

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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and we pledge ourselves never again to be silent of in the face tyranny or injustice. We must transform into compassion, we must give evidence of our remembering them, through acts of kindness and courage. It does take courage to vote for something you believe in. Some people find it easy, some people find it a little harder.

I carry something inside my wallet all the time because it makes a lot of sense to me and I believe it deeply, that if you rob someone so flagrantly of their rights, you are bound to lose some of your own.

Today, I am very proud and lucky because when my children and my grandchildren ask me, what did you do that day when peoples rights were at stake, I can say to them proudly that I stood on the floor of the House and I spoke my heart and I pleaded with my friends and my colleagues to vote with me to allow for this human right for all human beings at least in the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I have a six hour drive ahead of me, I don't care if we are here until midnight. There are some people that would like to see us not speak at all but I am willing to speak.

The Maine Council of Churches — I believe it was stated that the Portland Diocese of Roman Catholics — I am wondering how they voted on this, if it was unanimous or not. I recall the Roman Catholic Church was saying that they were for equal rights and, lo and behold, they were the ones that were fighting against it.

I never voted for it, I don't care what they say in these letters. Sometimes we are told things that aren't exactly true.

As far as the people that are for all these human rights, I assure you that these very same people, most of them, are the ones that are all for abortions. Now, where are the human rights? We, in the United States of America, preach human rights all over the world but we allow abortions left and right. I assure you those unborn children have a human right, they have rights also.

The SPEAKER: The Chair recognizes the Representative from Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I have the right to rise on this issue. My church was not included in that Council of Churches. I believe I know the reason.

I do feel this is a foot in the door approach and I feel the problem wouldn't be existing if they didn't flaunt the problem. It is written that marriage is both a physical and a spiritual union. Physical intimacy within a marriage bond is God's provision to meet our needs and carry out his purpose in populating the earth. Spiritual intimacy is the blending in love of two persons to establish a new relationship and assume new responsibilities in the fulfilling of God's will.

I finish with this thought. I wonder, who would be in this House today, if all our mothers had been gay?

The SPEAKER: The Chair recognizes the Representative from Sidney, Representative Bragg.

Representative BRAGG: Mr. Speaker, Ladies and Gentlemen of the House: I heard some people saying that they hadn't had any contact on this issue and I am here to tell you that I have on both sides of the issue. I had a very interesting conversation last evening for about three quarters of an hour with a young person who grew up in our neighborhood. I know the fellow quite well. He had called me asking my support for this legislation because he said he was gay. We discussed the issue from many different viewpoints. I can debate it from

a spiritual standpoint, I can debate it from a biological standpoint, I can debate it from a social standpoint and, although I don't have all the qualifications, there is a psychological standpoint that can be debated on. As we went through that exercise, as I have seen in the past, I couldn't find one point where it stood the test. I had to tell that gentleman that I am sorry I cannot support you.

My friends, it has been alluded to that this is an uncomfortable issue for many of us and that is true. I think it was brought out by one of the gentlemen in the debate in reference to the Bible when he said, that the Bible is used by many to push people down. That may be true but I think I have to stand to defend that because I believe what offends most people the most and why there is so much pressure against the Bible, so many people don't want to accept it, is because it is designed to reveal us for what we are. It sets a standard and we have to compare ourselves with that standard but it doesn't stop there because it offers a way to get through that. Which brings me to the point of the young man that said, there was not hope for him, I don't believe that is true. I believe there is a way. My heart was with that person that I was talking with last night but there are two words that I think are important here, one is sympathy and one is compassion. If you look up the definition of those two words and you will see, although we may use them interchangeably, there is a marked difference. Sympathy means identifying with another person in their hardship, in their problem, in their situation. Compassion means having pity, sorrow, feelings for a person because of the situation they are in. I submit to you that it makes a big difference how you feel about that issue, how you vote.

My compassion was with that person I was talking to last night and I know I am going to talk to him again. It wasn't a violent, heated discussion. We had a good exchange. I know where he is coming from and he knows where I am coming from. But there is a line and I can't move beyond that line. My belief is that there is no gray area. My works from now on have to be, I suppose if I commit myself to this type of feeling of compassion, that I have got to be ready to stand to help that individual at any point, any way I can.

