

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Tenth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

MAY 4, 1981 to JUNE 19, 1981

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HOUSE

Monday, May 11, 1981

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

Prayer by the Reverend Daniel Hirschy of the Grace Baptist Church, Waterville.

The members stood at attention during the playing of the National Anthem by the Medomak Valley High School Band.

The journal of the previous session was read and approved.

The SPEAKER: Will the Sergeant-at-Arms please escort the gentlewoman from South Portland, Ms. Benoit, to the rostrum for the purpose of acting as Speaker pro tem.

Thereupon, Ms. Benoit assumed the Chair as Speaker pro tem and Speaker Martin retired from the hall.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

May 8, 1981

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

The Senate today voted to Adhere to its former action whereby it accepted the Minority Ought Not to Pass Report on Bill, "An Act to Create a Maine Film Board", (H.P. 1209) (L.D. 1424).

Respectfully,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

The following Communication:
The Senate of Maine
Augusta

May 8, 1981

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

The Senate today voted to Adhere to its former action whereby Resolve, "Authorizing Gerald Pelletier to Bring Civil Action Against the State of Maine", (H.P. 286) (L.D. 333), Failed of Final Passage.

Sincerely,
S/MAY M. ROSS
Secretary of the Senate

The Communication was read and ordered placed on file.

**Reports of Committees
Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill, "An Act to Exempt Family Burying Grounds from Property Tax" (S.P. 149) (L.D. 357)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill, "An Act to Facilitate and Improve Decision Making by the Board of Environmental Protection" (S.P. 421) (L.D. 1245)

Came from the Senate with the reports read and accepted.

In the House, the Reports were read and accepted in concurrence.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" on Bill, "An Act to Further Exempt Certain Benevolent Organizations from the Employment Security Law" (S.P. 253) (L.D. 722)

Report was signed by the following members:

Senators:
SUTTON of Oxford

DUTREMBLE of York
SEWALL of Lincoln

— of the Senate.

Representatives:

MARTIN of Brunswick
TUTTLE of Sanford
BEAULIEU of Portland
BAKER of Portland
McHENRY of Madawaska
HAYDEN of Durham
LAVERRIERE of Biddeford

— of the House.

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

Report was signed by the following members:

Representatives:

LEWIS of Auburn
FOSTER of Ellsworth

— of the House.

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

In the House: Reports were read.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Madam Speaker, I move acceptance of the Majority "Ought to Pass" Report and wish to speak briefly.

The SPEAKER Pro Tem: The gentlewoman from Portland, Mrs. Beaulieu, moves that the House accept the Majority "Ought to Pass" Report in concurrence.

The Chair recognizes the same gentleman.

Mrs. BEAULIEU: Madam Speaker, Ladies and Gentlemen of the House: I wish to point out to you that hopefully in second reader today this bill will be amended to reflect a fiscal note.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Auburn, Miss Lewis.

Miss LEWIS: Madam Speaker, Ladies and Gentlemen of the House: The reason why I signed against this bill is that this bill will cause a loss to the fund of about \$6,000.

We have been speaking in great detail about the unemployment in this body, and we are very well aware of the problems with that fund. We hope that the fund will be cleaned up in a couple of years because of a few measures that we have passed this year. However, because the fund is not yet in sound financial shape, I do not believe that now is the appropriate time to cause any losses to the fund, no matter how small. For that reason, I hope that you do vote against this bill, and I would ask for a division.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Madawaska, Mr. McHenry.

Mr. McHENRY: Madam Speaker, Ladies and Gentlemen of the House: I do hope that you vote to go along with the majority report on this. I don't think we need a fiscal note, because a fiscal note is only needed when it affects the General Fund. This does not affect the General Fund, it affects the unemployment fund, or the employment fund, whatever you want to call it.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Madam Speaker, Ladies and Gentlemen of the House: I did research the issue of whether or not we needed a fiscal note. Representative McHenry is right, this comes from a dedicated revenue account within the Unemployment Division, and the contention is that there would be an estimated \$6,000 loss in contributions. In my research and in checking with Representative Martin, he indicated we should have a fiscal note. I aim to meet the obligation, and that is the status of why the fiscal note.

