any fine or other penalty for such failure or refusal.

Essentially, this bill strongly protects the First Amendment right of religious institutions to marry or refuse to marry certain persons. But the bill also, and I think it is important, talks of marriage of quality. It is the end of discrimination against gay couples, civil discrimination against gay couples, and the encouragement of stable, long-lasting relationships, and the equal dignity of gay civil marriages with straight civil marriages.

Now members of the Judiciary Committee will speak to various arguments in favor of the bill, but I would like to relate two personal experiences which have caused me, frankly, to be in support of this bill. I think examples, personal experiences are probably as important, if not more important, than rational argument, so I want to relate a little bit of my own personal experience in this area. The first is a story of discrimination, and I apologize to the members of the Judiciary Committee who have heard this before, but I want to bring it to the House's attention. I was brought up in the south, in the 50's and 60's, I went to school down there. As part of physical education class in the south, at that time, you had dancing; it would now be called ballroom dancing, then it was simply dancing, you learned how to dance. Some of you may remember how that worked. Girls were on one side, boys were on the other, and, in physical education, teachers tried to get them to dance together. Sometimes that worked, sometimes it didn't. But I remember it well that, halfway through the dance class, the dances stopped, the classes stopped, and the reason was that our school was about to integrate and white parents did not want their white daughters and white sons to dance with black children. The arguments in favor of this were many, but the ones I remember the most were the religious arguments: God created the black man in Africa, God created the white man in Europe, the yellow man in Asia and the red man in the Americas, and he didn't mean for them to mix because, if

he had, he wouldn't have created them on separate continents. The analogy with the present situation, for me, is real. We shun those arguments about racial segregation now, but I can tell you, 50 years ago, in many parts of the country, those arguments were real and very deeply held. I think that somewhat similar to the present situation, I think in 50 years this will no longer be an argument.

Now let me tell you another personal experience. I have two daughters: one is straight, the other is gay. Both were brought up in Maine schools, both graduated with honors, both have life partners. The straight daughter got a master's degree; the gay daughter got a legal degree. The straight daughter had a marriage in Maine, it was attended by 125 people, it was at the camp north of Augusta. The parents went, the grandparents went, the ceremony was performed by an attorney who made sure that the marriage license was filed in the Brunswick town hall, and it resides there today. Now my gay daughter was deeply in love with her partner. They bought a house, they bought a car, they are making payments just like we all do, they've even got two dogs, they live in a suburban area and she could not get married, so she had a commitment ceremony in her backyard. I attended, of course, with my wife, the parents of both partners attended, the grandparents attended, and it was a tremendous ceremony. Her employer, a federal judge, attended, the law clerks of that judge attended, friends attended, and it was a great ceremony but it was a commitment ceremony, it was not a marriage. She could not get married. I have a grandchild and I love her deeply. This grandchild is the child of my gay daughter. I want that child to grow up with her parents in a loving, stable relationship, a civil relationship which is recognized by the state. The only way for that to happen is to enact this bill. Ironically, this bill seeks marriage stability; it seeks the dignity of marriage; it seeks to build up marriage, not tear it down. I want my daughter, granddaughter, to be able to live in a stable, civil marriage. I want to end discrimination in this matter, and, therefore, I urge all of you to accept this report and enact this bill. Thank you.

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

Representative CAREY: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I am glad for the opportunity of this debate. In my committees this year, we are dealing with many things, including scratch tickets, license plates and systems benefits charges, and those are interesting issues, but I ran for the Legislature because I believe certain things about the world and about America. The conversations around this bill have given me a chance to return to those first principles.

Today is my birthday. In my traditional family my birthday was particularly exciting because it was the only day of the year I could wear jeans or shorts to school. Khakis may have been the Sunday best, but I wore them all week long. Likewise, it wasn't just at church that I learned about God; every day my parents showed us that God is a God of Love. I learned to accept this gift of love with humility, with hope, and with faith. But the greatest of these, is love.

"We hold these truths to be self-evident that all men are created equal." These words were written 200 years, and yet they speak directly to one of my deepest held beliefs about America. I believe that all men are created equal. Not just straight men. I believe that all of us have been endowed with certain unalienable rights: Life, Liberty, and the pursuit of happiness.

Many Mainers cannot pursue happiness, at least not the happiness of choosing whom to love, whom to marry, and with whom to raise children. That freedom is at the very foundation of

this country. In 1787 our founders wrote, "*We the People of the United States, to secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America.*" America is a dream. The Constitution was written to realize that dream, and it is that document that this Legislature swore to uphold. We swore an oath to secure the Blessings of Liberty to all children.

This bill affects me deeply and personally. I am not gay. My immediate family members are not gay. In my rural school, I didn't know anybody who was gay. This is not a gay bill. This is about Love, Equality, and Freedom. I cherish these principles, and it is because of them that I serve in this body. So I'll support the pending motion, Madam Speaker, because all Mainers, all Americans and all of God's people, deserve to know the blessings of love, equality, and freedom. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Flood.

Representative **FLOOD**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It came a little quicker than I was ready for, Madam Speaker. I have been quiet and non-committal and some would say conspicuously invisible on this topic leading to this vote. I do want to say that was purposeful, so that I wouldn't get distracted and derailed from the essential budget work at hand during these past four months...but naturally as this day drew closer, it became necessary to think this issue through quite deeply.

And honestly that was difficult at times because most of my closest friends and coworkers at this Great House were vocally expressing opinions different than my own, and I admire these people. And now that the day is at hand, I can say that I would much rather work on ten \$569 million budget shortfalls.... nights and weekends....than to have to make a decision on one gay marriage bill. I am however lifted up by the decent, respectful, and patient way the gay and lesbian community has approached this issue and the similar way that thoughtful legislators, both Democrats and Republicans, and citizens throughout our state have voiced their disagreements.

I haven't slept very well for the last two weeks dreading the inevitable disapproval of my caucus co-workers, and many of my friends, and my neighbors. But a few days ago when I was selfishly feeling a little too sorry for myself for having to make this decision, and selfishly feeling a little too concerned about how my friends here and at home would feel about my decision, I finally came to the realization that it is not about my problems, and it's not about me, and it's not about my traditions, or my values, or the many respectful and decent differences of opinion that will be voiced in today's debate. It's about gay people who would like the freedom to get married; and the fact that they, like it or not, have to receive the permission of others...legislators...and our governor...before they can do that.

I am hopeful that we in this House today grant this permission. The more we can do to celebrate our differences the stronger this State and this Country will become.

And the more we can do to assure equal freedoms for all our minority groups, and especially the freedoms to encourage and express love and commitment; the better. I would not wish to withhold this expression or this celebration from anyone. I could not bear that. But rather, I would be proud to be a part of granting it.

When I got married 38 years ago, the only person I needed permission from was my girlfriend Marjorie, and that was difficult enough. I wish it could be that way for everyone.

It is awkward being a legislator at times, especially days like this. But like all of you in this great chamber, I asked for

this duty, and I knew full-well there would be days like this. We all sought the honor of representing the People, and perhaps we feel that honor the greatest on the miserable days like this. I know that there won't be many pleasant phone messages on the machine when I get home late tonight. But as I said, it's not about me. It's about gay people seeking the right to marry, and my job is to represent them like I would represent all others, the very same way I would want that they represent me.

I appreciate the privilege of speaking before you, regardless of your good beliefs. Thank you Madam Speaker and thank you Ladies and Gentlemen of the House.

The SPEAKER: The Chair recognizes the Representative from Ripley, Representative Thomas.

Representative **THOMAS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I don't expect to change anyone's mind, so this is going to be short. I also don't intend my remarks to cause any ill will or any animosity. But when future generations look back and wonder what happened to the great State of Maine, I want there to be no doubt where the Representative from Ripley stood. I stand against this proposal. My mother taught me that marriage is a special relationship between a man and a woman, and, in the 50 years since she taught me that, I have seen no reason to think that she was wrong. It is this proposal that's wrong, it's just plain wrong and I will be voting against it. Thank you.

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

Representative **CROCKETT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I believe that this is one of the most important pieces of legislation I have had an opportunity to vote on. Like most everyone here, when I ran for the Legislature, I wanted to make a difference in the lives of Maine people and, most importantly, in the lives of people in my community. I have been fortunate that a number of my bills have been signed into law, and I believe each one will in some way improve the lives of others. But there is no question this legislation we are about to vote on will change the lives of Maine citizens. A change for the better if we support this bill.

Our vote today will go down in Maine history. I firmly believe there are very few times in our lives when we have the opportunity to make such a tremendous contribution to the lives of others. To me, this is a bill that is long overdue. No matter what other issues we deal with in the 124th legislative session, they will not have the impact on as many Maine people as LD 1020. We have the opportunity to support this bill and move Maine in the direction of ending discrimination. I can't imagine anyone feeling they have a right to tell anyone else who they should fall in love with, who they should choose to spend their life with. Would you have allowed anyone to tell you? I sure wouldn't have. Yet, if we vote against this legislation, we are telling gay couples in Maine they can't marry the person they love. Loving, committed gay couples want to marry for the same reasons as straight people. To publicly affirm their relationship, to enjoy the respect afforded to marriage and for legal rights, responsibilities and the benefit of marriage for themselves and their children. This is an issue whose time has come; the time is now to end discrimination. Please join me and vote Ought to Pass, LD 1020.

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

Representative **WAGNER**: Thank you, Madam Speaker. I want to thank the Representative from Winthrop for his comments; mine pale in comparison to those, I think. But this is a personal issue for me. I have two children who were married in

Massachusetts: Eric and Lesley, back in 1993; Sarah and Cheryl in 2005. Sarah and Cheryl told us about the coming wedding about 10 days before it was to occur. They didn't want us to worry about it. They didn't even want us to postpone any other things we might have already had to do. So we didn't have to come, but they did want to let us know ahead of time. We have neighbors, two doors down, in their 70's, Catholic, born in Lewiston and in Bangor. They heard about it and said "Can we come too?" Sarah didn't want to bother them, even though they have been her parents, in a sense, or second parents for years. Sarah and Cheryl should not have had to worry about telling us when the wedding was going to be and asking us to be there. They shouldn't have had to worry about the possibility that some neighbors might want to come too. But they did worry about that and that was sad. But the wedding took place. It took place with eight relatives, about 15 good friends of Sarah and Cheryl, and when the little, 60ish town clerk from Watertown said "and by the authority vested in me by the Commonwealth of Massachusetts" a loud cheer rang out, and I couldn't hear what else she said. I don't even know whether she said I now pronounce you spouse and spouse, wife and wife, married, I don't what she said, but it didn't matter. I am proud of Sarah and Cheryl, I am proud of our neighbors, I am proud of the Commonwealth of Massachusetts, and I look forward to being proud of the State of Maine. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Caswell, Representative Ayotte.

Representative **AYOTTE**: Madam Speaker, Ladies and Gentlemen of the House. I am fully aware that the Gay Marriage Bill, LD 1020, is an extremely emotional issue. I do feel compelled, however, to speak on this bill in an effort to remove any emotional aspect and speak on it from a biological perspective. Under normal circumstances all human beings produce a group of proteins referred to as hormones, with the male having a preponderance of testosterone and the female having a preponderance of estrogen, although both of these hormones do exist in both male and female bodies. The results are, phenotypically speaking, or physical characteristics, that the male will exhibit masculine characteristics while the female will exhibit female characteristics. From all indications, homosexuality among human beings seems to be generated from an improper balance of these hormones in the body. Because of this biological problem, perhaps caused during RNA transcription or so to speak, when the RNA is transporting amino acids to the open DNA strand, with the change of just one amino acid during this protein synthesis action, an excessive amount of male or female hormones can be inadvertently produced in the male or female body. This is referred to by biologists as a genetic aberration of nature, the results being that a male person may exhibit effeminate characteristics or a female may exhibit male characteristics. As legislators, it is important that we do not base our statutes or laws on genetic aberrations or anomalies of DNA genetic blueprints.

As many of you know, much of our American Legal System, that we enjoy today, is based of English Common Law. There is a legal term that illustrates very well where much of that law finds its basis. A Latin term, *Melun in se*, includes things that we believe to be unacceptable cross culturally. These areas are looked upon as being innately aberrant, a man marrying another man or a woman marrying another woman fall in this category.

I would not be complete in my testimony if I failed to state, emphatically, that I do not believe that anyone wakes up some morning and decides to be homosexual or live a gay lifestyle, and thereby pronounce upon himself or herself a life of ridicule, discrimination, or unnecessary hardship. It is my firm belief that a

homosexual person should never, in any way, be considered less or should be laughed at or mocked. However, by the State Legislature giving them full legal marriage status, we not only diminish the institution of marriage but we sanction a system contrary to natural law. Certainly we do the homosexual person no favor.

Furthermore, each and every one of us have crosses to carry and each in our own way must carry them, but it is absolutely unjustified for any of us, especially as legislators, to bind heavy burdens for other people to carry.

In conclusion, I must strongly reiterate that my opposition to the gay marriage bill should in no way be interpreted or construed as an act of discrimination or intolerance toward people with homosexual tendencies. I would strongly urge all of you to research the Latin term "*sensus fidelium*" which, loosely translated, means the sentiment of the masses. Thank you, Madam Speaker.

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

Representative **MORRISON**: Thank you, Madam Speaker, and good morning honorable Members of this House. I am a proud, very proud cosponsor of this bill on many different levels. One of them I'm going to tell you about right now. Many of you know, who have worked with me here closely, and many of you don't, but I am going to tell you a little surprise: I am an openly gay man, and, as of this point on, I am an openly gay Representative and darn proud of it.

The second reason is for my beloved partner of 11 years who passed away four years ago this spring. My partner suffered greatly from depression, and, four years ago last spring, he just couldn't take it anymore and he took his own life. This is the reason why I am here today, and I know he is looking down upon me and saying, bravo kid, bravo, you're doing what we always wanted to do. Because we had planned to get married, hypothetically. My parents have a lovely home in the beautiful town of Friendship and our house is three feet from the water, beautiful rocks, gorgeous scenery, and we were going to plan our ceremony right there. Unfortunately that dream has not come true for us and, again, that is why I am here before you today.