In thinking through this, I couldn't help but think about the words that, I believe, wasn't it Trevka in Fiddler on the Roof, when he saw what was happening in his family and how it was dissolving, his standards that he was trying to hold up were not being supported. He was going through the whole thing of what was happening and he came to the point where he said, — good land, check my notes but what he said — this isn't stage fright, — they say there are four things that happen to you as you get older, one is you lose your hair and you get wrinkles and I can't remember the other two, that is where I stand, but what he was saying was, on the other hand, and he would go and rationalize his thinking and bring himself back to the point where he could accept the situation. He finally reached the point where he said but, on the other hand, there is no other hand. Comfortable or uncomfortable, that is where I find myself today.

Ladies and gentlemen, I ask you to support the motion to indefinitely postpone this bill.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly. I think we all appreciated the remarks of the gentleman from Sidney just now. I just want to clear up what probably might be some confusion that my friend raised, the gentleman from Madawaska, the issue of equal rights with the Catholic Diocese of Portland and what they testified before the State Government Committee in February of 1983 for the Equal Rights

Amendment. It was passed by this chamber. Subsequently, Pennsylvania's Court of Appeals used the argument that the equal rights meant abortion funding. And the Bishop of Portland withdrew his support before the referendum campaign because of that. The issue has now been settled both in Pennsylvania and in Maine but there was no inconsistency on the Bishop's part as regards to that issue.

Secondly, the question was raised whether those who vote for gay rights today are really the same group that are voting for abortion rights, I would just counsel the gentleman that I am the cosponsor of the parental consent bill for the Maine Right to Life Committee and I am very comfortable doing both those things here today.

The SPEAKER: The pending question before the House is the motion of Representative Allen of Washington to indefinitely postpone the bill and all accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 162

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bost, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Cashman, Clark, Crouse, Crowley, Dagggett, Davis, Dexter, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadodsky, Hale, Harper, Hichborn, Higgins, L.M.; Hillock, Ingraham, Jackson, Jacques, Jalbert, Kane, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Paul, Perry, Pines, Randall, Rice, Richard, Ridley, Roberts, Rotondi, Salsbury, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Webster, Wentworth, Whitcomb, Zirkilton, The Speaker:

NAYS:—Baker, H.R.; Beaulieu, Boutilier, Brannigan, Brodeur, Carroll, Chonko, Coles, Connolly, Cooper, Cote, Dellert, Dextecoteaux, Diamond, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Joseph, LacCroix, Melendy, Michael, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Pouliot, Priest, Reeves, Rioux, Ruhlin, Rydell, Seavey, Simpson, Stevens, P.; Warren.

ABSENT:—Carrier, Conners, Hepburn, Holloway, Kimball, Nicholson, Racine, Rolde, Small, Stetson, Weymouth, Willey.

98 having voted in the affirmative and 41 in the negative with 12 being absent, the motion to indefinitely postpone did prevail.

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

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

June 7, 1985

The Honorable Edwin H. Pert
Clerk of the House
112th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised the Senae Adhered to its previous action whereby it Indefinitely Postponed Bill, "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189).

Thank you.

Sincerely,

S/ JOY J. O'BRIEN
Secretary of the Senate

Was read and ordered placed on file.

Divided Report

Majority Report of the Committee on Human

Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-225) on Bill "An Act to Provide Adequate Medical Services for Victims of Rape, Gross Sexual Misconduct or Sexual Abuse" (S.P. 427) (L.D. 1184)

Signed:

Senators:

BUSTIN of Kennebec
BERUBE of Androscoggin
GILL of Cumberland

Representatives:

SEAVEY of Kennebunkport
TAYLOR of Camden
MELENDY of Rockland
CARROLL of Gray
NELSON of Portland
KIMBALL of Buxton
PINES of Limestone
ROLDE of York

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

Signed:

Representatives:

BRODEUR of Auburn
MANNING of Portland

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-225)

Reports were read.

Representative Nelson of Portland moved the House accept the Majority "Ought to Pass" report.

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

Representative NELSON: Mr. Speaker, Men and Women of the House: If you take the amendment which is before you, which is now the bill, you will notice that this amendment replaces the bill and it provides an information and referral service for medically indigent persons who have become pregnant as a result of rape, gross sexual misconduct, incest, or sexual abuse. As part of this service, the Department of Human Services will provide a list of medical and social services available to those individuals from the state and private sources. Each person receiving the information will be strongly counseled and urged to report the crime to the appropriate authorities. The information provided by the department shall also be made available to rape crisis centers, family planning agencies and other appropriate organizations.

Men and women of the House, we are talking of people who are victims of rape and incest, the most violent crimes known in society. We are talking about the victims. We are asking very simply that these people, who are medically, socially and economically indigent, medicare appropriate people be allowed to know of the services available to them for they are in this horrendous situation.