The SPEAKER Pro Tem: A vote has been requested. The pending question is on the motion of the gentlewoman from Portland, Mrs. Beau-

lieu, that the Majority "Ought to Pass" Report be accepted in concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

72 having voted in the affirmative and 46 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once and assigned for second reading later in the day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Include the Term 'Sexual or Affectional Orientation' in the Maine Human Rights Act" (S. P. 331) (L. D. 961)

Report was signed by the following members:

Senator:

DEVOE of Penobscot

— of the Senate.

Representatives:

DRINKWATER of Belfast
REEVES of Newport
O'ROURKE of Camden
JOYCE of Portland
LIVESAY of Brunswick
CARRIER of Westbrook

— of the House.

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

Report was signed by the following members:

Senators:

CONLEY of Cumberland
KERRY of York

— of the Senate.

Representatives:

BENOIT of South Portland
LUND of Augusta
HOBBINS of Saco
SOULE of Westport

— of the House.

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

In the House: Reports were read.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Madam Speaker, I move the indefinite postponement of this bill and all its accompanying papers, and when the vote is taken, I ask for a roll call.

The SPEAKER Pro Tem: the gentleman from Westbrook, Mr. Carrier, moves that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Madam Speaker and Members of the House: Representative Carrier goes right to the heart of the matter. He doesn't move to accept either one of the reports and moves for indefinite postponement of the bill.

I would hope that this House, in this legislative session, would not vote to kill this piece of legislation.

As most of you know who have followed this legislation at all, this bill represents an amendment to the State's Human Rights Act that would prohibit discrimination against individuals in the areas of housing, public accommodations or employment. The only issue at hand is that individual's sexual preference. This bill is referred to as the sexual or affectional orientation bill, or, as it is commonly known, the gay rights legislation. It is an amendment, as I have said, to the Human Rights Act.

There are essentially two arguments that are used against this legislation to try to kill it. The first is, and I am sure that you will hear it in debate later on, that homosexuality is immoral, but it is my opinion that it is not the business of the legislature to legislate morality, that morality, like beauty, is in the eye of the beholder and what may be immoral to me may not be immoral to you, and those decisions,

particularly when they don't affect other people, should be left up to each individual's own choice and own conscience.

The second argument that is used against this bill is, if this bill were to pass, that we would be condoning the practice of homosexuality and that that would be of particular detriment when we talk about jobs that deal with children, such as teachers and camp counselors. But there has never been any evidence, concrete evidence, that has ever been presented, whether it be before this legislature or in any other places across the country where this issue has been discussed, that would show that passage of this type of legislation would lead to the corruption of youth or the corruption of children.

The National Council of Churches has endorsed this legislation.

The issue also becomes a difficult one for many people when we talk about it in terms of politics, that it is politically expedient to vote against this kind of legislation, even though many people may feel in their hearts that it is the proper thing to do. And I would just point out that this legislation has been here two times before this year, and never once has it been used as an issue that resulted in the ultimate decision in anybody's political campaign.

I won't say anymore at this point, but I would hope that you would reject the motion of indefinite postponement and support this legislation. I would say that given the report of the committee and the vote in the other body, it has had its best support in this legislative session, and I would hope that the House would vote to support this legislation.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Orono, Mr. Davies.

Mr. DAVIES: Madam Speaker and Members of the House: I would like to join with my seat-mate, Mr. Connolly, in urging you to reject the motion that has been made by Representative Carrier of Westbrook.

This is a touchy issue, one that probably we would like to avoid having to make a decision on because it is controversial, but the fact of the matter is, there is discrimination that is practiced against homosexuals not because of their sexual activity but because of the existence of their homosexual tendencies that has absolutely nothing to do with their relationships with individuals. It denies them the right to get credit, denies them the right to obtain and keep housing, the opportunity to obtain and keep employment if they are able to do the job that they are hired for. I think that that distinction has to be made.