The third and most important reason is we created a family. See, we had a lesbian couple that we were very tight with and we did everything together. Movies, camping trips, you name it, we were together. One day they came to us and said I would love to create a family, would you donate so we could have a family? My partner, Will, stood up and said, yes, let's do it, let's prove to them all that beautiful families can be created, and we did. Nine months later and through all the doctor's visits and so forth, out comes a beautiful, young girl Nina, and now she is 11 years old and beautiful and smart and talented and ready for the world. We did it so good the first time, we wanted to do it a second time, so we had, the girls had another child, Gabriella, and she is 10. She is bright and beautiful and ready for the world, and we created a phenomenal family. That family still exists. They are strong, they are talented, they are ready to go. This family is tight and strong. I went to Kim the other day and I said I want to speak about this and is it okay to expose our family, so to speak. She said, "With all of my heart and soul, do it." Nina runs up to me and said, "I would be honored", and, luckily, for me, Nina looks exactly like her father so I will always have his spirit with me. So, all of those doubters out there who think that we can't have a family, I am living proof and we are living proof that we can have a phenomenal family, and we will have a phenomenal family, and my bank account can attest to that because our college fund is loaded right up. I want to just make this a personal note for me, my friends and my colleagues here who

support me knew this already, but the despair is out there; to say that we're going to ruin families, it is wrong. Me and Nina, Gabriella and Kim, we're all living proof of that, and I would appreciate your support with this vote. Thank you.

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

Representative **BOLDUC**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Coming to a decision about LD 1020 has not been an easy process. Every time I thought I had made a decision I ended up changing my mind and found myself back to the drawing board wrestling with a complicated issue. I was brought up in a French Catholic community and have attended the same church since I was a young child. As I have matured my relationship with my religion has grown more sophisticated as I hope can be said of all of us. Within Catholicism exists the concept of the trinity. The Trinity is the belief that god has three manifestations. The first is God, creator of heaven and earth. The second is Christ, his son, his physical manifestation. The third and the most relevant to this debate today is the Holy Spirit, the expression and manifestation of God in the individual. It will be helpful if we begin with the simple observation that we are gathered together here, and then consider what this means. Let us ignore external interpretations which give us answers connected to the belief that faith is independent of reason, and instead follow that interior voice which springs from our consciences and convictions. John Paul II wrote that we cannot act in accordance with this Holy Spirit without a rigorous examination of our internal dialogue. Identify what makes us feel guilty and act on this guilt.

I listened all day to the testimony here in the State House on this bill, as I was working on my Franco bill, and my guilt began to nudge what we Catholics call the Holy Spirit. I felt guilt for children with same sex parents. I felt guilt for gay high school students. I felt guilt and sadness for same sex couples who have committed themselves to decades of a loving loyal relationship only to not be considered members of the family as their partners lay sick or dying in hospitals. I felt guilt that these same committed relationships do not enjoy the same insurance and tax benefits many other loving relationships are extended in our society. I thought about the 100 students at Edward Little High School who took a vow of silence for a day at school to protest intolerance on this issue and how we in public education system teach and support tolerance in our schools.

As a recent certified teacher graduate, Standard three of the states teaching standards which I was expected to show mastery of in my classroom also made me think. It reads: In order to help students achieve the learning Results, the beginning teacher shall demonstrate knowledge of the diverse ways in which students learn and develop by providing learning opportunities that support their intellectual, physical, emotional and social development. It made me feel guilty and shameful to think that I would have a student in my class that thought along with all the other pressures involved with adolescence; Mr. Bolduc does not support them on this one.

Finally I talked with my father whose working class candor, frankness, and cut to the chase style reminded me of the separation of church and state and that there was a clear distinction between civil and religious marriages.

The high school debate tournaments have a category of competition known as the Lincoln Douglas debates. The criteria for a successful outcome is that the debater has identified and articulated a value. My value in this debate is

justice. This law will have no impact on the sanctity of the Catholic sacrament of marriage. This bill will make us a more just society. Thank you.

The SPEAKER: The Chair recognizes the Representative from Turner, Representative Sirois.

Representative **SIROIS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I have thought long and hard about this bill, prayed a lot about it, and I have come up with a conclusion. As most of you here, we wear many hats. One of the hats I wear is as a deacon of Turner Village Church. It is a small congregation, Baptist. I may add that I was a Catholic for a long time too, so I think I got all of the bases covered. But seriously, I, along with my church, don't agree with the gay and lesbian lifestyle. We also believe that God intended marriage to be for one man and one woman. That being said, we also believe in the Great Commitment of God. First, love God with your whole being. Second, to love your neighbor as yourself. Now I am no Bible scholar, but I don't remember seeing anything in the Bible about any conditions on who your neighbor is. There is nothing there about which sex, which religion, or what sexual orientation you have, we are just to love our neighbor and that is everyone that we have contact with. Also, I am sure many of you know this, Jesus was among the Pharisees, and they were going to stone a woman for adultery; it's good that we don't do that anymore. But he said, he who has not sinned throw the first stone, and we know what happened: they all walked away. Well I know I have enough sins to worry about for myself and I don't have to judge others and I don't think any of us do.

We also wear a hat in here as a legislator. I am very proud to be a part of this body for the last three years. In fact, if I could have a prop right now, I'd have my legislative ball cap on, but I can't. But I firmly believe that everybody in this House is here to promote justice, equality and fairness for the Maine citizen. I also believe, contrary to what some people say about us, that we are here to make Maine a better state, not only for ourselves but for our children and grandchildren. I feel this bill does that. This bill, the way I look at it, is to give some rights that have not been there for some people in this state. It's to give the same rights for same sex couples as heterosexual couples. I really think that is the right thing to do. If this bill said that I was going to have to believe a different way than I do about marriage, about gays, I wouldn't accept this bill. But it does not. It is purely the legality of giving other citizens in Maine the same rights that some of us have, and, for that reason, I am supporting this bill. Thank you, Madam Speaker.

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

Representative **CELLI**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. First off, I believe that all gay people deserve to have the same lives as married people, the same legal rights, but not through changing the definition of marriage. We have no right to change the definition of a word as we would saying "rain" now means "asphalt". It was a great bill. It was voted Ought Not to Pass by Representative Fossel. I would have been very supportive of that bill because it would have given those rights without changing a definition, a definition, if you look back in history, goes back long before the Bible was written and I am talking about civilizations such as the Babylonians, the Athenians, the Spartans, the Romans, who allowed homosexuality, yet they did not allow them to marry. The Romans probably had it the best. They were not allowed to marry, but they had the rights of those that were married.

The main reason I am going to be against this bill is, once

again, just as in school consolidation, we are trampling on the democracy of our fellow Mainers. They have already spoken on this and they said no. If we want to change that, it is not our position to change it here. We gave them the ability to vote on it and they said no, so if we want to change this we need to send it back to the people and let them vote on it, and that is the only way we can change this. We should not be changing it here. Once again, we are saying your vote doesn't count. Thank you.

The SPEAKER: The Chair recognizes the Representative from New Gloucester, Representative Van Wie.

Representative **VAN WIE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise today to add my voice to the chorus of legislators speaking in favor of LD 1020. My reasons for supporting this bill include the key points argued persuasively by others: equal protection under the law, separation of church and state, and freedom of religion. I have listened carefully to the viewpoints of my constituents, including many of my friends on both sides of the issue. I have read the Iowa Supreme Court decision, which I found persuasive, and was prepared to face the difficult situation of balancing my personal belief with opposing views of my constituents. However, based on emails, calls and letters, my constituents appear to be fairly evenly split on the issue, leaning in favor of LD 1020. But, that is not the basis for my support of this bill. Rather, I wish to speak today to illustrate my decision from a somewhat different perspective, both personal and historical.

Madam Speaker, in October of this year, my wife and I will celebrate our 25th wedding anniversary. We were married here in Maine, and have raised two perfect and brilliant children. Many of you may *not* know that my lovely wife, Cheryl Bascomb, is a black woman. Perhaps I don't need to remind you and my good colleagues that up until 1967, when I was 10 years old, it was illegal for a black person and a white person to get married in 17 states, including Cheryl's home state of Maryland. In 1967, the US Supreme Court's unanimous decision in *Loving v. Virginia* struck down the anti-miscegenation laws still in place in over one third of our United States. I believe that ultimately the US Supreme Court will strike down anti-gay-marriage laws in a similar manner.

Until that 1967 decision, the supporters of laws banning interracial marriage used most of the same arguments we are hearing in this debate: sanctity, biology, morality, the Bible, procreation, natural law, family, and children. At that time, there were many who were deeply offended, based on their religious views, or even disgusted by the thought of interracial marriage. In defending Virginia's law, the Virginia trial court judge argued that "Almighty God created the races white, black, yellow and red....and he did not intend for the races to mix." This is remarkably similar to many arguments I have heard in defense of maintaining the ban on gay marriage. Nevertheless, the many religious leaders speaking at the hearing on LD 1020 demonstrated that different religions and denominations will continue to do what they have done for centuries: disagree on what the Bible and other religious texts say about sin and moral behavior. That is the freedom of religion I would like to protect.

The 1967 Supreme Court decision is an important lesson from our history that is directly applicable to this debate. Fortunately, we have come a long way in a generation or two. I, for one, cannot imagine being prohibited by law from marrying the woman I love. I can't imagine having to travel to a faraway state to celebrate our vows with family and friends. And, my children cannot imagine a world where they would be prohibited from dating or marrying anyone....anyone they choose, guided by their hearts and faith. They have grown up to demand and expect equal protection under the law. And, they have grown up

to understand that while every religion is free to interpret its holy book, to define marriage, and to define sin in any way they choose, no single religious belief or viewpoint should be imposed by the majority onto the minority in our civil laws.

I have heard it argued that this debate is about protecting the word "marriage" and the institution of marriage. Well, Madam Speaker and good colleagues, this same argument was used in defending laws banning interracial marriage. And further, I don't believe it would be wise for us to try to freeze the meaning of a word for all time.

Let me offer another sacred phrase from our history...."all men are created equal." At the time that phrase was written, "men" literally meant men only....more specifically, white men. Not black men. Not Native Americans. Not women. Fortunately, over time, we have broadened our understanding of that phrase to mean all *people* are created equal. In our system of government, words and laws must be interpreted and redefined as society changes from generation to generation. That is, in fact, the proper work of this Legislature, as well as the courts.

In 1883, the Maine Legislature repealed Maine's own ban on interracial marriage. Our predecessors in this Chamber did not wait for the Supreme Court of Maine, did not wait for the Supreme Court of the United States, to strike down that discriminatory law. Unfortunately, other Legislatures in other states did not have the clarity of thinking, the notion of fairness, nor the courage to act in a similar manner.

Madam Speaker, I believe that by supporting this bill, we will be voting today on the right side of history, as did the Maine Legislature in 1883, to repeal a discriminatory law that deprives homosexual couples the rights and privileges of marriage that were previously and similarly denied interracial couples. I believe the arguments are the essentially same, and therefore the outcome must be the same. I hope my colleagues and other citizens of this State will see this issue as I do from this historical perspective, and join me in supporting LD 1020. Thank you, Madam Speaker.

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

Representative **KRUGER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. This bill is not about God, as if we could legislate him or her. This bill is not about morality, as if we could legislate that. This bill is about the meaning of equality. It is about the pursuit of justice for all. It is not about good and evil. It is about live and let live. I urge each of you to vote yes. Thank you.

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

Representative **CLEARY**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I rise in support of the pending motion and in support of equality in Maine.

It's a new day, Madam Speaker. This is the day we look discrimination in the eye and say "No More."

Maine's slogan is "the way life should be." So I ask you, "How should life be?" Should two people that love each other, that wish to raise a family together, be able to marry? If we support the notion of equal protection under the laws in this State then the answer must be "yes."

When I was first sworn into the Maine House of Representatives I took an oath. An oath to uphold the Constitution of the State of Maine and of the United States. I believe voting for LD 1020 is consistent with that oath. Section I subsection 6-A of the Maine Constitution states: 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.

Laws in Maine exist now that extend marriage-like rights and benefits to same sex couples and families. But separate and unequal is not equal. Same-sex couples may form domestic partnerships, they may adopt children. The State has recognized the reality that couples of the same sex will work, play, live, raise families, grow old together, retire and some day die. Maine law recognizes these same things for different sexes, races and nationalities. Maine has sought to provide minimum protections. Such minimum protections, however, do not create equality. They fall far short because they do not provide equal protection of the laws as is required by our Constitution. Half measures of justice are not justice at all. In some sense they are far more cruel than no rights at all. These half measures say we acknowledge your relationship but it is not worthy of the same protections, the same rights and responsibilities of others. LD 1020 addresses our error.

For those that say this law is not about equal protection of the laws, that it is not about discrimination; That its time has not yet come—I strongly disagree. I say that the laws of other states, through their legislative bodies and courts and the clear direction of federal decisions bring us to this moment.

I want to talk about one particular case: The U.S. Supreme Court case of *Lawrence v. Texas*, decided in 2003, struck down a Texas law that differentiated conduct between same sex couples from that of opposite sex couples. It is interesting what the conservative members of the Court had to say. Justice Thomas, for example, who did dissent, but in his dissent had this to say:

I write separately to note that the law before the Court today "is...uncommonly silly." If I were a member of the Texas Legislature, I would vote to repeal it. Punishing someone for expressing his sexual preference through noncommercial consensual conduct with another adult does not appear to be a worthy way to expend valuable law enforcement resources.

I stand before this legislative body here in Maine today and assert that the legal gymnastics that have gone on to create a separation between same-sex couples and couples of the opposite sex are uncommonly silly and have gone on for far too long.

To paraphrase the Iowa Supreme Court in its decision regarding same sex marriage decided on April 4, 2009: Our responsibility, therefore, is to protect constitutional rights of individuals that have been denied those rights, even when the rights have not yet been broadly accepted, were at one time unimagined, or challenge a deeply ingrained practice or law viewed to be impervious to the passage of time. The framers of the U.S. and Maine Constitution knew, that "times can blind us to certain truths and later generations can see that laws once thought necessary and proper in fact serve only to oppress."