People feel so violated when someone steals their car or their tape deck out of their car, can you imagine the feeling that a person has who has been personally violated? Then, to find as an act of this horrendous nature, you find yourself pregnant. We are talking about the victim here and we are talking about a reasonable solution that this person have an opportunity to learn of all the services available to her.

I urge you to vote with the Majority "Ought to Pass" Report.

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

Representative BRODEUR: Mr. Speaker and Members of the House: I don't want to take too long on this issue but it is my conscience that requires that I speak and ask for a division on this motion.

The problem that I have with this is that is an information referral service but it does include abortion. While I am not here to judge

other people for the actions they will take, it is very difficult for me to cooperate in any way with that. I have taken the position in 18 years of debating both sides of this question, that while I try to refrain from judging others for what they are to do, I don't want to cooperate with that action. For that reason, I voted "Ought Not to Pass" on this bill.

Mr. Speaker, I request a division and please urge you to vote your conscience.

The SPEAKER: The Chair will order a vote. Those in favor of accepting the Majority "Ought to Pass" Report will vote yes; those opposed will vote no.

A vote of the House was taken.

81 having voted in the affirmative and 8 in the negative, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (S-225) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

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

Non-Concurrent Matter

Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344) which was passed to be engrossed as amended by Committee Amendment "A" (H-214) as amended by House Amendments "A" (H-316) and "C" (H-332) thereto in the House on June 5, 1986.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-214) as amended by House Amendment "C" (H-332) thereto in non-concurrence.

The House voted to recede and concur.

Messages and Documents

The following Communication: (S.P. 631)
112th Maine Legislature

June 6, 1985

Senator Edgar E. Erwin
Representative John M. Michael
Chairpersons
Committee on Agriculture
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Barbara B. Lounsbury of Auburn for appointment to the Pesticides Control Board.

Pursuant to Title 22 MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/ CHARLES P. PRAY
President of the Senate
S/ JOHN L. MARTIN
Speaker of the House

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

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

The following Communication: (S.P. 632)
112th Maine Legislature

June 6, 1985

Senator Judy C. Kany
Representative Dan A. Gwadosky
Chairpersons
Committee on State Government
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Rose-Marie Joseph of Winslow and Wanda P. Calder of Turner for appointment to the Finance Authority of Maine.

Pursuant to Title 10 MRSA Section 110, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,
S/ CHARLES P. PRAY
President of the Senate
S/ JOHN L. MARTIN
Speaker of the House

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

Was Read and Referred to the Committee on State Government in concurrence.

The following Communication: (S.P. 633)
112th Maine Legislature

June 6, 1985

Senator Judy C. Kany
Representative Dan A. Gwadosky
Chairpersons
Committee on State Government
112th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Roger P. Michaud for reappointment to the Finance Authority of Maine.

Pursuant to Title 10 MRSA Section 110, this nomination will require review by the Joint Standing Committee on State Government and confirmation by the Senate.

Sincerely,
S/ CHARLES P. PRAY
President of the Senate
S/ JOHN L. MARTIN
Speaker of the House

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

Was Read and Referred to the Committee on State Government in concurrence.

Consent Calendar

First Day

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

(S.P. 166) (L.D. 453) Bill "An Act to Amend the Code of Fair Practices and Affirmative Action as the Equal Opportunity Standard for State Financed Agencies" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-222)

On objection of Representative Higgins of Scarborough, was removed from Consent Calendar, First Day.

Thereupon, the Committee Report was read and accepted and the bill read once.

Committee Amendment "A" (S-222) was read by the Clerk and adopted and the Bill assigned for Second Reading, Monday, June 10, 1985.

(S.P. 277) (L.D. 735) Bill "An Act to Clarify Recoverable Costs in Civil Actions" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-223)

(S.P. 505) (L.D. 1365) Bill "An Act to Make Additional Allocations from the Alcohol Premium Fund" Joint Select Committee on Alcoholism Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-226)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed as amended in concurrence.

The following item appearing on Supplement No. 3 was taken up out of order by unanimous consent.

Reports of Committees

Unanimous Leave to Withdraw

Representative THEIRAULT from the Committee on Transportation on Bill "An Act to Provide Financing for Rail Transportation" (H.P.1112) (L.D. 1622) reporting "Leave to Withdraw"

Representative MURRY from the Committee on Business and Commerce on Bill "An Act to Create a Competitive State Fund for Workers' Compensation Insurance" (H.P. 713) (L.D. 1023)