I have in my possession two letters that were written to the gentlewoman from South Portland, Ms. Benoit, and I would like to read both of them into the record because I think they both have something very important to say and they come from very influential individuals that I have a great deal of respect for.

The first comes from the Maine Medical Center of Portland. "Dear Representative Benoit: This letter is in support of the Gay Rights Bill, which I understand you are cosponsoring. You asked me for an opinion regarding any negative influence on children by homosexual teachers. In my judgment, a child is not at risk being the student of a homosexual teacher, provided, of course, that that teacher does not consciously attempt to affect the student's behavior. The latter would be true on the part of any teacher who holds any particular point of view.

"I hope the above is helpful in the consideration of this important piece of legislation. Very truly yours, Alan M. Elkins, M.D., Chief of Psychiatry, Maine Medical Center."

The second comes from the Diocesan Human Relations Services, Inc., and it is signed by Reverend Andrew Siket, Chairman of the Social Legislation Committee, and the particularly important reference to a publication from the Catholic Church, a statement by the Na-

tional Conference of Catholic Bishops in 1976 in a document entitled "To Live in Jesus Christ, A Pastoral Reflection on the Moral Life," Sub-section 2, November 11, 1976. They quote from that: "Some persons find themselves, through no fault of their own, to have a homosexual orientation. Homosexuals, like everyone else, should not suffer from prejudice against their basic human rights. They have a right to respect, friendship and justice. They should have an active role in the christian community. The christian community should provide them a special degree of pastoral understanding and care. They have a great need for understanding and consolation."

I think it has become apparent to such groups as this Catholic organization, to members of the professions that deal with homosexuals, that, in fact, half of the problem of homosexuality is the discrimination that is thrust upon them by the straight community as much as any problem they incur from their homosexual tendencies. I think it is important that we as a legislative body make that distinction between their activities and their human rights.

This bill does not endorse or condone their activities but merely says that if they are doing their job well, if they are not destroying the apartment that they are living in, if they are able to pay their bills and meet the credit obligations that are placed upon them, that they ought not to be discriminated against because of their homosexual tendencies.

As Representative Connolly has said, there has not been a single member of any previous legislature who has voted on this bill, either for it or against it, that has suffered because of that vote. So those of you who say, well, I would like to support the homosexuals in their rights but I am afraid of what the impact is going to be at home, I can tell you that the impact is going to be negligible, that people are not going to react against you because you vote for or against this bill. They are going to be understanding and they are going to be reasonable, and it is not going to rebound to your detriment. So if you have the least feeling in your heart or in your mind that this is a justified piece of legislation, do not fear that by voting for it that you are going to do any political harm to yourself.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Madam Speaker, Men and Women of the House: I find it interesting this morning that we are about to take a vote on a bill which only about six years ago did not have the credibility, if I may use that word, in most people's minds. Well, since that time, if you will look at the report of the Committee on Judiciary, and realizing full well that this body and the other body have overturned twelve to one reports, it is interesting to note that the bill received six out of thirteen signatures in a favorable light.

I think it is also interesting to note that we are ready to take a vote on this particular issue and it appears that no one in this body is going to rise and argue the other point of view, the point of view of why this particular bill should not be passed and why we should not extend to all citizens, regardless of their sexual or affectional orientation, the same protections guaranteed to others on the basis of race, creed, sex or color.

It seems that all of us have been brought up with certain prejudices. Fortunately, my generation, or the end of my generation, does not use the word "colored" anymore, does not use the word "nigger" or use the word "Black". Unfortunately, these inborn prejudices are still existing in our society and a lot of times now, instead of talking about the fact of black or white or religion, we now use sexual preference as something people make jokes about.

It was interesting back about 45 years ago, in fact, not even 45 years ago, we will talk about 15 years ago, there was a resort community in this state that refused to rent or convey prop-

erty to Blacks, Jews, Catholics, and it was right in the deeds — restrictive covenant. It wasn't until the Civil Rights Act of 1964 that this practice was outlawed by the federal government and does not take place anymore.