The phrase "future generations" is interesting to me because a few weeks ago I was having dinner with my daughter. Randomly she said to me, "So dad, how are you voting on gay marriage?" She made it clear to me, in no uncertain terms, that she supported the rights of same-sex couples who love each other to have the right to marry. She doesn't know the history of the struggle; she doesn't know the case law or precedent; she isn't aware of what other states have or have not done. She has a boyfriend. But, she and her generation see now that what is right is right. And what is fair is fair.

I hope that we, of this generation, can say now, here today, as one lady so eloquently said at the public hearing "I once was blind but now I see."

But I do want to say a word about the religious freedom arguments that we've heard. I consider myself a religious person. I taught Sunday school, I attend church, and I am mindful of the concerns relating to this issue. I believe the bill as proposed protects religious freedom, something that I staunchly defend and support. I will tell you that I have spoken with pastors, priests, reverends, deacons, regular church-folk and sinners, some self-proclaimed. Others not. I am here to inform you that they are divided on this issue. They will likely remain divided for some time to come. It is not the role of this House to discern who is correct in this religious debate. It is for each denomination to decide for itself how it will worship and whom it will marry.

Our obligation is to define the liberty of all, not to mandate our own moral code. It is, therefore, our duty to protect the continued right to agree or disagree on religious grounds. I will say that the Bible tells us to "Love our neighbors as ourselves." I ask you, "Is there any greater expression of equality than that?" Treat and love your neighbor as equally as you do yourself. No More. No Less.

Our duty, to uphold the Constitution of the State of Maine, and treat all of the citizens of this State as we would want ourselves to be treated is accomplished by defending equality and moving Ought to Pass, LD 1020. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Whiting, Representative Burns.

Representative **BURNS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I apologize for those of you that have heard me testify on this issue before, but I have to speak to it, it is that important. Though I am a freshman legislator, I am not a freshman in my life. My 24 year career as a police officer in law enforcement, much of which was investigating child abuse, neglect, and, after retiring seven years directing a program that worked with children that were exposed to physiological traumatization, has provided me with a very unique exposure to children, adults and family dynamics. I believe that most of our problems in society that we face today stem from the destabilization of our family, community and religious institutions. That is such an important statement that I want to repeat it: I believe that most of the problems that society faces today stem from the destabilization of our family, our communities and religious institutions. Other experiments, such as no-fault divorce and homes without fathers, have had dismal failures during the past 30 years. The rise of crime, substance abuse, and violence has increased stress and the amount of destruction on our families, our children and society as a whole. No one can seriously deny this. Any crime we can possibly imagine has found its way to Maine. We are no longer the safe and sheltered place to live that we once were.

From my perspective, Madam Speaker, the most powerful weapons that we have in defense and we have against the problem facing us are strong family units, close-knit communities, proper education of our youth and faith. This is not the time for another human experiment which, by its nature, is completely opposed and foreign to nature, established religion and society as we have known it from the beginning. Children need, *children need* the stability of a mother and a father. There is no other substitute that works to meet all the child's needs—no other substitute. They also need to know what the legitimate marriage model is and not to be further confused and misled by the alternative models, which will be presented to them in public schools from the age three on up, should this proposal pass. Even the lesbian parent acknowledges that this is "uncharted territory." Marriage between one man and one woman is a basic

building block of a strong society and we must keep it intact.

Madam Speaker, I don't believe that this is about love and equality. I believe that it is in fact about recognition and the legitimization of habits and lifestyles of a tiny segment of our society for selfish and personal needs. We have also passed laws in this state; we have already passed laws in this state to adequately protect civil rights and rightfully so. Most of us accept gay and lesbian people on their own personal merits, and enjoy and respect our relationships with them accordingly. I am no exception to that. What we do disdain is the destruction of the institution of marriage. That's what this bill is all about. That is why 29 states have passed a constitutional amendment protecting traditional marriage. As for religious freedom, this bill will produce just the position. I hope you'll keep that in mind. Already there have been attacks on religious freedom in Massachusetts, New Mexico, New Jersey, California, Georgia, and Canada that I am aware of. Right here, where we live, there will be more of the same.

Madam Speaker, I am deeply disturbed about the attacks which took place in the other body last week. For members of that body to single out two specific faiths, Catholics and Baptists, as being intolerant and the cause of the problems we face currently is both reprehensible and a vicious attack on my personal faith and that of tens of thousands of other Mainers. I am not sure what the origin of their religious values are, that is their business; however, the context of my Bible has not changed since it was given to us over 4,000 years ago. In Genesis 2:24, God said: Therefore shall a man leave his father and his mother, and shall cleave under his wife: and they shall become one flesh.

Arguments for this marriage bill, whether they come from scientific evidence or from a religious perspective, have no basis and do not hold water, thus leading to attacks on people's faith. Madam Speaker, in 1997, we passed the Protection of Marriage Act, which acknowledged that traditional marriage was a necessity of a stable society. This new proposal radically changes all of that. Where will it stop? I promise you that it'll not stop here. This will have a far reaching and negative impact on our children, parents, education, religion and our economy. This proposal will be one of the most important pieces of legislation you consider in this session and, most likely, in the tenure of your legislative career. Please vote no on this. Thank you.

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

Representative **PIEH**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I think it is actually timely that I rise now following the good Representative from Whiting, Representative Burns. I was a member of this body, in 1997, when the law defining marriage as only between one man and one woman was enacted. Some of that language states the union of one man and one woman joined in traditional, monogamous marriage is of an estimable value to society. The state has a compelling interest to nurture and promote the unique institution of traditional, monogamous marriage and to support harmonious families and the physical and mental health of children, etcetera.

On a slightly lighter note, I am not sure why anyone would want to be married these days with all of the curfuffle around divorce and the increasing use of divorce, and I am a happily married woman, nonetheless. That language became law, there were 39 of us, myself included, who voted against making that language law. While I respect other views, I am clearly on a different side on that. That language became law without the signature of the Executive at the time, Angus King. A lot has

happened in 12 years. A lot of preponderance of testimony 12 years ago was similar to the Representative from Whiting, Representative Burns. It's a different day today. We've moved forward, our culture has changed. I am very proud to be supporting this Majority Report, and I hope that you will all do the same. Thank you very much.

The SPEAKER: The Chair recognizes the Representative from Alna, Representative Fossel.

Representative **FOSSEL**: Thank you very much, Madam Speaker. As usual, I am coming from a slightly different place. As you may not know, I don't really have much of a religious faith. I lost that a long time ago, but I believe in trying to find common ground between us, and I think if you look around this chamber there is common ground. There is common ground in that we all believe in equal rights. The difference is only that we don't believe all in marriage rights. If we wanted to have equal rights in this chamber, we could pass it as an emergency bill immediately. It's the marriage name that is sticking us and dividing us, and I want to see a world where we don't find reasons for divisions. That we treat others as we would like to be treated, that we cherish the differences, the differences here are what make us strong, and I think that as much as possible we try to be inclusive.

One of the things that I find wrong with this marriage bill is that you know that it is an exclusive bill. There is a whole bunch of people out there who don't want to be married but have formed family units, that have formed domestic partnerships, and because they've found marriage toxic or because they do not wish to tell people, they believe that their sexual preferences are their private business, they do not want that, and so we are providing a right to some people but not all people. I think we need to revisit this and be inclusive about the rights we provide. It's not going to happen this year. I think that, inevitably, we change laws and then we change minds and then the language follows. What we are trying to do here is to change both laws and language, and, when we do that, we start culture wars. That is where we are going. I was up at the Farm Bureau, not too many months ago, a cold rainy night, and across the street was Planned Parenthood and the war is still going on. I happen to be pro-choice also, and I find it obnoxious that after 35 years we haven't been able to find common ground. Well, we're heading to the same place here. We're heading into a battleground, and I will not vote for a battleground. I will vote for common ground. This is going to go to referendum, and, as one of the previous speakers said, it is most likely that it will be defeated. Let's not get too angry with each other if that happens, and let's get back here, find common ground and find inclusive, not exclusive, rights. Thank you very much.

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

Representative **HUNT**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Let me tell you a story about a graduate student, not far from here, over in Belgrade, and this graduate student decided to propose to a beautiful law student and was so nervous that she might say no, that she thought there was something physically wrong with him. That two letter word was the gateway to the graduate student building a family and a life together. I can't imagine what the graduate student would have felt if the state had the power to say no, sorry you're from different schools, sorry you're too compatible. If someone told me I could not marry the person I had chosen or, more accurately, the person who choose me, or the person I loved, I would be infuriated. How dare you tell who I can marry and who I can't marry? What gives you the right? This is my life.

Think about other families. Two kids who graduated from high school could fly off to Vegas and get married three weeks after meeting each other. Now consider two people who have known each other for 30 years, own a home, have children together, adopted or otherwise. They cannot get married. In the eyes of the law there should be one standard for everyone, not two. We are not in a place to offer rights to some but not to others. That is not the land I grew up in. The land I grew up in all people are created equal. Thank you.

Under suspension of the rules, members were allowed to remove their jackets.

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

Representative **BICKFORD**: Thank you, Madam Chair. Ladies and Gentlemen of the House. I rise to speak in opposition to LD 1020. I was a proud cosponsor of Representative Fossel's bill to allow the same rights to civil unions that married couples get today. The word marriage, the initial intent of that word was one man and one woman for the purpose of procreating. Two men cannot procreate, two women cannot procreate. I want to call attention to this bill, because this bill is not about civil liberties and civil unions. This bill is about gay and lesbian lifestyles. This bill specifically says that you cannot marry your parent, grandparent, child, grandchild, sibling, nephew, niece, aunt, uncle, or first cousin. So life, liberty and the pursuit of happiness. A man and woman can marry. The proponents of this bill want gay and lesbian people to marry, but they're still saying there are people that should not be married if it's their choice. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Briggs.

Representative **BRIGGS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. Today I feel that I have to make the most difficult decision I have ever made in my life. As a legislator, in this legislative body as we make history today, I cannot believe that we are in the position we are in as far as voting on such a sensitive and, for most of us, personal issue.

I have been struggling with this bill for months knowing that it is going to come forward and I am really going to have to choose and make this decision publicly known. I am so sorry I will hurt my family, friends, and citizens of the State of Maine.

You see, my daughter is gay. I have known this for about fifteen years. Throughout all this time, I have kept my personal feelings on this matter separate from my love for her. She has never ever heard me express my opposition with this decision in her life. I have always loved her, respected her, and never judged her for the path she has chosen for herself. My daughter has been through a tremendous amount of, sometimes, life-threatening issues in her life and never once did I ever say to her "You shouldn't have done that" or "That was a poor choice on your part, or "How could you." I have always been there for her, to support her, and to encourage her, and to help her pick herself back up to get back on track. I would never hurt her. I would go to the ends of the earth for her.

But, because I feel so strongly in opposition of this bill, blame it on my upbringing or the good book, but the deepest part of my soul tells me that this is wrong. I can't change how I feel. These feelings run very deep. I have kept this secret within me for fifteen years. But because of who I am, and where I am today, and as a member of this legislative body, ethically, it is my duty

and responsibility to have to publicly say to my daughter that I do not support her way of life. I just had to finally confess to her on just exactly how I feel as now I had no choice. I have to hit that button.

Although, I could say that the majority of my constituents are in opposition of this bill, to which they are, and to use that as my excuse as to my decision-making process. But that would not be fair to me, my daughter, or my constituents. I am sorry that there is no other way we could compromise, to make things better for everyone, because that's what we do as legislators; we are here to fix things, to make things better for everybody.

I feel that I need to let every citizen know that the decision that each one of us makes here today is not an easy one. We have respect and compassion for each one of you. I ask each citizen in the State of Maine, on both sides of the aisle, to please respect our individual decisions. Thank you, Madam Speaker.

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

Representative **CAIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of this motion and of this very important legislation. The need to pass this bill, to me, is about many things. It's about fairness under the law, about keeping families in Maine together, and reconciling Maine law with present values and reality about what constitutes a marriage: two adults who love one another and who commit to facing together the joys and the challenges that life brings them. The bill before us today does not create same sex couples who love one another. It simply affirms, under the law, what already exists in Maine today: same sex couples who are ready to take the leap into married life.

I would like to stress the importance of the portion of the bill that affirms religious freedom. This summer, my husband and I will celebrate our fifth wedding anniversary. Our marriage was performed by one of our closest friends, who became a notary public for the sole purpose of officiating our wedding. My husband, Danny, is Jewish, and I am Catholic. Our difference in religion means that we could not be married in his family's synagogue or my family's church. Neither of us has any interest in converting to the other's religion. Our marriage is not recognized officially by either religion and that's okay, because the love and the partnership that we share is recognized by the great State of Maine. All of the rights and privileges, under the law that comes with marriage, are afforded to us.

There are many people from different religions who were married in civil services in Maine, like me, who do not ask any religious institution to recognize their marriage. In another time, perhaps Danny and I would not be able to be married because of our religious differences, we do not ask that my church or his synagogue recognize our marriage in religious terms, and we have deep respect for one another's religious traditions and beliefs. What we are fighting for today is similar to that. Those voting in favor of LD 1020 today are not asking any religion to change itself or to recognize or support full marriage equality. They are simply asking for fairness and equal treatment and equal protection under the law for the loving relationships that already exist in Maine today. I deeply believe that this the right time for Maine to join the other states who now recognize full marriage equality. To me, Madam Speaker, it is simply the right thing to do. Thank you.

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

Representative **HARLOW**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I will not play the Bible game nor the religious game. I was involved in the first voting for the gay rights bill in Portland, and the reason we

did it was so everybody would have equal rights and to give the state courage to vote for it up here. I am hoping that the other body will give us courage to vote for it here also.

When we passed the bill in Portland, everybody was saying the world is going to end. It didn't end, things got better and more peaceful. Love does not destroy, hate does. I think this is the next step on civil rights. I am not saying that if you vote against this you hate anyone, although I did receive three or four emails saying that it will cost us money if we allow gay marriage because they'll get tax benefits, and they deserve them, and if that's the case then let's stop all marriages, provide more money for the state.