Many individuals who look at this bill suggest that by passing this legislation, we are condoning homosexuality, that we are saying that it is all right to be gay, I don't look at it that way. We should look at this thing realistically. Whether we like it or not, there is a great percentage in this country that have a sexual orientation or affectional orientation which is different than most people and which we consider acceptable.

This bill does nothing more than to state that we shall not discriminate in the areas of employment, housing, public accommodations and credit, as we do to other citizens.

I would hope that all of us today would look closely at this bill and not think about those cute phrases that we use sometimes or the stereotypes we use in society, because I think that is very inappropriate at this time and age in our country. I think it is inappropriate when we talk about human rights to exclude from any statute those individuals who might be a little different from us. I urge you to reject the pending motion.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Warren, Mr. Jordan.

Mr. JORDAN: Madam Speaker, Ladies and Gentlemen of the House: I have learned a new term since coming, sexual orientation. I am opposed to this legislation but I think I know what the term means.

I used to raise dairy goats for quite a few years. In fact, I had blue ribbon winners in the Saanen Breed. Now, young bucks come into their sexual powers very early, about six months old, and their sexual orientation at that time is toward anything that moves. Young bucks, to be sure, usually are penned away from the does because of this reason, a dog, a cat, a person, in fact, just about anything that moves. I had one buck that was sexually orientated toward a wheelbarrow, believe it or not, but they learn fast. By the time they are a year old, they have sexual orientation completely straightened out and they are sexually oriented only toward does and they know what it is all about, make no mistake.

I have also worked on dairy farms and we kept the yearlings and the two year old heifers in a separate pasture. About the time they came to maturity, the bellowing and the jumping and the gymnastics that followed, you know something about that perhaps if you come from the country. Their sexual orientation was toward anything that moved, too. In fact, I know of one unsuspecting young fellow who was in the pasture feeding grain and the sexual orientation of one heifer had him down in the flat without him knowing it but, you know, you turn a young bull into that same pasture and the sexual orientation was always toward him. He knew what to do too, and the heifers kept him busy. If the lower creatures of this fair earth can understand sexual orientation so thoroughly when they come to maturity, what a pity it is that we, the so-called higher creatures of this human race, can't straighten it out.

I don't think we need this kind of legislation at all. Let the natural laws of this earth take their place, they will, anyway, ultimately.

Some of you will probably say that I don't understand the issue; I think I do. We can legislate all we like but we are not going to change the natural biological and physiological laws that are already in operation on this earth and universe. Some will say, that is a smokescreen, no way. Why, the next thing we will have a bill in here to put an alternate choice to the law of gravity, probably.

This body needs to be busy, it is true, and if you want to be specific, we have a highway budget that is sitting on the back burner. The last session and the special sessions, it was

well explored and here is January, February, March, April and May and it is still sitting there with no action and we talk about sexual orientation instead.

We also criticize county government and say that they are inefficient. Why, they have been running four or five months without their budgets passed. I think we need to get our own House in order before we point our fingers at other levels of government, and here we are talking about sexual orientation. It is time to quit dabbling in biology and get to work on the things that we need to do.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Madam Speaker, Ladies and Gentlemen of the House: I really object to the fact that the young people were asked to leave the gallery. My contention is, if they were able to be seated and be present there to listen to what was said by the last speaker, I think they also have the right to hear from some constructive speakers.

To speak to the issue. I take great objection to likening this whole issue to animal references. We are talking here about discrimination. We are talking about a lifestyle that some people have to live with, many of it through no choice of their own, and that it can impact upon their livelihoods, it can impact upon what kind of housing they are going to get, it can impact upon their educational opportunities, and I refuse to believe that in a country like ours discrimination of any kind should be tolerated by anyone.

Homosexuals are victims of their own problems, many of them medically caused, some are not medically caused. It seems ludicrous that we stand up for the rights of ex-murderers, we stand up for the rights of prisoners, we stand up for the rights of people whose skin happens to be differently colored than ours, and we say by statute nationally and statewide that there shall be no discriminations based on those causes. Why should we discriminate concerning any class of people in our society? I think it is absolutely wrong.

If I remember the debate from several years ago, I think there were only two women in this House who had the guts to stand up and say that they would vote for a bill of this kind. I hope a lot more women will join the effort this time. This is not an out of place bill and it is one that will not go away, and I just simply can't understand the kind of argument I just heard a few minutes ago. There will be other arguments, I am sure — we don't want homosexuals in our schools. Who are you kidding? They are already there, they are teaching, but should they be discovered, however, then the problems come. I am far more afraid of the "pimps" that walk the streets of my city encouraging teenagers to participate in prostitution than I am of anyone who is gay in any sector of our public service, including schools.

I am very sorry that those young people were asked to leave this chamber, and I hope that if I should be around when this issue comes up again, that that will never happen again.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mr. Baker.

Mr. BAKER: Madam Speaker, Ladies and Gentlemen of the House: I wanted to say a few words about this issue this morning. I feel like there is a heavy cloud that is hanging over this legislature, a very oppressive kind of cloud just kind of hanging here and we are all feeling kind of subdued this morning, it is a very strange feeling. The last time I debated this issue in the 109th Legislature, I was doing so when we were under the threat of a bomb. You might recall, there was a crisis during the state employees' contract, and I can assure you, that was also a very oppressive kind of atmosphere to debate this issue.

I feel compelled to speak on this issue for a number of reasons. The good gentleman from

Portland, Mr. Connolly, used the issue of what happened in terms of political expediency. I speak as a candidate of whom this issue was an issue in my last campaign. I refused to run away from the issue simply because it was used against me in the campaign. It is also ironic that the students that were asked to leave the balcony were students that I had taught when I was substitute teaching in the city of Portland. I don't fear anything about speaking on this issue in front of them. I think children today are mature enough to understand a lot of things that maybe we don't.

There is a lot that can be said about this issue, but what it all boils down to is this: Will a person who is a homosexual have due process, that is all. I was told a story once in which a man that ran a diner received a complaint from one of his customers about one of his waitresses. According to the story, she was a very good waitress but the customer had complained that she was a lesbian. He made a phone call to the Human Rights Commission because he didn't know what to do, and according to the story, he asked whether or not he could fire this woman. Under our current law, he could. That is all it does—no special rights, there are no special rights here at all, simply due process under an already existing statute, very simple.

A very great politician once advised me that you cannot move people through debate. I hope he is wrong.

The SPEAKER pro tem: The Chair recognizes the gentlewoman from Augusta, Ms. Lund.

Ms. LUND: Madam Speaker, Ladies and Gentlemen of the House: I very seldom get angry on the floor of the House, but I was angry this morning. Homosexuals are not animals, homosexuals are not funny. Homosexuals will oftentimes live their lives full of fear, confusion, a feeling of unacceptability, despair, hidden lives that drive them deeper into a circle that they would like to get out of. I don't think those are funny people. I don't think they are goats or cows or anything else. I think they deserve housing, I think they deserve jobs, I think they deserve employment and credit and that is all we are asking for today.

I hope you vote against the motion to indefinitely postpone.

The SPEAKER Pro Tem: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken, and more than one-fifth of the members present having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER pro tem: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Madam Speaker, Members of the House: I am rising to speak in favor of indefinite postponement of this bill. The reason that I get up is, I notice that people are reluctant to get up and speak against or for this legislation. There are a couple of things that I would like to bring out, that if we vote for this sexual orientation bill, what we are actually doing is, we are condoning homosexuality, and if we do, what will happen is that they will all come out of the closet. What we will witness will be men holding men's arms, being affectionate in public and kissing. If this is what you want, then you should vote for this bill.

I think that individuals that prefer other individuals of the same sex are sick and they should be treated as such. We should not expand those privileges, so keep that in mind when you vote.

The SPEAKER Pro Tem: The Chair recognizes the gentlewoman from Portland, Mrs. Nelson.

Mrs. NELSON: Madam Speaker, Ladies and Gentlemen of the House: First of all, I would like to address my remarks to Mr. Racine. My husband and my son do walk arm in arm and

my husband and my son kiss each other affectionally, and I would certainly hope that you would not assume by that action that they are homosexuals.