I have been married for an hour and a half, 45 years, and I don't think this is going to affect my marriage in any way shape or manner. I worked in Christian schools and Catholic schools for over 30 years, and I don't think this affects anybody's religion the way it is written. Thank you very much, Madam Speaker and Ladies and Gentlemen of the House.

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

Representative **RUSSELL**: Thank you, Madam Speaker. I am very new here. Everyone keeps telling me that this is an unprecedented session: the budget, the stimulus, marriage equality. Well, it all sounds to ya'll like big issues and it's big issues to me, but I don't actually know any different, so hopefully it gets better and easier going forward.

What I do know is what I learned in my history class in high school. I learned about the people who made it possible for me to vote. In 11 years, we will celebrate 100 years of a woman's right to vote, the vote that paved the way for me to be here today. I look back with honor on the forefathers and my foremothers for my civil rights. In my history class I learned about slavery, I learned about civil rights, Jim Crow laws, and I look back with honor on my forefathers and my foremothers for the civil rights that they extended to African Americans. When I sat in my history class, I sat there thinking people debate all of the time about where they'd stand and everybody said, Oh, I'd stand on the side of civil rights; I'd be on the front lines. I always hoped that my character would mirror that of those who came before me, and here I stand today to my shock.

What they don't teach you in class is how muddy and how personal these issues are. They don't teach you what it feels like to have friends who are considered second-class citizens. They don't teach you that those people who support you, those people who help you to be the best possible version of you that you can be are denied the same rights that you have. All men are created equal. We live by this creed as a culture and yet I feel left out of that promise. I am not a man. Laws had to be changed to include me, and I stand here today knowing that my friends stand outside of the promise of justice for all.

I have heard the debates and the arguments against this. I disagree with the notion that I, as a state representative, should vote based on religious doctrine. I also grew up Christian, I also grew up with the notion that Jesus Christ was a fantastic person who did wonderful things for us and died on the cross. But I am here as a state representative. I disagree that separate is equal, and I disagree that gay men and lesbians are going to undermine marriage and family. Where was the outrage when SCHIP was stalled? Where is the outrage that our parents and our constituents are working two and three jobs because they are not earning a living wage? Our families are not in trouble because of the "gays". Our families are in trouble because we cannot afford to spend time together. Our families are in trouble because we cannot afford our health insurance. The only argument I have come up with for me to oppose this law is based on economics.

Yes, the Representative from Munjoy Hill has found a valid argument against this bill. If this bill passes and we make history today, I frankly have no idea how I'm going to afford on my measly salary the sheer number of wedding gifts I'm going to have to buy. So I have decided today to let everyone know—to let everyone know—that my wedding gift to everyone is my vote today. Forty years from now or a hundred years from now, I want my grandchildren and my great-grandchildren to know that I stood on the right side of history, and that when history classes debate this and they think about what happened way back when in Maine, that they also think I hope I stand up one day on the side of history. I look at this beautiful, cool, spring day and I say on behalf of my very, very supportive community, in honor of Matthew and James, who have shown me the greatest love and support, I would not be here without you. Today is a very good day to make history. Thank you.

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

Representative **EVES**: Thank you, Madam Chair. Ladies and Gentlemen of the House. I rise today hoping to add a little bit of value to the conversation. I rise knowing that each Representative in this chamber is acting with their conscience, no matter their vote, and I appreciate the respectful tone that we've had this morning.

I rise as a marriage and family therapist, a graduate of a seminary, a son of a minister, and a father of two children and one on the way. I rise today believing that love should not be discriminated against, religious rights and freedom should not be dismissed, and two people that love each other should be able to marry each other. Marriage equality is the civil rights issue of our time, make no mistake. Just as we look over our shoulder and wonder how we could have ever discriminated against women, race or religious freedoms, we will look soon again and wonder how we remained silent as a society for so long. I agree with the Representative from Portland, Representative Russell. When history is read, I want to be on the record as supporting civil rights so that my grandchildren and great-grandchildren can know for certain that I was on the right side of history. I ask that you join me in supporting marriage equality. Thank you.

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

Representative **MAGNAN**: Thank you, Madam Speaker. I was married in a beautiful church ceremony way, way long ago, when we did not have a horse and carriage but it was close, and that lasted for about four and a half years and a wonderful child. I was married the second time by a justice of the peace and that one stuck and I am very happy many years later and a couple of grandchildren too. But I think what is important is a bit of a journey that I've taken over this past many years, and this is more reaching out to people who maybe are in the same place that I was.

I did not sign on to the original marriage bill because I really have to think and pray about this. I was born again in this spirit in 1982 and set out on a spiritual development tour with God. I lived for 28 years in the inner city and felt that that was my mission, and during that time I saw many, many different families and many, many different cultural takes on life, in general, and all the kinds of things that that kind of experience can do for you. But we lived and we worshiped in a pretty tight, Pentecostal religious community. But it broke my heart, after a number of years, when I realized that the faith that I cherished was moving into a more radicalized place than I could be, based on my life's experiences and my life of prayer. I can understand how families and people of faith can, especially if they have very, very strong commitments to social norms that they want to adhere to and

believe and embrace, that they can do this within their religious communities, very much like the Amish or the Mennonites. But when you live in the world and you render to Caesar, you have to think about living in the world and you have to live with everyone, so you have to spread out your ideas and open your mind.

I had a very long talk with one of the pastors in my district recently, and he quoted only the Bible and we went back over a lot of different issues concerning my faith and my place in this debate, but when it came down to it all, it was more of a question of conscience and constitution. We choose to live in the world, I am a legislator, I have made commitments to my community as well as to this state and the nation. I believe that without immersing or impressing my faith on other people, I can live in this life and this world and share my impressions and share my experiences and still manage to open my heart to everyone else that I see. I can live and keep my faith, and I can model the kind of life that I hope other people will live and the lives that my children and grandchildren live, at this time, because of their grounding and faith. I feel strongly about the way Representative Burns made his statement that it is wonderful to have two families, two parent families, but, in my experiences, two parent families are seldom in the norm, and two committed adults have made the difference. So I stand to support this bill because it is the right thing to do, and it is interesting that, Monday, in my own committee, we dealt with—this is Criminal Justice and Public Safety—we dealt with discrimination, again, and talking about second class citizens, and we were mostly doing it based on racial issues. We'd say, well, we took care of that, that's not a problem anymore. But, you know, it is, especially if people feel that they are being discriminated against. So I would like us all to really think about this and make the right choices. Thank you.

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

Representative **BERRY**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Over breakfast this morning I stopped just a moment, although I was running late, to say to my sons, who are five and seven, that today I would vote to allow some people to get married. My five year old didn't miss a beat. He looked at me and he said, "I hope you win." I wanted to give him voice today and I want to give one other person voice, a constituent of mine who wrote me, and I've received many messages but I think this speaks to the core of what I want to remember today. I'll call her Linda, but she represents at least one in ten Americans and their stories. She wrote, "Being born in 1966 meant I grew up facing very acceptable acts of violence directed at me because of my innate sexual orientation. In high school, I was a National Honor Society member, a varsity athlete on four teams, a member of several extracurricular clubs. I was accepted at a Maine college on early decision. I won a full academic scholarship for my junior and senior years and played varsity basketball for four years. Since then, I worked in nonprofit organizations and as a teacher helping those less fortunate than myself. I hold an M.A. from Bangor Theological Seminary. Currently, I live on a farm my partner Jennifer and I started with her father. She and I met over 20 years ago and have been together ever since. I beat many odds. More than a third of all teenage suicides are attributed to issues of sexual orientation. After all, when an essential personal truth is so deep and cannot be changed, but a world that can be changed refuses to respect us, options feel limited.

When I came out at the age of 17, I faced discrimination, verbal and physical assaults and taunting, even to the extreme of a fellow student throwing eggs, swears and insults at me as I sat one spring day by the pond studying. My own mother told me that I could not attend my sister's reception on the day of her

wedding, because Jennifer would have been at the church with me. By the time I was 21, I often wondered if I could persevere in a world that seems so often more apt to tolerate hatred and injustice than it was willing to tolerate the way my heart loved."

In the end, my constituent refused to believe that the world was a place of hatred and injustice. Instead, in her words, she chose to believe that love always triumphs in the end, and she, unlike at least two friends of mine growing up who took their lives, survived to tell her story to you, to us, here today, and to ask us to do what's right. I hope my son, whoever he chooses to love or to marry, will not grow up under the same injustices that Linda did. I wish for the same human dignity, the same respect for every son and daughter of our great state. I ask that you join me in supporting the pending motion and supporting the overwhelming, bipartisan majority of our wonderful Judiciary Committee. Thank you.

The SPEAKER: The Chair recognizes the Representative from Winterport, Representative Thibodeau.

Representative **THIBODEAU**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I hardly feel qualified to stand here before you. I listened to Representative Briggs', from Mexico, testimony; it was probably the most moving floor speech that I've heard since I've been here. It literally sent chills up my spine. But you have to ask yourself why. With all of the issues that are facing us here in Augusta, with the budget with a hole in it big enough to drive a truck through, with all the unemployment that we face as a state and as a nation, you have to ask yourself why is this the best idea, why is this the one thing that we need to address in the State of Maine? Why now?

Now this morning we've heard about civil rights; we've also heard people suggest that same sex marriage is a moral equivalent to interracial marriage, which kind of shocked me. You know, I'm not a constitutional lawyer. As a matter of fact, I'm not a lawyer at all, which may be a good thing. But we're fortunate in this nation that we do have people that are constitutional lawyers, and I would like to quote one. I'd like to quote President Barack Obama, a former constitutional law professor, and an undisputed champion of civil rights. The President would certainly not be opposing same sex marriage if it were a true civil rights issue. At Saddleback Church, on August 16, 2008, then candidate Obama said, and I quote, "I believe that marriage is a union between a man and a woman. Now, for me as a Christian"—for me, and again, for me as a Christian—"it is also a sacred union. God is in the mix." Now what a wonderful orator that we all know that our President is, yet he stumbled over his own words, because this is such an important issue, it's such an emotional issue. But let's be honest about this: This really isn't about civil rights; this is about a social agenda, a social agenda that tears at the very fabric of our society.

You know, each one of us will go back home to our communities and they'll know how we feel about this issue, we've been emailed, had letters written to us on both sides of the issue, but ultimately, regardless of how this comes down, the people that are on the losing side will have a petition drive, and it will be decided by the citizens of this state. You know, as for me, I guess I believe that God was the originator of diversity; that diversity is one man and one woman, because they perfectly complement one another. Thank you.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Flaherty.

Representative **FLAHERTY**: Thank you, Madam Speaker. I wasn't going to speak today. In fact, I actually turned off my light a little while ago. But then something happened over the course of this debate. I got a few text messages and emails, Twitter

followers and Facebook notes. They were from constituents, they were from college friends, they were from supporters, they were from folks all around the country who are listening to us and watching us today. Friends, the country is watching us, and they are watching to see where a small, proud independent state will stand on the issue of equality, so I wanted to make sure that folks were watching and listening to exactly where I stand, even if it may cost my own reelection. It is more important for me to do what I know in my heart and in my head is right than to do what may seem popular. In fact, 42 years ago, the Supreme Court found that the right to marry was a constitutionally protected, fundamental right when they struck down laws forbidding interracial marriage. It was said then, as is being said today, that it violated tradition, it was morally wrong, it would harm society. But as the previous speaker noted, last November, this country and this state made history when we voted for our president. We elected a son of a white mother and a black father, who had formed an interracial marriage. Their marriage violated tradition at that time and their marriage was said to be harmful at that time, yet it is their son who grew up to be President of the United States. This country has overcome slavery, we gave women the right to vote, and even my own grandparents, who are Irish, were once prohibited from even applying for a job in this country. Society progresses and to make sure that all people, regardless of their beliefs, must be treated equally.

I've heard from so many people in Scarborough who just want to have the equal rights of marriage for themselves, for their friends, for their coworkers, and for their families. They work hard, they play by the rules, they pay their taxes, and they love this country as much as you and I. So I feel very strongly about my obligation to vote in favor of granting them the equality that I deserve and that they all deserve. Thank you, Madam Speaker.

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

Representative HILL: Thank you, Madam Speaker. Colleagues, we've been hearing a lot about marriage today, but I want to put a different focus on it. I want to talk a little bit about birth. It seems to me gay people are human beings, most of them born of traditional marriages, usually Maine marriages here, and so, when we think ill of them and when we don't want to share equal rights with them, I think we have to realize that we hurt, no matter how their parents feel, we hurt their mothers, fathers, we hurt their grandparents, we hurt their uncles, we hurt their sisters, brothers and the rest of the family; but most of all, I think we really hurt the children. Lots of gay parents have children who were not born to them, and I was very impressed at the public hearing, so I stand to speak for children such as Ethan, Ben, Abby, Mia, Emerson, Stan, Jake, Emily, Caleb and Kristen, all who showed great courage that day in coming forth and speaking for the parents they love, and, mind you, it was for the gay parents they were not necessarily born to.

I also want to talk to our role today here in the Legislature. It's a hallowed chamber and I am honored to be here and, no matter what your opinion is, I'm really honored to be here with you as well. I want to share with you a quote that struck me and I cannot take credit for having looked this up. My incredibly supportive spouse handed this to me, and he said, "Dawn, I think this expresses how you feel and what you are all about, as both a legislator and lawyer." It was written by Charles de Montesquieu. He was born in 1689 and he died in 1755, and what he wrote was this:

In the state of nature...all men are born equal, but they cannot continue in this equality. Society makes them lose it, and they recover it only by the protection of the law.

So I'm thinking today that we, as Maine legislators, are here to

make laws that protect. It's 2009, and I say let's give birth to a good law. Thank you, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Newfield, Representative Campbell.

Representative CAMPBELL: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. I'm glad one of my colleagues agrees with something with President Obama, because I don't agree with that with President Obama, although I agree with a lot of other things. But I'll go back to our former president, George W. Bush, who a little over eight years ago was going to change the law of the land and there would be no gay marriage in any state. But then a young lady, by the name of Cheney, went to her dad, Dick Cheney, and his wife, Lynne, and asked if he would ask the president to back off, and I've got to say that George W. Bush did the right thing when he backed off. George W. Bush had two daughters that he loved very much and so did Dick Cheney and his wife. But Dick Cheney's wife and him had two daughters, one was gay and one was straight, but you can believe me, Dick Cheney and his wife loved both of his daughters equally. I was so proud of President Bush that he didn't knuckle under to the evangelical fundamentalists and never said another word about gays or gay marriage and went through eight years, that's one thing I can agree with him on that.

On myself, next month I'll be 76 years old, but that's not what I'm going to be celebrating. The 29th of June, I'll be celebrating 53 years of marriage to my wife Shirley, who you know, who Leader Tardy knows and many on both sides of the aisle know, and I wouldn't change that marriage for the love of the world. It's been the best 53 years of my life, although a lot of people don't know how she put up with it for 53 years. I don't want to stand here and be in judgment of two women or two men not enjoying what I have had for 53 years with my wife, so I'll be voting for this bill. Thank you.

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

Representative HINCK: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I have had the privilege to listen to others here today, and I am glad someone else decided to first quote people from outside the State of Maine, because I had someone in mind, not a constitutional scholar, the former Governor of Minnesota, Jesse Ventura, and I've never quoted Jesse Ventura in any other subject that I recall. But when he was asked his opinion on gay marriage, his first response was how does it affect me? I thought that was profound, but apparently it wasn't good enough for others, so he was asked again sometime later, and he had an equally simple response. He said love is larger than government, and he favored gay marriage.

I, too, favor marriage equality. I am very pleased that we have an opportunity to vote on this. What I see here is the possibility that we can cast votes to uphold and affirm principles of equality, justice and fairness. I don't think it's an easy vote for everybody. Good votes, of course, are never easy, but I think it's an important time for Maine, and it's actually a very positive day. I've heard from a lot of constituents. There have been some on both sides, constituents that have spoken to me against this measure certainly conveyed that their feelings were heartfelt, and it included people I consider friends and I hope that continues, even though I was able to explain that I didn't share their view.

One email I received from a young man, we didn't know each other, and when I told him where I stood on the bill, at first he said I didn't need to apologize for getting back to him very late, and that was nice in and of itself, but he said: "It's very comforting to have even the slightest hope that I'll one day be

able to get married and start a family. I just today celebrated my 20th birthday and knowing that you support my future was a remarkably great way to end the night. I couldn't possibly thank you enough." He certainly did thank me enough.

The vote is easy for me. I think my attitudes had changed awhile ago, but the conversation that I had with my daughter when she was eight and this subject came up, as far as I know for the first time in her life, she'd gotten to the age of eight without having this arise at all. She understood that there was a question now about marriage between certain people. Well, in our church and in her school, she had friends who had two fathers and friends who had two mothers, and it was very normal for her. I think, as a technical matter, those friends were actually members of a minority. It was the smaller number of people. It was the less traditional or less typical arrangement of families in her group, but I don't think she thought of them as a minority because it was not an issue. She couldn't understand why anybody would want to treat those families different than they would treat another family, and I think it's basically as simple as that.

With our votes today, I think we have a chance to affirm love and commitment. We can affirm not only a traditional attitude in Maine of tolerance, but we can go further and express that we are a welcoming community and we're a supportive community, and for that reason, I think it is a great day for Maine and I am very pleased to be able to vote today. I thank my constituents for sending me here and I can take this vote today. Thank you very much, Madam Speaker.

The SPEAKER: The Chair recognizes the Representative from Sullivan, Representative Eaton.

Representative **EATON**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We truly are here at an historical time and the level of the debate that we've had has certainly been civil, and it certainly is challenging for many of us on many faces. I'm 54 years old. In the early 60's, I was a young child and I remember sitting in my home, a black and white TV set and very limited news, not like we are inundated with today, and I remember the visions of some of those things that I saw in the early 60's. I think about Birmingham and I think about the struggles of people in this country who, in spite of the amazing Constitution that we have and those amazing words, still had to fight to stand up to represent themselves in the hopes of finding fundamental fairness, fairness and civil rights for themselves. My mind is indelibly imprinted with those visions, sometimes amazingly of spirit that lift your heart and lift your soul; other times, the fearful, horrible thoughts of people attacked by dogs, fire hoses and the kind of circumstances that we saw. Those honorable men and women, and my mom who sat around the kitchen table with me talking to me about these things, made me realize the honor of taking that fight. We have an amazing Constitution and we must ever, ever be relentless in fighting for it and for those who deserve fundamental freedom.

Some people say why this, why now? Do we really need this bill? Do we really think that this is just another bill? Is this really just our social conscience? Is it the same level as water quality questions, clam flats, budget woes? I think not. This is about civil rights. I'm moved. We talk about is this an emotional issue, we need to remove ourselves from the emotion. I can't. I am moved by suffering. I am moved by inequality. I am moved that in my wonderful, undiscriminated against life as a white, straight male that I have an opportunity today to step up for the Representative from South Portland. I am glad that I have the opportunity to step up, speak up and honor my fellow brothers and sisters with my vote, with liberty, justice, for all, Madam Speaker. Thank you.

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

Representative **BUTTERFIELD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise today for the first time in this chamber to talk about a topic that I simply couldn't imagine anything being more important and that would be my parents and my family. We've been discussing this issue today from a couple of different angles. We've talked a lot about family, and I'd just like to share a little personal history with you, it may come as some surprise, but I was mouthy as a child. In fourth grade I set a record for the number of detentions in one year, and, upon running in to my fourth grade teacher a couple of years later, she informed me I was the reason she quit teaching. Through it all, I had two of the most extraordinary and amazing people that I've ever known, which were my parents, Janet and Steve, and I could always count on my loving parents when I got home at the end of a day with yet another detention slip, to very calmly take it, read whatever I had done that day, set it down, look me very calmly in the face and say well that was stupid, and then immediately move on to supporting me. It's because of them that I'm standing here today. For any of my teachers who are listening, I'm sorry. For any kids who are listening who get into trouble, you too could one day stand with the smartest men and women you've ever met and speak on an issue that, by all rights, you have no business being involved in.

I couldn't agree more with the people today who have said that this is about family and it is about kids. In those moments in my life where I needed somebody there for me, it didn't matter if it was mom, it didn't matter if it was dad; it mattered that it was a parent who loved me and loved me unconditionally. It wouldn't matter to me if I had two moms, it wouldn't have mattered to me if I had two dads, if they both loved me. I think about my cousin who is a single mom, a couple years younger than I am, raising a child on her own, and to hear today that it takes a mom and a dad to raise a kid to be the best they can be, I disagree. I think of the single parents, I think of the single moms, I think of the single dads. I think of my cousin who has a large, loveable, huggable, occasionally tolerable Irish Catholic family, who rallies around her and is helping to raise my little cousin, Aubrey, and giving her all the support she needs, so it is about family.

I would close by saying respectfully that I disagree with the folks here today who have said that we're making history. I don't think we are. Because my parents supported me, because they pushed me to get an education, I became a student of history, and I'm struck today by the fact that history's villains are those who have stood in the way of an endless progress and expansion of personal liberty and human rights. So, Madam Speaker, green means go. I stand today in support of this measure, not to make history but to get out of the way of it. I thank you.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Chase.

Representative **CHASE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Marriage or the marriage right between a man and a woman has been the traditional foundation for human civilization for millenniums, long before the Christian faith began. I don't agree that this bill is a religious issue. That is an individual discussion with their own god. It's not an equal rights issue, in my opinion, because equal rights in the illegal sense already exists. This bill is a direct hit on traditional marriage, as recognized throughout history as a stable structure of organized living. Marriage between a man and a woman has always been the solid foundation because it makes sense. The family unit—mother, father and children—allowed natural procreation.

I got many calls, letters and emails, from both sides of this

issue. The majority of my constituents, however, are for traditional marriage: one man, one woman. Those against the gay marriage bill were not against gays or lesbians or their rights. They just wanted to preserve marriage as we have had throughout history and have lived it. My parents will be married 60 years this July, and I am proud to have been married 41 years. I have two wonderful, married children and six grandchildren. It is for them, and those in my home town of Wells that have asked me to do this, that I will stand today and vote to defend traditional marriage. Thank you.

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

Representative **MARTIN**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I, too, rise for the first time on this floor to speak on this issue. When I made the decision to run to be a state representative from Bangor, Veazie and Orono, this was not on the top of my priority list. The top of my priority list was energy policy, health care and tax reform, and I spent a lot of time talking with the voters in my district about the issues that were on their mind; I never promoted them. Believe it or not, not a single person, not one brought this issue up to me. So when I finally had the honor of being elected and to come stand in this floor with these people and to make some of the toughest decisions for the people of Maine, the subject of gay marriage started to filter in, and I had a lot of conversations with men and women on this side of that aisle and that, and I have learned a lot from my conversations with you. I have learned that, for many in this chamber, this is an issue of civil rights and I agree with them. I also have learned that the younger generation in our state and across this country get it. They understand. In fact, in some conversations that I've had, it has been amazing to me how young people have played a role in their family by sitting down and having that talk with their parents, their mother, their father, their brother, their sister, and asking them what is the big deal. If two people love each other and we want to promote monogamous, healthy relationships and monogamous families, why would we create policies and try to create laws that keep people apart, that don't encourage and foster healthy relationships?

I have been with my partner now for 14 years—14 long, sometimes very quick, wonderful years, and I am sad that he could not be here today to witness this debate and for when I cast this vote. Nine years ago, we had made the decision that things were starting to happen in Massachusetts and Vermont and Canada and New York and New Jersey, and we could have gone out of state and we could have gone through the ceremony of getting married in another state or going through civil union, but it wouldn't have meant anything here. When we came back, we'd still be where we are today. Nine years ago, we had more than 150 family, friends, coworkers, colleagues come to our home, the land that we had cleared, the land where we built our house, and had our union ceremony. So many people asked us well, this is legal, right? You're going to be recognized, right? And each and every time, we had to explain to them that this was something that we had wanted to do to affirm our commitment to one another over the 14 years, and in front of our friends and family and stand before them and make that pledge, that vow, that this was the person that I wanted to spend the rest of my life with. Next year will be the 10th anniversary of that ceremony. I'm hoping that, on our 10th anniversary, we'll be able to make it legal, and we'll be able to invite our friends and family back and, when they ask that question, we'll be able to say that this one is for real.

Now that said, the conversations that I've had with so many of you, I know that there are people on both sides of this aisle who

are torn by this issue, and I know that there are religious considerations, family considerations, economic considerations, but to those of you who I've had conversations with, who have been receiving so much pressure from your districts and so many people have told you what you should do but in your heart you know what is right, because you have a family member who understands this issue, because you have a colleague who understands this issue, because you have a neighbor who understands this issue. I would not be able to go back to my family and friends had I not done what's right today; therefore, I will proudly cast my vote in support of LD 1020. Thank you very much.

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

Representative **BRYANT**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. Like many of colleagues on the Judiciary Committee, we spent over 12 hours or 11 and a half hours listening to testimony, we shuffled through thousands of testimonies on paper, and, to me, it is really a discrimination. Whether you can tell any Maine person that they can't do something someone else can do, but for me, in my childhood, I lived in a very conservative Baptist family. My parents now celebrate their 55th anniversary, my wife and I will celebrate our 32nd anniversary next month. I understand marriage and I understand commitment and I'd like to have equality to civil marriage for all. I also graduated from Glen Cove Christian Academy, so I've had some theology and I understand where they're coming from. I also understand what it's like to be in a minority. In my family of 12—two parents, nine siblings—there are only two Democrats, so I know what it's like to be in some place with love, understanding, and still have differences and be individuals and that's okay. But still, for me, it's about discrimination. I think this proposal, though it doesn't legislate the religion, if the bill passes, the clergy members of faith will still have the right to decide whether they can recognize same sex marriages and same sex couples will still have an equal right to civil marriage. Thank you.

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

Representative **BOLAND**: Thank you, Madam Speaker. I didn't expect to stand either today, but I just wanted to say that I had a little bit of a journey with this bill too, even though I consider myself pretty progressive and all of that, and I felt that we should have equal rights for all. But my background is a real estate title examiner and all of that and, hanging around lawyers too much maybe, I start examining the wording and all of that, trying to work things out.

The other thing about that was I have a lot of senior people in my district, and I really wanted to say a word of sympathy and compassion for them, I am a senior myself for that matter, but it's hard to have something that you just accepted all of your life as, you know, what is sort of bedrock and foundation and all, sort of pulled out from under you a little bit. It's that so many people haven't ever had to think this thought, and, in earlier years, it was shoved under the rug anyway, you know it wasn't even spoken about that people might be homosexual. So anyway, I was kind of concerned because it's hard for people to sort of feel like, gee whiz, everything I thought I was doing that was right and I worked hard at, some how it is being redefined and changed. So I started to say maybe it's just the word, maybe that's what the problem is, and maybe we need to find a different word to make everybody happy. Then, finally, a friend of mine, a very good friend of mine who is a gay man, sat me down to talk with me about it, and he figured I would be voting for it and I figured I was going to be voting for it too, but I was trying to settle my mind

about it a little bit, and I expressed some of these concerns because I didn't want people to feel they were sort of being abandoned in their values. So I brought up the point to him of what if we could just find another word—equal, wonderful, positive—and he said well you could find another word but a different word would always mean still that you were putting the gay married people in a different category and a lower category. I said not at all, and he pushed it a little bit and I guess I sort of had to think well maybe it is perceived that way, maybe I didn't perceive it that way but trying to just fool around with words wasn't really getting us anywhere anymore than separate but equal work for education. For what it's worth, that was kind of the journey that I had with it. People deserve equal rights and we have just such wonderful people.