I have a black book that has a lot of addresses and phone numbers and things that I kind of try to remember, and inside I have some phrases that are very important to me and one comes from the Talmud, and that is the book that I read on Friday nights and Saturday mornings and which I believe in, and in it it says: "If you rob someone so flagrantly of their rights, you are bound to lose some of yours."

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Sangerville, Mr. Hall.

Mr. HALL: Madam Speaker, Ladies and Gentlemen of the House: I was very sorry to hear the gentleman speak about being sick if you kiss somebody. I am 60 years old and I have had a heart problem for six or eight years but I don't think you would call that, in that respect, sick. I don't believe that there has been a day in my life but what I have said to my sons, I love you, Toby, I love you Ronnie, even though we have heated debates. I have never stopped putting my arms around them after a heated debate and kissing them. My father was that same way and he had no problems with that.

I would like to tell you a little story if I might. I told this to you people here five or six years ago, I have no use of discrimination of any sort, size, creed or color or whatever you might want to call it. I think you ought to win on your own merits. It is unfortunate that a bill like this has to come through at this time of year when we have all the other problems that we have, but as long as it is here, we might as well say a word on it.

In years past, I have raised up to 300 acres of crops. One time we had 30 people helping us to pick corn. Two fellows came into the fields, wanted a job picking corn along with the rest of them and I knew what they were before they came in. It didn't make any difference to me, and I said, you want a job picking corn? They said, yes, but we are gay. I said, I don't care what color you are or what religion you have, all I want to know is if you can fill up that box with corn? What I am trying to say is, what they do by themselves ought not to have any bearing on what they are.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Westbrook, Mr. Carrier.

Mr. CARRIER: Madam Speaker, Ladies and Gentlemen of the House: There have been a couple of accusations that the opposition would not get up to speak, but I think we will get up to speak. We can make it as long or as short as you want to.

They have made remarks already about certain things that are untrue. I am not going into a dissertation explaining to you what is what, because I assume, I don't assume, I know that all of you are very intelligent enough to know what we are talking about.

The tune of my speech has changed because of some of the things that have been said. The one thing I want to say at the outset is, some people apparently seem to be upset because somebody referred to animals, certain acts of animals. They will be upset by the time I get through with them too, because what we are talking about is, we are not referring men to animals, we are referring to the act itself. The group of people that we are discussing today are doing these kinds of acts and it is not animal acts, it is animalistic acts, that is what they are. Let them stand up and say that it isn't so. The speakers have not referred to people being animals, we know better than that, we all have a soul and that is what makes the difference and that is what should make the difference in our behavior too.

I have objected to this type of legislation, those of you who know me, for years because of two things. First, I think there is a moral issue involved. When I am talking about moral

issues—I am upset about a few things this morning, as usual, I suppose, but one of the things that I am upset about is that everybody has received, from the Catholic Diocese of Portland and I am a Catholic and I have been devoted to that religion for a long time. I am sorry, and I make my excuses to my friends in this House right now for such letters being delivered to them. I have been in this House for 13 years and it is the first time in the past month or two that I have ever taken any flak, get insulted, take oral abuse and written abuse because of the stand of the Catholic Church in this House. I put my objection to the Bishop, he knows what it is, and I think you never say, not in his defense because he is the leader and he should lead, but he didn't write this letter and he didn't write the others you have received but I think they should extend to me the courtesy, to us people who happen to belong to that church, that this is not truly our feeling. Our feeling is still one of moral stand, which probably is equal to the one of the churches that you belong to.

Let's not make it a moral issue; let's make it a good life issue. This is not the good life, leading the kind of life they lead. We know what they lead. We know when people in here have talked about animalistic, we know that the act that they do is an animalistic act and it is against the law, it is still illegal, but they say in the privacy of our homes we can do this. Well, the privacy of the home does not give you any additional rights to act the way you want. This is not the way things are, and somehow or other, you get recompensed for the way that you behave.

There are many things—the part of this here that you have to be fair, the fair part about all this, I have to say, what we object to probably does not apply to all types of homosexuals. There are many types of homosexuals, and if you haven't studied at all, and it is a filthy study to start with, you can get the material at the library.

I sympathize, I have friends, I sympathize with those that have kids who are in that group, and they, themselves, are heartbroken. There was a woman who came to the hearing and her daughter is a lesbian, and that woman had tears in her eyes. She had compassion, but she came back later and said just the opposite. She realizes that this is not the true way of life. She also realizes that the best way of life is—we have rules set up by society and this particular behavior is out of society.

I have lots of notes about this, but I submit to you that in the past legislature, although it was said that the objection has dropped down, on April 26, 1979, I think, 103 people voted against this legislation and only 35 voted for it, and of those that voted for it, today there are only about 20 of them left in here. They say that there is no connotation, we are not going to make this a political issue, you are not going to do this, you are not going to do that—it is a subject that is open to political issues. I am not worried about it, I never have. I have always voted against this type of legislation and I am still here. So the situation is, ladies and gentlemen, that we cannot forgive society for acting this way. And the poor people who are homosexuals and lesbians, I hope, and yet we have never asked them the question and they have never said yes, but I hope that they try and want to change their lifestyle, to come back to the normal way of life and not be a paranoid looking over their shoulder, having a relationship which is illegal in the first place.

I submit to you that we saw things this year even at the hearing. There weren't that many people. We hired the civic center because two years ago there were 300 people over there. This year when I counted them, there were 114. Where is the support for this type of thing?

On the other hand, I have also seen supported this year, which disgusts me, which bothered me right then and there, but since then I have

made my inquiries and I am not that bothered by it, they come to the hearing with armbands, lavender armbands—can you imagine that? This bothers me because there were some legislators that wore it too. So what are you going to do, put them in that category too? No, I am going to give them the benefit of the doubt.

We had a minister down there, and I don't know from where, probably from Turner, but he admitted that he had been a homosexual for years, and he said he wasn't now, he hasn't been for years, but what bothered him the most was the fact that he had guided his nieces and nephews and young cousins into that type of life and today they are leading that type of life. He isn't, and he says that he hopes God forgives him. Those were his words down there. This was a true story. I didn't try to get him here today but probably you know him.

I think you have to help these people, but this is not the kind of help they need. I don't think we can condone their actions. They are illegal, they are animalistic and I think unhealthy. They suffer from a psychological defect. You can find all kinds of reasons why they are that way. You can also question the decision of the psychologist, you can question their judgment because those looney-tunes don't know where they are going anyway and they don't know where they have been either. We have had them in front of our committee, and I am talking about the psychologists. I want you to make the difference between them and the psychiatrists.

I just hope, for the benefit of all your friends and for the benefit of a better society and for the benefit of good principles, and for your children that go to school, your grandchildren, that we will kill this bill and kill it good right now.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Portland, Mr. Baker.

Mr. BAKER: Madam Speaker and Members of the House: If all of you will look very, very closely, you will see that somewhere near my hairline there are two little horns. In case you are wondering what that was a reference to, that was reference to the fact that it used to be an accepted fact among many people that all Jews had horns.

Mr. Racine, I don't expect you to condone anything, I don't expect you to condone my religion, I don't expect you to condone my political affiliations. That is not what we are asking. We are asking for due process under an already existing statute.

The good gentleman from Westbrook raised the issue of why a legislator would wear a lavender armband; I will tell you why, because I wore one of those lavender armbands, I will wear them again if I have to. A practice goes back to the King of Denmark during World War II. You might recall that all Jews were required to wear yellow armbands for proper identification, to make it easier to be rounded up and deported. The King of Denmark appeared on the balcony the very next day wearing a yellow armband in solidarity. The entire population of Denmark appeared wearing yellow armbands. That is why I will wear a lavender armband if I have to.

The issue sometimes has been raised that there really is no need for this legislation because there is no discrimination. Yet, I read in a newspaper back in February that there is an organization plotting a campaign against the City of San Francisco because that is supposedly where the headquarters of homosexuals is. The gentleman quoted described capital punishment for homosexuality — that boggles my mind, it really does.