I actually grew up in a family where my mother's first marriage was in a church and my father left us when I was two, and he left her with them ready to foreclose on the house and turn off the lights and hoping that we'd fail as a family. To her credit, we didn't, but being Catholic, when seven years later she found some other wonderful man and wanted to marry him, the church took a jaundiced view of it and they cut her off from some of the rights of the church, and some of the people in the church then looked kind of despairingly on her for that after seven years of trying to work out of that problem. So not all straight people work out marriage very well. We've seen that time and again, I think we see often times nowadays single young adults delaying marriage quite a lot just because of what they've seen around them. For many, I think it's about half of us, traditional marriage has failed today. I have been involved quite a bit with Caring Unlimited. Those are marriages that don't fail because the fathers don't leave the families alone; they come after them, often in violence, towards the wife and the children. So we're not exclusive any of us. We're all just people, we're not gods, we have incomplete understanding of everything, and I think it's really time to show enough humility to realize none of us has a corner on rights or wisdom, and love each other and celebrate that love, because so many people who have tried the traditional way have found it doesn't always work either. Thank you for hearing me.

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

Representative **WEBSTER**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. I rise in support of the current question before us. I would like to first clarify, having done a search on my computer, President Obama concluded that statement by saying that the question of marriage equality should be a state question, and so here we are. This is about civil marriage.

I was raised Catholic. I have had a great deal of challenges with that church and my faith and, because of that, recently, and because of this question, I sought out a person, a lawyer, who had done a great deal of study regarding canon law and civil law. This lawyer was going to testify at the public hearing, but the time, the half hour slots, ran out before she could read her testimony and had to leave for a commitment. Because we had spoken about this issue, she sent me her testimony. I would like to read a portion of it to you.

"As a practicing Roman Catholic and attorney, I thank each of you for your daily work on behalf of our democratic form of government. A government based not on Jewish law or Islamic Law or Canon Law (which is Roman Catholic), but on Civil Law. Our civil law draws many poor values—respect for life, the dignity of persons, the integrity of covenant and contract—from each religious tradition, but it does not prefer the dogma or the doctrinal demands of any. This restraint your legislative

predecessors enshrined in the Establishment and Pre-exercise clauses of the First Amendment.

No faith community can sanctify civil law for its adherence and no arm of government can enforce the dogma of any faith community for its citizens. Constitutionally, you as legislators cannot interfere with Bishop Malone's ecclesiastical decisions regarding my standing in the Catholic Church. Constitutionally, Bishop Malone cannot interfere with your actions regarding my marital status in the State of Maine.

I am a heterosexual woman, married 24 years to a man, so interference by the bishop with my marital status under state jurisdiction is moot on the point of sexual orientation. However, I was married outside the Catholic Church in a garden by a Unitarian minister to a non-Catholic man, a second marriage for each of us. While this is of non consequence to you, it is potentially of great interest to Bishop Malone.

My marriage, valid in the State of Maine, is not approved under the doctrine of the Catholic Church, and there is nothing you can or should do to change church doctrine. For me and the thousands of other Maine Catholics who have lived in state licensed marriages that our church does not approve of, our relationship with the church is between us and the church. You, as legislators, have conferred the benefits and responsibilities of our heterosexual marriages through civil law without regard for Canon law.

My marriage is one example of how faithful Catholics choose practices that do not conform to teachings of the Vatican and the bishops. Catholic social teaching not only permits but requires primacy of conscience if one after prayerful study and discernment feels compelled to follow conscience over dogma love and respect for human dignity and personal freedom for the neighbor and self ground these moral choices of conscience.

It is the conscience based practice to the laity that often changes the direction of Vatican teaching, such as the Vatican's 19th Century acceptance of Galileo's 16th Century heresy (the earth revolved around the sun) and that was a people doctrine presented in 1893 by Pope Leo XIII. The Vatican condemnation in 1891 of human slavery, 27 years after the Emancipation Proclamation by Pope Leo XIII, in 1891, these caused by the conscience of the people.

We faithful Catholics are not monolithic followers of our bishop. We are schooled and ultimately are accountable to God for our interpretation and response to the awesome movement of the Holy Spirit. We face change with courage. We do not see the present as what must always be, but are opened to prophetic summons of what could be, what God called us in our society to become." And in this, she quotes *Gaudium et spes*; it's a pastoral constitution of the church in the modern world, 1965. "I pray that you will see LD 1020 as an opportunity to expand civil law justice by permitting the state sanction marriage for lesbian and gay people in Maine."

Madam Speaker, I have done a great deal of thinking, studying and prayer. Each of the three times that I have been sworn into the House of Representatives, a great honor, I have sworn as a pledge to uphold the state and the federal constitution and, importantly, to morally protect the individual liberty of each citizen in Maine. Each time I made that oath, it has deeper meaning for me, and I get a thrill from the thought that I am making that pledge. Section 1 of the State Constitution says: "Natural Rights. All people are born equally free and independent, and have certain natural, inherent and unalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and of pursuing and obtaining safety and happiness."

I have done considerable soul searching about this bill. I have

concluded that it will add to people's and society's safety and well being, while not harming people or taking away people's rights to continue celebrating and honoring traditional marriage. Now some have suggested that civil union would be adequate, a separate but equal arrangement. I explored that, for I wish that we could avoid this conflict. However, I have read about this and how it has worked in other states, I have consulted with many people, studied the impact on couples and children in their care under civil union contracts. I disagree with my President. He thinks civil unions will work; I think the facts are in.

Initially when I asked and suggested the idea of civil union, I wound up with a number of discussions and asked for information and reports about how it had worked in other places. Here is what I have learned.

First, children living in nontraditional families have spoken to me, and what we learned is that they do not feel safe in a family. That's not fair. Even in a civil union, there are so many times when occurrences take place in which individuals do not believe that a civil union is equivalent to marriage, that children do not feel safe. When I ran a business, a number of years ago, I had a number of employees and of course I had insurance thankfully. In the final interview when I was hiring someone, a woman told me she wanted to add her young daughter to her health insurance like other employees. We had a means to do that and I tried to make the arrangements. But because she could not legally marry her partner and the little girl was legally her partner's child, the insurance company would not allow her to cover that child in the insurance. That did not seem fair to me, and it certainly was not good for that little child.

What I have also learned is that consenting adults wishing to commit to a lifelong relationship have attempted to create all the legal rights of a married couple, and have spent thousands of dollars in legal fees trying to replicate what is immediately provided to me and my wife in marriage. Yet they still experience obstacles, especially in crisis or emergency situations, and that those things that are immediately available to my wife and I when I walk into an emergency room and something has happened to her, it's not automatically evident for others.

My wife and I know a number of couples and in our area, it's typical of others, we know many who we know and respect. Now two women who have lived together for years, they have adopted two children and those two children are now young adults dating, each a boy dating girls, on their way to great success, completely accepted by our community. But when I sit down and talk with them, those two women, they say they've done everything legally they can and there is always the fear that something will happen to them and that their children, their family or their spouse will not be protected. Although each attends church weekly, they do not ask their church to marry them. They do, however, want the security of a civil marriage.

I take some umbrage from my friends who suggest that because my wife and I do not have children that our marriage is not complete, and I think about an elderly couple that recently, in their 80s, were married. They have no intention of having children, obviously, but they want the comfort of marriage. So I ask that we think more largely with our higher angels about how we bestow civil rights and compassion. My God is a God of love.

Some churches believe in same sex marriages and they endorse those marriages in their churches, others do not. It would be wrong for me to decide what any religion or church should do or think. I have no right as a legislator to judge about any religion's dogma and I do not, and as you vote your conscience, I have no right to judge you and I will not, and hopefully we can work together after today as a community. That's why this bill is called "An Act to End Discrimination in Civil

Marriage and Protect Religious Freedom." The bill says religious institutions continue to have control over their own religious doctrine and teachings regarding who may marry within each faith. Some churches and pastors, including Episcopalians, Methodists, Presbyterians, Congregationalists, Unitarians and Universalists, and American Baptists and various Jewish denominations, support same sex marriage and have already married such couples, and yet, at the same time, many obviously do not.

I am disturbed by the argument that this is the first domino. I have had some very wonderful conversations with a 14 year old who was home schooled, traditionally in a Baptist church, and is opposed to my vote that I will make today. He and I have had a number of conversations in the last two days as I drove from Freeport, I spent 40 minutes each day talking with him. The first day we talked, I felt I was backing him into a corner, and so I said, Harrison, this is a tough question, why don't you consult with your parents and maybe your minister and we'll talk again tomorrow, and so we did, and we continued the conversation today and we ended it with great respect and a difference of opinion and that is what I hope we will all do.

I want to thank you, Madam Speaker. I know this has been a bit long. This has been a very important issue for me, perhaps one of the most important votes I will make, and I will stand to vote for this and to hope that we can find a path towards peace and harmony amongst us and a solution that protects all Maine citizens. Thank you.

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative MacDonald.

Representative **MacDONALD**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It is with great humility that I rise today in support of LD 1020. The humility comes from hearing so many powerful stories on both sides of this issue, and I feel I don't have an awful lot to add, except to say this: I am one of the perhaps older members of the House and I have the privilege, I suppose, of being older, of having lessons from history and we talked a bit about being on the wrong side of that, and it reminds me of a spring in 1958, maybe 50, 51 years ago, when I was a junior in college and taking that trip to the south from Bowdoin College here in Maine. I remember stopping at a gas station in South Carolina and seeing a fountain there that said "For Whites Only". I bent and drank from that fountain, and I think of all the things that I remember from that trip now is the sort of anger and embarrassment and wrongness that I knelt, bent and drank from that fountain. It was not right. I knew it wasn't right then, but I didn't do anything about it. I lived on the wrong side of history at that time, and, luckily as the 60's moved on and as I became an adult and learned what was wrong with that sign, I was able to take some action. But I still lived with the wrong side of history, having been there at that time and that one small event that still lives with me. I support LD 1020 as a civil rights action. There is no bad time for civil rights. We have big problems to face as a state, but there is never a bad time to sort of make things right when civil rights are concerned. So I am proud to be on the yes side of this vote.

I would close by quoting from a hymn that we sing in the Congregational Church of Boothbay Harbor, on occasion, and it's a hymn that says, the words of which say: "Break not the circle of enabling love where people grow, forgiven and forgiving; break not the circle but make it wider still so it includes and embraces all the living." My fellow members of the House, I hope that you do not break the circle. I hope that you welcome into it all the people who live with us on this earth and this great State of Maine, and I hope that we can drink from a fountain that includes all who are alive and living here in the State of Maine. I hope that

you will vote yes on LD 1020. Thank you, Madam Speaker.

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

Representative **EBERLE**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. It is an extraordinary honor to serve with all of you in this chamber for all the people of the State of Maine. Standing high above us at the top of our dome like a beacon is the Lady of Wisdom. I believe that if you vote with me today and pass this law, when we leave here today or tonight and if you cast your gaze upward, you will see that the Lady of Wisdom is holding her torch a little higher, its light is burning a little bit brighter, and she is smiling on us all. Thank you.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Strang Burgess.

Representative **STRANG BURGESS**: Thank you, Madam Speaker. Madam Speaker, Fellow Members of the House. It's been a very humbling and interesting morning. Sorry to take up a little bit more time, but I guess I felt that I did need to rise. As the only Republican who did cosign on LD 1020, I put my commitment on the line a long time ago, and I could tell you it's been an interesting ride.

I had the opportunity to go through a little bump, if you will, that wonderful speed bump in life coming up on almost 10 years ago. I had so many near death experiences in the course of about 18 months; it really was getting kind of ridiculous. But I really did think that after I had a drug reaction and interaction that put me in a coma for five days, I remember when I finally clawed my way back to consciousness, after five days of wandering through the most unusual place that I can't even explain nor would I ever wish on anybody, trying to get back. I remember when I did, my minister was there and I said I think I've died and it changed my life. Little did I know that six months later, I'd have a 6 inch tube break off inside my body and travel through my heart, lodging my pulmonary artery. They knocked me out for 12 hours while they tried to figure out what the heck to do with me. When I was brought to, I was explained what was going to happen. I had to be awake while they fished it out, and it was successful, here I am. It was after that, those quiet moments where you realize the what ifs. You hear a lot about after people kind of get through cancer or different situations in their life that they look at life differently, and it's really true. It's a gift. You hear cancer called a gift. Well, it's kind of well everybody can kind of get in that position, but a lot of people do, and you realize that sure you may have thought you knew what was going on or knew where you were in the world and what was important to you and all of that. It all changes. It all changes. All those things, all that stuff, it's all just small stuff. It just doesn't matter. If you're alive and you could have your family, you can breathe, you can go outside, go for a walk every day, and I promised myself that I would try to remember what I learned. It's hard. It really is hard. You get wrapped up in things up here even, and I forget and I get running around and this is so important and all of that. But it's moments, I guess, like these that you sort of need to stop and kind of think about what's important

So this issue came along. Election Day, last fall, I was doing my voting and went through and there they were collecting postcards. I thought, oh no, now? I was like okay, alright, you know, whatever, it doesn't matter. You know, I kind of knew what I thought, but I thought uh-oh, it's kind of not a particularly Republican side of view to have, how is this going to go? I talked to lots and lots of folks. I actually put emails out in January and February saying talk to me. I had meetings, I met with my church, which is an open and affirming church, and we talked about issues and I knew what I wanted to do. Would I have the

courage to sign and be a cosponsor of this bill or should I wait and just vote with everybody. I didn't have to cosign. Nobody made me do that. I did it and I wanted to do it. It took me a little while to get there, but I did.

One of the things that happened was I got a tremendous amount of phone calls and letters and all of that, way back a ways. I got a phone call, I came home about nine o'clock at night, the phone was ringing, and it was from a woman who is my next door neighbor, an older woman. I don't know her particularly well, it's a fairly new neighborhood for us, but I knew it was her and I was concerned for her safety. After all, it was 9 or 9:15 at night, that's kind of a little bit on the later side. At first, I was going to let it go to the answering machine. I picked the phone up and I kind of was ready for what I thought was going to be— first of all, I hoped that she was safe, and then when I realized and I said are you okay, and she said yes I have an issue I'd like to talk to you about. I thought, oh great; I've had a long day, I'm going to have to listen to this woman tell me about that she is probably not particularly going to be happy with me. She started in and said that life is really complicated, life is really hard. We have so many issues, we've got economic issues, we have wars, we have all of that. She said, if two people love each other, how incredibly special is that? That sort of was it, and I almost cried on the phone because it was like a relief to me to be able to talk to her, and I just said I really wasn't expecting the words to come across the phone from you. She said she had lived a long life and it just didn't matter.

So I just set about to try to figure out how to get my political head in order, and I remembered a dear friend of mine, Senator Joel Abramson. Senator Abramson was the first Republican I think to ever to be elected out of the north Portland area. He straddled I think a little bit of north Portland and also a little bit of Falmouth. Joel Abramson served in the Senate here in the State of Maine for a number of terms. Joel was a statesman and very clear about where he stood on many issues. He was an ardent supporter of gay rights at a time when, as a Republican, he had to stand tall. I remember that he stood tall and he stood in the minority of his party, but he was respected for where he stood. We lost Joel to cancer. I worked on his campaigns, and I always looked up to him as a man who was very sincere, honest, fair, and so it was in Joel's honor and also my appreciation for what he did that I chose to take the stance that I did, and I did sign on.

I have received some fascinating pieces of mail, phone calls and all of that since that day. That's okay, but I thought it was important to share that with you. A lot of people have asked me why, and I'd like to thank you for letting me tell you the why. I haven't been particularly vocal out here on this issue. I think it is a personal issue and you all have to do that. You need to do what's right for you, you need to do what's right for your communities, and I wish you a good clarity of heart and vision as we go through the rest of this day. Thank you, Madam Speaker.

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

Representative **MITCHELL**: Thank you, Madam Speaker. I rise today in support of this bill. I serve on the Judiciary Committee, as you well know and many of my colleagues here in the House know, and last Wednesday we spent some say eleven and a half hours, but according to my sand clock, it was closer to fourteen hours of testimony, both for and against this bill, and we heard all of the extremes from two lesbians that had been together for 52 years, and I applauded those two ladies because, in spite of the adversity that they had gone through and were still going through, they were still together. That's a heck of a lot more than you can say for present day marriage rates among heterosexuals. The average marriage rate for a heterosexual

today, 2009, in longevity, is less than five years, so consider that.

I don't have a vote in this chamber, but you can be guaranteed one thing that, if I did, I would vote for this bill and I would vote often. You know, there are only eight letters in the word equality. This state is almost 200 years old. We haven't gotten there. Two hundred years and we're not there. I know. I come from a group of people who knows what the word equality means, and we also know what it doesn't mean. It would be nice, Ladies and Gentlemen of the House, if we could today become fully cognizant of the meaning of those eight letters and the purpose for which that word was invented.

I wasn't going to speak on this today, simply because I don't have a vote on this floor, but my conscience wouldn't let me not do so. I think to recognize in law the commitment between two people that they have made to each other is not that much to ask for. It's a simple, simple request. It's not going to affect any of your lives; it's not going to affect any of your religious freedoms; it's not going to affect who you are as an individual, it's not going to affect you at all. I even had one person tell me, one of my constituents, that gays and lesbians should be allowed to get married just like the rest of us; why the heck should we be the only ones that suffer? So I urge you, fellow members of this chamber, I urge you to reach down deep in the bottom of your hearts where love lives, because that's what this is about. It's not an us and them; it's a we, it's an us. Cohesion will come out of this, goodness will come out of this, and certainly a lot of love will come out of this, so I urge you to dig deeply and support this bill. Thank you, Madam Speaker.

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

Representative **CURTIS**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. We have and we will in the future, if we ever get out of this session today, vote on issues that we feel much more strongly about, that we all feel strongly about – but not as much strongly as we do on this issue here. This particular issue that we are dealing with here today is a test of who we really are. It probably raises in our mind the question of why did we sign up for this assignment, but we're here, all 151 of us, are here because we asked for this job. We all knew going in that there were going to be times when decisions were going to have to be made that were tough decisions, and this is one of them. Much testimony has been given today from all aspects of this particular issue. What I'd like to do is bring us back to just three basic issues that LD 1020 raises that we have, or I have, concern about. Those issues are simply parenting, education and religious liberty.

LD 1020, as printed, proposes a radical redefinition of marriage as we have known it to be for all of history. It would affect children's interests, parent rights, religious liberty, commercial activities, education and sound public policy in profoundly negative ways.

LD 1020, if enacted as printed, will radically redefine marriage from the union of a man and a woman, to the "union of any two persons" dramatically under-minding the proven and time tested social benefits and interests of marriage, reducing the institution of Holy Matrimony to nothing more than a way of giving the government's stamp of approval to adult desires.

LD 1020, if enacted as printed, makes all terms relating to the marital relationship or family relationships "gender-neutral" endorsing the idea that neither a mother nor a father is necessary or even beneficial for a child. When marriage is redefined, public schools will be required by law to teach that same-sex marriage is exactly the same as marriage between a mom and a dad.

Ladies and Gentlemen, think about what LD 1020 is proposing to do in our homes, in our schools, in our work places,

and literally in all of society as we know it to be.

LD 1020, if enacted as printed, proposes to protect religious liberty, but Ladies and Gentlemen of the House, the reality is it does no such thing. What this bill will do is take any protection of religious liberty out of the hands of believers and their God, and rely entirely on the discretion of courts, who may or may not be inclined to extend robust protections to the religious rights of the believers.

Ladies and Gentlemen of the House, I will be opposed to this bill today, and I would ask you to join me in that. Thank you, Madam Speaker, and thank you Ladies and Gentlemen of the House for conducting a very civil and respectful debate.

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

ROLL CALL NO. 48

YEA - Adams, Beaudoin, Beaulieu, Beck, Berry, Blodgett, Boland, Bolduc, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Flood, Gilbert, Giles, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Legg, Lovejoy, MacDonald, Magnan, Martin JR, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Prescott, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Schatz, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudette, Bickford, Blanchard, Briggs, Browne W, Burns, Cebra, Celli, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgcomb, Finch, Fitts, Fletcher, Fossel, Gifford, Hamper, Hanley, Harvell, Hogan, Johnson, Joy, Knapp, Knight, Lajoie, Langley, Lewin, Martin JL, Mazurek, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Richardson W, Robinson, Sarty, Saviello, Shaw, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Tuttle, Weaver, Willette.

ABSENT - Greeley, Pratt, Rosen.

Yes, 87; No, 61; Absent, 3; Excused, 0.

87 having voted in the affirmative and 61 voted in the negative, with 3 being absent, and accordingly Report "A" **Ought to Pass as Amended was ACCEPTED.**

The Bill was **READ ONCE. Committee Amendment "A" (S-109) 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.**

Representative THOMAS of Ripley **REQUESTED** a roll call on **PASSAGE TO BE ENGROSSED as Amended by Committee Amendment "A" (S-109).**

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

Representative MCKANE of Newcastle **PRESENTED House Amendment "A" (H-230)** which was **READ** by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Newcastle, Representative McKane.

Representative **McKANE**: Thank you, Madam Speaker. Madam Speaker, Ladies and Gentlemen of the House. It is unlikely the Legislature will face a more controversial, polarizing or emotional bill than LD 1020. I believe it is unlikely that given the size of the hearing and the excitement and publicity that accompanied it that all sides were fairly heard. One side in this debate has been very well organized, and, if we didn't venture

very far from our computers or our offices, we would probably believe that public opinion is solidly on that side. But if you happen to stop in to your local drug store or your convenience store or your gas station, you might get a different opinion from the letters that you've been receiving.

The bill, as it now stands, will probably face a people's veto. The wording will be confusing to many, something like: Do you want to repeal the recently enacted law permitting same sex marriage? We could save a lot of time, a lot of confusion, a lot of money and a lot of anguish by sending this bill out to the public now. The wording would be very easy to understand: Do you favor amending Maine law to permit marriage between individuals of the same sex? There would be no confusion. I believe your constituents, our constituents want and should be allowed to weigh in on this issue. Some will say this is shirking our responsibilities as representatives, that we were elected to make these tough decisions. We do make tough decisions every day and we will be making more of them. Some of these issues, however, belong in the hands of the voters. This is one of them. I ask your support for this amendment. Thank you.

Representative **PRIEST** of Brunswick moved that **House Amendment "A" (H-230)** be **INDEFINITELY POSTPONED**.

The **SPEAKER**: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative **PRIEST**: Thank you, Madam Speaker. Madam Speaker, Men and Women of the House. The majority of the Judiciary Committee carefully considered this and rejected it. Both sides at the hearing, both sides, said that whatever they did not want, they certainly did not want a referendum. You will note that there is a fiscal note to this House Amendment, the potential cost of \$107,000.

Finally, Ladies and Gentlemen, this is a civil rights issue. The committee, this Legislature would have last considered gay rights itself did not send it out referendum; we ought not to send it out to referendum. We should take our stand. If there are those that decide that they think we're wrong, they have full capability of coming up with a people's veto. But that is their move, not ours. We ought to pass this bill as it is, as the majority of the Judiciary Committee. You've heard the evidence and heard the testimony recommended. Thank you.

Representative **TARDY** of Newport **REQUESTED** a roll call on the motion to **INDEFINITELY POSTPONE House Amendment "A" (H-230)**.

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

The **SPEAKER**: A roll call has been ordered. The pending question before the House is Indefinite Postponement of House Amendment "A" (H-230). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 49

YEA - Adams, Beaudette, Beaudoin, Beck, Berry, Blodgett, Boland, Bolduc, Briggs, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Eaton, Eberle, Eves, Flaherty, Flemings, Flood, Gilbert, Goode, Hanley, Harlow, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Pih, Pilon, Piotti, Priest, Rankin, Rotundo, Russell, Sanborn, Schatz, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaulieu, Bickford, Blanchard, Browne W, Burns, Cebra, Chase, Clark H, Clark T, Cotta, Crafts,

Cray, Crockett J, Curtis, Cushing, Davis, Duchesne, Edgecomb, Finch, Fitts, Fletcher, Fossel, Gifford, Giles, Hamper, Harvell, Hogan, Johnson, Joy, Knapp, Knight, Lajoie, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Peterson, Pinkham, Plummer, Prescott, Richardson D, Richardson W, Robinson, Sarty, Saviello, Shaw, Sirois, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Tuttle, Weaver, Willette.

ABSENT - Celli, Greeley, Pratt, Rosen.

Yes, 85; No, 62; Absent, 4; Excused, 0.

85 having voted in the affirmative and 62 voted in the negative, with 4 being absent, and accordingly **House Amendment "A" (H-230)** was **INDEFINITELY POSTPONED**.

The **SPEAKER**: A roll call having previously been ordered. The pending question before the House is Passage to be Engrossed as Amended by Committee Amendment "A" (S-109). All those in favor will vote yes, those opposed will vote no.

ROLL CALL NO. 50

YEA - Adams, Beaudoin, Beaulieu, Beck, Berry, Blodgett, Boland, Bolduc, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Flood, Gilbert, Giles, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pih, Pilon, Piotti, Prescott, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudette, Bickford, Blanchard, Briggs, Browne W, Burns, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Fossel, Gifford, Hamper, Hanley, Harvell, Hogan, Johnson, Joy, Knapp, Knight, Lajoie, Langley, Lewin, Martin JL, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Richardson W, Robinson, Sarty, Saviello, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Tuttle, Weaver, Willette.

ABSENT - Celli, Greeley, Pratt, Rosen.

Yes, 89; No, 58; Absent, 4; Excused, 0.

89 having voted in the affirmative and 58 voted in the negative, with 4 being absent, and accordingly the Bill was **PASSED TO BE ENGROSSED as Amended by Committee Amendment "A" (S-109)** in concurrence. **ORDERED SENT FORTHWITH**.

CONSENT CALENDAR

First Day

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

(S.P. 65) (L.D. 179) Bill "An Act To Clarify Expenditures and the Use of Department-generated Revenues within the Department of Inland Fisheries and Wildlife" Committee on **INLAND FISHERIES AND WILDLIFE** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-96)**

(S.P. 131) (L.D. 367) Bill "An Act To Reduce the Amount of Plastic Introduced into the Waste Stream" Committee on **NATURAL RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-97)**

(S.P. 402) (L.D. 1084) Resolve, To Improve Continuity of Coverage for Participants in Medicare Advantage Plans Committee on **INSURANCE AND FINANCIAL SERVICES**

reporting **Ought to Pass as Amended by Committee Amendment "A" (S-94)**

(H.P. 267) (L.D. 331) Bill "An Act To Clarify the Duties of Municipal Treasurers, Clerks and Tax Collectors" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass**

(H.P. 599) (L.D. 868) Bill "An Act To Rename the Division of Deafness within the Department of Labor" Committee on **LABOR** reporting **Ought to Pass**

(H.P. 190) (L.D. 236) Bill "An Act To Establish the Permanent Commission on the Status of Women" Committee on **STATE AND LOCAL GOVERNMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-215)**

(H.P. 260) (L.D. 324) Bill "An Act To Allow Limited Information Sharing in Domestic Violence Cases" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-213)**

(H.P. 308) (L.D. 420) Bill "An Act To Amend Certain Laws Related to the Department of Agriculture, Food and Rural Resources, Division of Quality Assurance and Regulation" Committee on **BUSINESS, RESEARCH AND ECONOMIC DEVELOPMENT** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-224)**

(H.P. 316) (L.D. 428) Bill "An Act To Amend the Intestate Succession and Wills Laws Concerning Wrongful Death" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-212)**

(H.P. 335) (L.D. 447) Bill "An Act To Allow the Direct Sale of Shellfish to Retailers" Committee on **MARINE RESOURCES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-216)**

(H.P. 385) (L.D. 540) Bill "An Act To Promote Forest Certification and Long-term Forest Management" Committee on **TAXATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-209)**

(H.P. 437) (L.D. 623) Bill "An Act To Provide the Office of Chief Medical Examiner Access to Controlled Substances Prescription Monitoring Program Data for the Purpose of Conducting Cause of Death Investigations" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-203)**

(H.P. 494) (L.D. 711) Bill "An Act To Authorize the Social Work Education Loan Repayment Program" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-218)**