Ladies and gentlemen of the House, it is a very big thing to ask to put aside one's prejudices or one's fears, it is a very big thing to ask. I asked it in the last session of the 109th and I am going to ask you again in this session to put all those prejudices and fears aside, that is all.

The SPEAKER Pro Tem: A roll call has been ordered. The pending question is on the

motion of the gentleman from Westbrook, Mr. Carrier, that this bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA — Aloupis, Armstrong, Austin, Bell, Boisvert, Bordeaux, Boyce, Brown, A.; Brown, D.; Cahill, Callahan, Carrier, Carroll, Carter, Clark, Conary, Crowley, Curtis, Damren, Davis, Day, Dexter, Diamond, G.W.; Dillenback, Drinkwater, Dudley, Erwin, Foster, Fowlie, Gavett, Gillis, Gwadosky, Hanson, Higgins, L.M.; Holloway, Hunter, Hutchings, Ingraham, Jackson, Jacques, Jalbert, Jordan, Joyce, Kane, Kiesman, Kilcoyne, Lancaster, LaPlante, Laverrriere, Lewis, Lisnik, Livesay, Locke, MacBride, Macomber, Mahany, Masterman, Matthews, McCollister, McGowan, McHenry, McKean, McPherson, McSweeney, Michaud, Mitchell, E.H.; Murphy, Nelson, A.; Norton, Paradis, E.; Paradis, P.; Paul, Pearson, Perkins, Post, Prescott, Racine, Reeves, J.; Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soulas, Stevenson, Stover, Strout, Swazey, Tarbell, Telow, Theriault, Treadwell, Tuttle, Walker, Webster, Wentworth, Weymouth.

NAY — Baker, Beaulieu, Benoit, Berube, Brannigan, Brenerman, Brodeur, Brown, K.L.; Chonko, Connolly, Cox, Davies, Diamond, J.N.; Fitzgerald, Gowen, Hall, Hayden, Hickey, Higgins, H.C.; Hobbins, Kany, Kelleher, Ketover, Lund, MacEachern, Manning, Martin, A.; Michael, Mitchell, J.; Moholland, Nadeau, Nelson, M.; Perry, Pouliot, Richard, Rolde, Soule, Thompson, Vose.

ABSENT — Connors, Cunningham, Huber, Martin, H.C.; Masterton, O'Rourke, Peterson, Randall, Reeves, P.; Studley, Twitchell, The Speaker.

Yes, 99; No, 39; Absent, 12; Vacant, 1.

The SPEAKER Pro Tem: Ninety-nine having voted in the affirmative and thirty-nine in the negative, with twelve being absent, the motion does prevail.

Non-Concurrent Matter

Bill "An Act to Reduce the Length of the Maine Legislative Session" (S. P. 436) (L. D. 1265) on which the Majority "Ought Not to Pass" Report of the Committee on State Government was read and accepted in the House on May 7.

Came from the Senate with that Body having adhered to its previous action whereby the Minority "Ought to Pass" Report of the Committee on State Government was read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House:

Mr. Kelleher of Bangor moved that the House adhere.

Whereupon, Mr. Brown of Livermore Falls moved that the House recede and concur.

The SPEAKER Pro Tem: The gentleman from Livermore Falls, Mr. Brown, moves that the House recede and concur.

The Chair recognizes the gentlewoman from Waterville, Mrs. Kany.

Mrs. KANY: Madam Speaker, I ask for a division.

The SPEAKER Pro Tem: The Chair recognizes the gentleman from Bangor, Mr. Kelleher.

Mr. KELLEHER: Madam Speaker, Ladies and Gentlemen of the House: I toyed with the idea of cosponsoring a measure similar to this earlier in the session. However, it wasn't put in only because of the fact that there was a similar bill, which is the one that we see before us this morning. In hindsight, I think I was right in not putting the bill in, but wrong for the reason that I didn't put it in.

Based on the ability of this House to do the people's business, and that is why we are here, to do it, and to narrow the session down to 80 days, it is an impossible factor for a couple of reasons. One, this legislature, faced with the amount of business that it has to do and will