(H.P. 562) (L.D. 826) Bill "An Act To Protect Recreational Trails on Private Land by Exempting Certain Information on Recreational Trails from the Definition of 'Public Records'" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-211)**

(H.P. 605) (L.D. 874) Bill "An Act To Amend the Laws Governing Axle Weights" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-223)**

(H.P. 714) (L.D. 1039) Bill "An Act Concerning Advanced Directives To Give Effect to a Person's End-of-life Health Care Decisions" Committee on **JUDICIARY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-210)**

(H.P. 736) (L.D. 1069) Resolve, To Encourage Access to Higher Education for Certain Child Care Providers Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-221)**

(H.P. 738) (L.D. 1071) Bill "An Act To Add a Member to the Advisory Council on Health Systems Development" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-204)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow 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:

(H.P. 485) (L.D. 702) Bill "An Act To Allow the Donation of Certain Perishable Food Products to Nonprofit Organizations"

(H.P. 140) (L.D. 161) Bill "An Act To Amend the Special Education, School Health and School Nutrition Laws Regarding Scoliosis Screening, the School Lunch Program, Transitional Services, Gifted and Talented Education Programs and the Maine Mentoring Partnership Grant Program" (C. "A" H-199)

(H.P. 362) (L.D. 517) Bill "An Act To Authorize the Employment of Animal Control Officers by Animal Shelters" (C. "A" H-192)

(H.P. 372) (L.D. 527) Bill "An Act To Require a Referee of a Land Dispute To Render a Decision within One Year" (C. "A" H-191)

(H.P. 447) (L.D. 633) Bill "An Act To Amend the Laws Pertaining to Refusing To Submit to Arrest or Detention" (C. "A" H-201)

(H.P. 632) (L.D. 914) Bill "An Act To Combat Childhood Obesity through the Creation of Recreational and Athletic Fields" (C. "A" H-193)

(H.P. 733) (L.D. 1066) Bill "An Act To Establish the Independent Review Board for Police Involved in Fatal Shootings" (C. "A" H-200)

(H.P. 797) (L.D. 1158) Resolve, Authorizing Certain Land Transactions by the Department of Conservation, Bureau of Parks and Lands (C. "A" H-194)

(H.P. 809) (L.D. 1170) Bill "An Act To Ensure the Accuracy of Maine Election Results" (C. "A" H-187)

(H.P. 856) (L.D. 1236) Resolve, Regarding Legislative Review of the Proposed Plan Dated March 19, 2009 Submitted by the Maine State Housing Authority for the Use of Federal Energy Stimulus Funds (EMERGENCY) (C. "A" H-197)

No objections having been noted at the end of the Second Legislative Day, the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

**BILLS IN THE SECOND READING
House as Amended**

Resolve, Directing the Department of Inland Fisheries and Wildlife To Recommend Measures To Increase the Number of Turkeys Taken by Hunters

(H.P. 202) (L.D. 256)
(C. "A" H-170)

Bill "An Act To Amend the Laws Concerning Campaign Report Exemptions"

(H.P. 281) (L.D. 374)
(C. "A" H-188)

Bill "An Act To Amend the Laws Governing Lobbyist Disclosure"

(H.P. 568) (L.D. 832)
(C. "A" H-189)

Bill "An Act To Amend the Licensing Requirements for Marriage and Family Therapists"

(H.P. 668) (L.D. 966)
(C. "A" H-198)

Bill "An Act To Amend the Laws Governing the Maine Children's Growth Council" (EMERGENCY)
(H.P. 671) (L.D. 969)
(C. "A" H-159)

Bill "An Act To Clarify the Use of Instant Redeemable Coupons with Alcoholic Beverages"
(H.P. 912) (L.D. 1309)
(C. "A" H-190)

Reported by the Committee on **Bills in the Second Reading**, read the second time, the House Papers were **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

ENACTORS

Emergency Measure

An Act To Fund Fully the Purchase of Military Time
(H.P. 88) (L.D. 104)
(C. "A" H-111)

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

Representative TUTTLE of Sanford moved that the Bill be **COMMITTED** to the Governor's Desk.

The Chair advised Representative TUTTLE of Sanford that his Motion was **OUT OF ORDER**.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 135 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 Increase the Availability of Solar and Wind Power
(S.P. 70) (L.D. 220)
(C. "A" S-90)

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. 141 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.

Emergency Measure

An Act To Provide Free Admission to State Parks to Veterans and Military Personnel
(S.P. 159) (L.D. 456)
(C. "A" S-69; S. "A" S-74)

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. 143 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 Clarify the Minimum Wage Exemption for Summer Camp Counselors Working at Day Camps
(S.P. 260) (L.D. 685)
(C. "A" S-64)

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. 137 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 Clarify the Right of Public School Employees To Engage in Collective Bargaining
(H.P. 565) (L.D. 829)
(C. "A" H-113)

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. 142 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.

Acts

An Act To Clarify the Definition of Hard Cider for the Purposes of the Returnable Container Law
(H.P. 43) (L.D. 50)
(C. "A" H-106)

An Act To Equitably Adjust the Workers' Compensation Board's Assessment
(S.P. 62) (L.D. 176)

An Act To Conform Building Standards in the Unorganized Territories with Federal Emergency Management Agency Requirements
(S.P. 67) (L.D. 181)
(C. "A" S-67)

An Act To Clarify the Income-producing Requirement for Land in the Farm and Open Space Tax Program
(S.P. 94) (L.D. 277)
(C. "A" S-89)

An Act To Expand Super Pack License Opportunities
(H.P. 228) (L.D. 288)
(C. "A" H-102)

An Act To Amend the Laws Governing Deer Hunting and To Extend the Coyote Hunting Season
(S.P. 99) (L.D. 303)
(C. "A" S-88)

An Act To Facilitate the State's Existing Commitment to the Production of Liquid Biofuels
(H.P. 296) (L.D. 389)
(C. "A" H-116)

An Act To Amend the Retail Tobacco and Liquor Licensing Laws
(S.P. 165) (L.D. 462)
(C. "A" S-83)

An Act To Ensure That the Membership of the State Board of Corrections Includes a Representative with Expertise in Issues Regarding Mental Illness
(S.P. 181) (L.D. 478)
(C. "A" S-76)

An Act To Support Pretrial Diversion Programs for Issuers of Worthless Checks
(H.P. 356) (L.D. 511)
(C. "A" H-105)

An Act To Encourage the Production of Liquid Biofuels
(H.P. 427) (L.D. 589)
(C. "A" H-119)

An Act To Ensure the Workers' Compensation Board's Regulatory Oversight of the Maine Insurance Guaranty Association

(S.P. 236) (L.D. 620)
(C. "A" S-85)

An Act To Update and Streamline State Licensing Laws and Clarify the Process for Appealing Final Decisions of Certain Licensing Entities

(H.P. 444) (L.D. 630)
(C. "A" H-107)

An Act To Amend the Laws Relating to the Department of Corrections

(H.P. 445) (L.D. 631)
(C. "A" H-101)

An Act Regarding Raffles Conducted by Nonprofit Organizations

(S.P. 298) (L.D. 771)
(C. "A" S-81)

An Act To Authorize Fuel Cost Stabilization Funds To Be Established in School Administrative Units

(S.P. 314) (L.D. 806)
(C. "A" S-92)

An Act To Improve Assistance for Technology-based Entrepreneurs

(S.P. 342) (L.D. 892)

An Act To Prohibit Cruel Confinement of Calves Raised for Veal and Sows during Gestation

(S.P. 385) (L.D. 1021)
(C. "A" S-72; H. "A" H-120)

An Act To Amend the Laws Governing Certain Reports and Reviews Related to Utilities and Energy and Certain Positions at the Public Utilities Commission

(H.P. 796) (L.D. 1152)

An Act To Make Certain Changes to the Laws Governing Approval for Transmission Lines

(S.P. 427) (L.D. 1155)

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

Resolves

Resolve, To Ensure Transparency in Funding Certain Programs within the Department of Inland Fisheries and Wildlife

(S.P. 85) (L.D. 244)
(C. "A" S-65)

Resolve, To Allow for the Support, Preservation and Maintenance of Maine Monuments in Gettysburg, Pennsylvania

(S.P. 100) (L.D. 304)
(C. "A" S-84)

Resolve, To Develop a Management Plan for the Nonwildlife Components of Swan Island and Little Swan Island in Perkins Township, Sagadahoc County

(S.P. 140) (L.D. 398)
(C. "A" S-66)

Resolve, Directing the Department of Agriculture, Food and Rural Resources To Study Equine Husbandry Practices in the State

(S.P. 161) (L.D. 458)
(C. "A" S-70)

Resolve, To Direct State Agencies To Develop Policies To Guide Employees When Accessing Private Woodland, Farmland or Coastal Lands

(H.P. 399) (L.D. 561)
(C. "A" H-103)

Resolve, To Direct the Board of Dental Examiners To Review the Definition of "Edentulous Arch" in the Rules Governing Denturists

(H.P. 403) (L.D. 565)
(C. "A" H-108)

Resolve, To Establish a Pilot Program To Provide Greater Cooperation and Coordination between the University of Maine System and the Maine Community College System

(S.P. 367) (L.D. 984)
(C. "A" S-93)

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

An Act To Provide Tax Relief to Workers Who Lose Their Jobs Due to Business Closure

(H.P. 162) (L.D. 197)
(C. "A" H-118)

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

On motion of Representative PIOTTI of Unity, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act Authorizing Colleges and Universities To Regulate Public Safety on Their Campuses

(H.P. 365) (L.D. 520)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

On further motion of the same Representative, **TABLED** pending **PASSAGE TO BE ENACTED** and later today assigned.

An Act To Protect the Public Health and the Environment by Prohibiting the Sale of Wheel Weights Containing Lead or Mercury

(S.P. 369) (L.D. 986)
(C. "A" S-91)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 51

YEA - Adams, Austin, Beaudette, Beaudoin, Beaulieu, Berry, Bickford, Blanchard, Blodgett, Boland, Bolduc, Briggs, Browne W, Bryant, Burns, Butterfield, Cain, Campbell, Carey, Casavant, Cebra, Chase, Clark H, Clark T, Cleary, Cohen, Connor, Cornell du Houx, Cotta, Crafts, Cray, Crockett J, Crockett P, Curtis, Cushing, Davis, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Edgecomb, Eves, Finch, Fitts, Flaherty, Flemings, Fletcher, Flood, Fossel, Gifford, Gilbert, Giles, Goode, Hamper, Hanley, Harlow, Harvell, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Johnson, Jones, Kaenrath, Kent, Knapp,

Knight, Kruger, Lajoie, Langley, Legg, Lewin, Lovejoy, MacDonald, Magnan, Martin JR, Martin JL, Mazurek, McCabe, McFadden, McKane, McLeod, Miller, Millett, Morrison, Nass, Nelson, Nutting, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Pinkham, Piotti, Plummer, Prescott, Priest, Rankin, Richardson D, Richardson W, Robinson, Rotundo, Russell, Sanborn, Sarty, Saviello, Schatz, Shaw, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Treat, Trinward, Tuttle, Valentino, Van Wie, Wagner J, Wagner R, Watson, Weaver, Webster, Welsh, Wheeler, Willette, Wright, Madam Speaker.

NAY - Ayotte, Joy.

ABSENT - Beck, Celli, Greeley, Pratt, Rosen.

Yes, 144; No, 2; Absent, 5; Excused, 0.

144 having voted in the affirmative and 2 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

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

ENACTORS

Acts

An Act To End Discrimination in Civil Marriage and Affirm Religious Freedom

(S.P. 384) (L.D. 1020)

(C. "A" S-109)

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

On motion of Representative TARDY of Newport, was **SET ASIDE**.

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

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

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

ROLL CALL NO. 52

YEA - Adams, Beaudoin, Beaulieu, Beck, Berry, Blodgett, Boland, Bolduc, Bryant, Butterfield, Cain, Campbell, Carey, Casavant, Cleary, Cohen, Connor, Cornell du Houx, Crockett P, Dill, Dostie, Driscoll, Duchesne, Eaton, Eberle, Eves, Flaherty, Flemings, Flood, Gilbert, Giles, Goode, Harlow, Haskell, Hayes, Hill, Hinck, Hogan, Hunt, Innes Walsh, Jones, Kaenrath, Kent, Kruger, Legg, Lovejoy, MacDonald, Magnan, Martin JR, Mazurek, McCabe, Miller, Morrison, Nelson, O'Brien, Pendleton, Peoples, Percy, Perry, Peterson, Pieh, Pilon, Piotti, Prescott, Priest, Rankin, Richardson D, Rotundo, Russell, Sanborn, Schatz, Sirois, Smith, Stevens, Strang Burgess, Stuckey, Sutherland, Treat, Trinward, Valentino, Van Wie, Wagner J, Wagner R, Watson, Webster, Welsh, Wheeler, Wright, Madam Speaker.

NAY - Austin, Ayotte, Beaudette, Bickford, Blanchard, Briggs, Browne W, Burns, Cebra, Chase, Clark H, Clark T, Cotta, Crafts, Cray, Crockett J, Curtis, Cushing, Davis, Edgecomb, Finch, Fitts, Fletcher, Fossel, Gifford, Hamper, Hanley, Harvell, Johnson, Joy, Knapp, Knight, Lajoie, Langley, Lewin, McFadden, McKane, McLeod, Millett, Nass, Nutting, Pinkham, Plummer, Richardson W, Robinson, Sarty, Saviello, Shaw, Sykes, Tardy, Theriault, Thibodeau, Thomas, Tilton, Tuttle, Weaver, Willette.

ABSENT - Celli, Greeley, Martin JL, Pratt, Rosen.

Yes, 89; No, 57; Absent, 5; Excused, 0.

89 having voted in the affirmative and 57 voted in the negative, with 5 being absent, and accordingly the Bill was **PASSED TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

On motion of Representative CLARK of Millinocket, the House adjourned at 1:58 p.m., until 10:00 a.m., Wednesday, May 6, 2009 in honor and lasting tribute to Carol A. Johnson, of Millinocket and Ludger J. "Joe" Michaud, of Millinocket.